



Champlain Hudson Power Express Project

Exhibit 7

Local Ordinance Review

EXHIBIT 7
LOCAL ORDINANCES REVIEW

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EXHIBIT 7: LOCAL ORDINANCE REVIEW

In accordance with Public Service Law (PSL) §130 and New York Codes Rules and Regulations 16 N.Y.C.R.R. §86.8, this exhibit lists local ordinances, laws, resolutions, regulations, standards and other requirements identified by Champlain Hudson Power Express, Inc. (CHPEI) as applicable or potentially applicable to the construction and operation of the proposed Champlain Hudson Power Express Project (the Project). Pursuant to PSL §130, no municipality or agency thereof that has received notice of filing an Article VII application may require any approval, consent, permit, certificate, or other condition for the construction or operation of a major facility for which an application for an Article VII certificate has been issued. Therefore, in accordance with this preemptive provision of PSL §130, no local approvals, consents, permits or certificates will be applied for by CHPEI in connection with the Project unless explicitly noted otherwise herein. Except for those specified local substantive provisions that have been identified as potentially unreasonably restrictive in view of: (i) the existing technology; (ii) factors of costs or economics; or (iii) the needs of consumers and for which waivers are being requested from the Public Service Commission (“Commission”), the construction and operation of the Project will comply with the requirements of all applicable local laws and regulations.

The local laws and ordinances for the following towns were reviewed for applicability to the Project, as well as to identify substantive requirements that are unreasonably restrictive and from which CHPEI is seeking Commission consideration of a waiver. Applicable ordinances are described herein. Justification statements for those local substantive legal provisions identified as unreasonably restrictive are summarized in Tables 7.1-1 to 7.7-1.

Note: Certain local municipalities that border coastal areas and inland waterways along the Project route have enacted Local Waterfront Revitalization Plans (LWRPs) and Harbor Management Plans (HMPs) to preserve, enhance, protect, develop and use those waterfront areas and waterways; in some cases, those same municipalities have also enacted permit requirements regulating activities within LWRP zones. While PSL § 130’s exemption from obtaining local permits and approvals applies to the Project, and thus applies to local permit requirements tied to LWRPs, it is not being applied to the LWRP provisions themselves. See Exhibit 4, Section 4.2.5 for a detailed evaluation of the Project’s consistency with applicable municipal LWRP and HMP policies for both the underwater portions of the Project and the terrestrial portions of the Project potentially located in coastal or waterfront areas, such as the cable landfalls and aboveground facilities.

WASHINGTON COUNTY

CODE OF THE
VILLAGE OF WHITEHALL

NOISE LAW

§ 1.3 Definitions

UNNECESSARY NOISE- Any excessive or unusually loud sound or noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person or which causes injury to animal life or damages to property or business.

§ 1.5 Unnecessary noise

No person shall make, continue or cause or permit to be made any continued or unnecessary noise.

UNSAFE BUILDINGS LAW

§3 -1 Maintenance Requirements

A. It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Village of Whitehall to maintain such building or structure or portion of such building or structure in any condition or manner which shall be unsafe as defined in §2 - 1 of this chapter.

DISPOSAL OF SOLID OR LIQUID WASTE LAW

Section III. Certain Activities Prohibited

A. The dumping, storing, or placing of any kind of solid or liquid waste material within the Village of Whitehall which is picked up, brought or transported from inside or outside the Village of Whitehall is prohibited.

B. The creation and/or operation of sanitary landfills, dumps or dumping grounds within the Village of Whitehall for solid or liquid waste coming from inside or outside their boundaries of the Village of Whitehall is prohibited.

D. The storage or placing of refuse in plastic bags in 'any open areas as described in Section III. Paragraph C, shall not be permitted. Refuse must be stored in a container that is weatherproof and impeneulwle by domestic or wild animals.

SPEED REGULATION LAW

3.2 General Village Wide Speed Limit

Except when a special hazard exists that requires lower speed for compliance with Section 3.1 above, or when maximum speed limits have been established as hereinafter authorized, no person shall drive a vehicle upon a highway within the corporate limits of the Village of Whitehall at a speed in excess of thirty (30) miles per hour

3.4 Maximum Speed Limits on Designated Highways

No person shall drive a vehicle at speed greater than twenty-five (25) miles per hour and along the following designated highway(s) in the Village of Whitehall, Washington County, New York, to wit: (a) Williams Street (In its entirety).

USE OF THE WASTERWATER COLLECTION AND TREATMENT SYSTEM LAW

ARTICLE II: USE OF PUBLIC SEWERS REQUIRED

Sec. 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the municipality, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste. Also, no person shall discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.

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

ARTICLE IV: BUILDING SEWERS AND CONNECTIONS

Sec. 1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Engineer.

ARTICLE V: USE OF THE PUBLIC SEWER

Sec. 1. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface runoff, groundwater, roof runoff, subsurface drainage, pool water, unpolluted industrial process water or cooling water to any sewer.

Sec. 2. Stormwater, surface runoff, groundwater, roof runoff, subsurface drainage and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Engineer and other regulatory agencies.

ARTICLE XI: MISCELLANEOUS

Sec. 4. The Engineer and other authorized representatives of the village, representatives of EPA, NYSDEC, NYSDOH, and/or the County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties, records, and easements at all times for the purpose of inspection, observation, sampling, flow, measurement, and testing to ascertain a user's compliance with applicable provisions of federal and state law governing use of the POTW, and with the provisions of this law.

*** Zoning regulations are being obtained from the Village and then an assessment will be completed of such regulations***

CODE OF THE
TOWN OF WHITEHALL

Note: the Town of Whitehall has no zoning districts.

FLOOD DAMAGE PREVENTION LOCAL LAW

Section 4.2 Establishment of Development Permit

A development permit is required for construction within the area of special flood hazard.

Local permits and approvals not required per PSL §130.

Section 4.3-6 Stop Work Orders

All floodplain development found ongoing without a permit is subject to the issuance of a stop work order.

SIGN LAW

Section B Other Signs

(b)4. Temporary signs advertising construction on the premises that the sign is located are allowed, provided that such signs shall not exceed a combined total of 10 square feet and is removed promptly upon completion of the construction.

(c)1. Signs must be constructed of durable material and maintained in good condition.

(c)2. No signs may be erected closer than 10 feet from the nearest lot line and 5 feet from any utility pole.

(c)3. No sign may be erected that may cause hazardous or unsafe conditions.

Section B#2 Permit Required

No person shall erect any signs without first obtaining a permit.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF FORT ANN

Note that the Project as proposed will be located within the following types of zoning districts:

Not Applicable

SITE PLAN REVIEW LAW

Section 5: Applicability of Site Plan Approval Procedures

Any land development in Fort Ann that is not exempt requires Planning Board approval and a permit.

Local permits and approvals not required per PSL §130.

AN ORDINANCE TEMPORARILY EXCLUDING THE OPERATION OF CERTAIN VEHICLES ON ANY TOWN HIGHWAY IN THE TOWN OF FORT ANN

Section 2:

The operation of any vehicle with a gross weight of eight (8) or more tons may be excluded from all highways.

Section 5:

Upon application, the Town Board may issue a permit providing an exemption to a vehicle.

FLOOD DAMAGE LAW

4.2-1 Administration

A Floodplain Development Permit is required in special flood hazard areas.

Local permits and approvals not required per PSL §130.

4.4-6 Stop Work Orders

A stop work order will be issued for any floodplain development found ongoing without a development permit.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF KINGSBURY

Note that the Project as proposed will be located within the following types of districts:

[NEED TO ADD ZONING INFO]

CHAPTER 43: ENVIRONMENTAL QUALITY REVIEW

§ 43-2 Compliance required.

No decision to carry out or approve an action, other than an action listed in § 43-3B hereof or Section 617.13 of Title 6 of NYCRR as a Type II action, shall be made by the Town Board or by any department, board, commission, officer or employee of the town until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of NYCRR; provided, however, that nothing herein shall be construed as prohibiting:

A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the town to approve, commence or engage in such action.

B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and Part 617 of Title 6 of NYCRR have been fulfilled.

Local permits and approvals not required per PSL §130.

CHAPTER 47: FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 47.4 Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Local permits and approvals not required per PSL §130.

§ 47-6 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit or under a building permit that has become invalid, has expired, or has been suspended or revoked.

§ 47-7 Certificates of occupancy.

A. Certificates of occupancy required. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures, buildings or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy.

Local permits and approvals not required per PSL §130.

§ 47-11 Fire safety and property maintenance inspections.

B. Inspections permitted. In addition to the inspections required by Subsection A, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon: 1) the request of the owner of the property to be inspected or an authorized agent of such owner; 2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or 3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement

Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC inspections. Nothing in this section or in any other provision of this article shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-

§ 47-15 Enforcement; penalties for offenses.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this article, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this article. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this article, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this article, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without authorization from the Town Board.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 47-6, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 47-6, Stop-work orders, of this article, in any other section of this article, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision

(2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of § 382 of the Executive Law.

CHAPTER 48: FLOOD DAMAGE PREVENTION

§ 48-11 Development permit.

A development permit shall be obtained before the start of construction of any other development within the area of special flood hazard as established in § 48-6. Application for a development 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.

Local permits and approvals not required per PSL §130.

§ 48-12 Duties of local administrator.

H. Certificate of compliance.

(1) It shall be unlawful to use or 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 partially 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 either the development permit or the approved variance.

(2) All other development occurring within the area of special flood hazard will have, upon completion, a certificate of compliance issued by the local administrator.

(3) All certificates shall be based upon the inspections conducted subject to § 48-12G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

Local permits and approvals not required per PSL §130.

§ 48-13 General provisions for flood hazard reduction.

In all areas of special flood hazard, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not to be limited to the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

(2) All new and replacement water supply systems shall be designed to minimize the infiltration of floodwaters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate the infiltration of floodwaters.

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions, greater than either fifty (50) lots or five (5) acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 48-12A(3). This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 48-12B or 48-13D(4) and no flood way has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.
- (3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 48-12B, the requirements of § 48-15, Floodways, shall apply.

§ 48-14 Specific provisions for flood hazard reduction.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 48-6, Basis for establishing areas of special flood hazard, and § 48-12B, Use of other base flood and floodway data, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

B. Nonresidential construction.

(1) New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed to the base flood level.

(a) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls.

Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

[1] A minimum of two (2) openings having a total net area of not less than one (1) square inch shall be required for every square foot of enclosed area subject to flooding.

[2] The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.

[3] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(b) If the structure is to be floodproofed:

[1] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

[2] A licensed professional engineer or licensed land surveyor shall certify the specific elevation,

in relation to mean sea level, to which the structure is floodproofed.

- (2) The local administrator shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazard without base flood elevations.

- (1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.

- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

- (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch shall be required for every square foot of enclosed area subject to flooding.

- (b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.

- (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 48-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 48-4). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by § 48-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

CHAPTER 53: HEALTH AND SANITATION

§ 53-8 Authorization of Health Officer to enter and inspect premises.

The Health Officer or his or her duly authorized representative is authorized to enter upon any parcel of property within the Town of Kingsbury, inclusive of the Village of Hudson Falls, for the purpose of inspecting conditions on said premises and may collect data, take samples and conduct other investigations reasonably related to the gathering of information on the sanitary conditions existing on said premises.

CHAPTER 63: SEWERS

§ 63-11 Application for permits.

All applicants for a permit to connect to any public sewer shall fill out and file with the Director a sewer connection application as a prerequisite for the consideration of such a permit. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director.

Local permits and approvals not required per PSL §130.

§ 63-13 Prohibited discharges.

It shall be unlawful for any person(s), as described herein, firm or corporation:

A. To place, deposit, permit or cause to be deposited in an unsanitary manner upon public or private property within the district, or in any area under the jurisdiction of said district, any human or animal excrement, garbage or other objectionable or harmful waste, except as hereinafter provided, except where special permission of the Town Board is given.

B. To discharge or cause to be discharged into any public sewer, directly or indirectly, any overflow or drainage from manure pits, cesspools or other receptacles storing or constructed to store organic waste.****

C. To throw or to deposit, or to cause to allow to be thrown or deposited, in any fixture, vessel, receptacle, inlet or opening connected directly with any public sewer, any unground table garbage, vegetable parings and the like. The use of the mechanical garbage grinders producing finely divided mass, properly flushed with an ample amount of water, is permitted under these rules and regulations.

D. To throw or to deposit, or to cause or allow to be thrown or deposited, in any fixture, vessel, receptacle, inlet or opening connected directly with any public sewer, any ashes, cinders, rags or similar waste materials of

any kind or character other than feces, urine, necessary toilet paper, liquid house slops or properly ground garbage.

§ 63-15 Discharge of waters not containing sewage.

A. No downspout, leader, gutter or pipe, drain or channel which may at any time carry stormwater, surface water or groundwater of any kind, nor any drain from any catch basin, lake, swamp, pond or swimming pool, nor any inlet for surface water, stormwater or groundwater of any kind shall be connected to the district sewerage system or any sewers tributary thereto. However, existing facilities mentioned previously which are presently connected directly or indirectly to combined sewers may remain unless they contribute excessive infiltration/inflow.

B. Where excessive infiltration/inflow has been determined to exist in sewers tributary to the district sewerage system, the local municipality, Town district or transportation corporation which owns tributary sewers, shall undertake a suitable rehabilitation program to eliminate excessive infiltration/inflow as directed by the Kingsbury Sewer District Number One, but in no event shall the local municipality be required to undertake any such rehabilitation program where, in the opinion of any such municipality, such rehabilitation program shall place an undue financial burden upon the municipality.

§ 63-16 Acceptance and rejection of waste.

A. If any waters or wastes are discharged or are proposed to be discharged to the district sewerage system or sewers tributary thereto, which waters or wastes, in the judgment of the Director, may have a deleterious effect upon said system or sewers, processes, equipment or receiving waters, or may otherwise create a hazard to life or constitute a public nuisance, or may exceed the concentration limits prescribed for "normal sewage," the Director may:

- (1) Reject the waters or wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added costs of handling and treating the waters or wastes not covered by existing charges or sewer rents.

B. Also, certified tests of industrial wastewater may be required periodically by the district.

C. The discharge of waters or wastes requiring pretreatment, flow control, or additional treatment will not be permitted into the district sewerage system or sewers tributary thereto without previous approval by permit as prescribed under Article VII.

Local permits and approvals not required per PSL §130.

§ 63-17 Wastewater requiring approval by permit.

The following are some of the industries which require approval by permit before discharging wastewater into public sewers: tanning, metal pickling, metal plating, galvanizing, pulp and paper making, brewing, distilling, public laundering, laundromats, soap making, glue manufacturing, meat and poultry packing, food processing, wool scouring, bleaching and dyeing, munitions manufacturing, slaughtering, dairies, dairy products, sugar refining, fat rendering, manufacture of syrups, jam or jelly, cotton textile manufacture or processing, or any industry producing wastes which may have or may create the aforesaid deleterious effect, hazards, nuisances, or added costs. The process or processes employed in the pretreatment and control, if required, of such wastewater shall in each case be satisfactory to and shall have the approval by permit of the

Director as set forth under Article **VII**. No permit required pursuant to this section shall be arbitrarily denied.

Local permits and approvals not required per PSL §130.

§ 63-18 Prohibited materials, substances, water and wastes.

No person shall discharge or cause to be discharged into the district sewerage system or sewers tributary thereto, any of the following materials, substances or wastes:

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 explosive 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. Prohibited materials include, but are not limited to: gasoline, kerosene, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which are a fire hazard or a hazard to the system.

B. Any wastewater having a pH less than 5.0 or greater than 9.5, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment or personnel.

C. Solid or viscous substances, in quantities or of such size or state, which may impair the hydraulic capacity, may cause maintenance difficulties, or may interfere with the proper operation of the district sewerage system and sewers tributary thereto, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, plastics, wood, whole blood, paunch manure, feathers, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or macerated.

D. Any liquid or vapor having a temperature higher than 150° F. (65° C.) or in such quantities that the temperature at the treatment works influent exceeds 104° F. (40° C.). If, in the opinion of the Director, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or could otherwise endanger life, health or property, or constitute or contribute to a nuisance, the Director may prohibit such discharges.

E. Waters or wastes containing substances which are not amenable to treatment or reduction by the POTW processes employed, or are amenable to treatment only to such a degree that the POTW effluent cannot meet the requirements of regulatory agencies having jurisdiction over the discharge to the receiving waters.

F. 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, constitute a hazard to humans or animals, create a toxic effect on the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard.

G. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation process. In no case shall a substance discharged into the POTW be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Federal Water Pollution Control Act, any criteria, guidelines, or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used.

§ 63-24

Sewer connections: general.

A. Required connections. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the district and abutting on any street, alley or right-of-way in which there is located a public sewer, is hereby required at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with these rules and regulations, within 60 days after the date of official notice to do

so, provided that such sewer is within 150 feet of any property line of such premises and is otherwise accessible.

(1) Where a public sewer is not available under the provisions stated herein, the building sewer shall be connected to a private disposal system complying with the provisions of these rules and regulations and all of the state, county and local rules and regulations regarding operation for such work must be obtained prior to commencement of construction as stated herein.

(2) Each building in the area served by a public sewer, when connected, must be connected separately and independently with the sewer through the house connection branch directly opposite the building or nearest downstream direction. Grouping of buildings on one house sewer will not be permitted, save by special act of and by the Town Board.

B. Notification of the Director:

(1) The Director shall be notified at least 24 hours before the beginning of any work upon sewers or connections, as to the time of the commencement of such work.

(2) Persons must report to the Director, in writing, within 24 hours after the completion of any work by them, every connection or disconnection made between any building and the sewer system or between any house connection and the sewer system.

C. Persons authorized to work on sewers. Only persons herein authorized may work in or on public sewers:

(1) Connections to, alterations to, or repairs to any public sewer or manholes or other appurtenances of such sewage system in the district shall not be made by any person other than a licensed plumber of the Town and personnel of the Kingsbury Sewer District Number One.

§ 63-26

Industrial connections.

All measurements, tests and analyses of characteristics of waters and wastes to which reference is made shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, and shall be determined on samples collected at suitable points. The design, installation and operation of pretreatment and equalization facilities, which the Town Board or its appointed agent has deemed necessary for municipal acceptance of industrial waste, shall be subject to review and approval by the Town Board or its appointed agents and subject to requirements from all applicable codes.

Local permits and approvals not required per PSL §130.

§ 63-27 Permits; when required.

Except upon the issuance of a permit therefor by the Director and upon such terms and conditions as may be established by the Director in the issuance of such a permit, it shall be unlawful for any person:

A. To discharge sewage directly into the district sewerage system.

B. To discharge directly or indirectly into the district sewerage system, or tributary public sewers or into any private sewer or any combined sewer, sewage combined with industrial wastewater or other wastes, which, at the point of discharge, exceed the concentration limits prescribed for normal sewage under Article II herein, or fall within the categories prohibited or restricted under Article VI herein. Each significant industrial user proposing to connect to or to contribute to the POTW shall obtain an industrial wastewater permit before connecting to or contributing to the POTW. Each existing significant industrial user connected to or contributing to the POTW shall obtain an industrial wastewater permit within 180 days after the effective date of these rules and regulations.

Local permits and approvals not required per PSL §130.

§ 63-44 Accidental discharge notification.

In the event of a discharge of any of the above-stated prohibited discharges for reasons of accident or otherwise, the person(s), firm or corporation performing the prohibited discharge shall immediately notify the Director of the violation so that necessary precautions may be taken to protect the sewage works.

CHAPTER 64: SOLID WASTE

§ 64-10 Storage of garbage.

No person shall throw, deposit, accumulate, store, or cause to be thrown, deposited, accumulated, or stored, any litter in or upon any private property within the Town of Kingsbury except in a securely closed receptacle or dumpster used for the collection and removal of the same.

§ 64-11 Spilling or scattering of materials.

A. The owner or person in control of private property shall maintain his or her private receptacles for collection in such manner that litter will not be carried or deposited by the elements upon any public place or private property.

B. Any spillage or scattering of litter out of a receptacle shall be collected by the person who set out such container or bundle and shall be lawfully disposed of by him.

CHAPTER 65: STORMWATER

§ 65-5 Discharge prohibitions.

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 § 65-5A. 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 part, unless the Department or the Town has determined them to be substantial contributors of pollutants: waterline 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; dechlorinated 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 part.

(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 part if the person connects a line conveying sewage to the Town's MS4 or allows such a connection to continue.

§ 65-7 Prohibition against activities contaminating stormwater.

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 Town's MS4 SPDES permit.

(2) Cause or contribute to the Town being subject to the special conditions as defined in § 65-2, Definitions, of this part.

B. Such activities include failing individual sewage treatment systems as defined in § 65-6, improper management of pet waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization.

C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Town'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 Town's MS4 SPDES permit authorization.

§ 65-8 Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 65-2 or activities contaminating stormwater as defined in § 65-7, the Town 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 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 § 65-2 or an activity contaminating stormwater as defined in § 65-7, 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

§ 65-10 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 Town prior to the allowing of discharges to the MS4.

§ 65-11 Access and monitoring of discharges.

A. Applicability. This article applies to all facilities that the SMO must inspect to enforce any provision of this part, 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 part.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this part as often as may be necessary to determine compliance with this part. 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 part.

(3) The Town shall have the right to set up on any facility subject to this part 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 Town has the right to require the facilities subject to this part to install monitoring equipment as is reasonably necessary to determine compliance with this part. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the Town access to a facility subject to this part is a violation of this part. A person who is the operator of a facility subject to this part commits an offense if the person denies the Town reasonable access to the facility for the purpose of conducting any activity authorized or required by this part.

(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 part, 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 part or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 65-12 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 Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business days of the telephone 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.

§ 65-27 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this part.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 65-31 Performance guarantee.

A. 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 Kingsbury in its approval of the stormwater pollution prevention plan, the Town of Kingsbury 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 Kingsbury as the beneficiary. The security shall be in an amount to be determined by the Stormwater Management Officer 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 Kingsbury, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) 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 of Kingsbury. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

Local permits and approvals not required per PSL §130.

B. 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 Kingsbury 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 and sediment control

facilities, the Town of Kingsbury may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

Local permits and approvals not required per PSL §130.

CHAPTER 66: STREETS AND SIDEWALKS

§ 66-7 Street specifications and construction standards. [Amended 6-27-88]

A. All streets or highways laid out or dedicated for public use in the town shall have a right-of-way width of not less than fifty (50) feet. Additional right-of-way may be required at the discretion of the Town Highway Superintendent because of physical features.

Local permits and approvals not required per PSL §130.

B. Unless otherwise modified by the Town Board, all streets or highways offered for the continuation of existing streets adjoining, or their proper projection when the adjoining property is not subdivided, shall be of a width at least equal to such existing streets but in no case less than fifty (50) feet.

E. All plan layouts shall provide the following:

(7) The construction of a driveway or ramp over a street or highway ditch shall not be allowed unless a corrugated metal pipe with locking collar or reinforced concrete pipe with sealed joints, having a minimum inside diameter of twelve (12) inches, is installed in said ditch prior to such construction.

(8) Written approval shall be obtained by such person from the New York State Department of Transportation regarding drainage where the proposed highway intersects the state road and its permission to connect said highway with the state road. In like manner, written approval shall be obtained from the Washington County Superintendent of Highways regarding drainage and connection with a county road.

Local permits and approvals not required per PSL §130.

CHAPTER 75: VEHICLES AND TRAFFIC

§ 75-2 Vehicles and trucks over eight tons excluded from certain highways.
[Amended 8-21-2006 by L.L. No. 2-2006]

All trucks, commercial vehicles, tractors, tractor-trailer combinations and semitrailers in excess of eight tons, laden or unladen weight, shall be and are hereby excluded from the following highways:

A. Casey Road extending easterly and westerly between County Line Road on the west and Dean Road on the east.

B. Tracey Road extending easterly and westerly between Vaughn Road on the east and Dean Road on the west.

C. Kingsbury Road.

§ 75-3.1 Delivery or pickup. [Added 8-21-2006 by L.L. No. 2-2006]

Such exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles are otherwise excluded.

§ 75-4 Parking restricted during certain months.

It shall be unlawful for the owner or operator of any type vehicle to cause or permit any said vehicle to stand upon any portion of any public highway within the Township of Kingsbury during the hours of 12:00 midnight to 6:00 a.m., commencing on November 15 of each and every year and continuing through the months of December, January, February and March, except at such locations where signs permitting such parking have been erected by the Highway Department by order of the Town Board of the Town of Kingsbury.

CHAPTER 80: ZONING

§ 80-5 Applicability.

No land use or development shall be undertaken or maintained except in conformity with all provisions contained in this chapter relating to the zoning district in which the land, water, site, structure or use is located or is proposed to be located. Where this chapter is more restrictive than covenants or agreements between parties or other plans or other rules or regulations or ordinances, the provisions of this chapter shall control.

Local permits and approvals not required per PSL §130.

§ 80-11 Construction permits.

Building and construction permits shall be issued as set forth in Chapter 47, Fire Prevention, § 47-7 of this Code.

Local permits and approvals not required per PSL §130.

§ 80-12 Special permits or special use permits.]

A. Applicability. This section shall apply to any uses that require special permits found in the district regulations in Article VI of the Town of Kingsbury Zoning Local Law. Special permits, as discussed in the Town of Kingsbury Zoning Local Law, shall also be known as "special use permits," as discussed in New York State Town Law § 274-b.

Local permits and approvals not required per PSL §130.

§ 80-13 Certificates of occupancy.

A. General requirements.

(1) A certificate of occupancy is required prior to the use of any building for which a construction permit is required. Upon application within three months following the effective date of this chapter or any amendment date subsequent thereto, a certificate of occupancy shall be issued for continuation on a specified premises of any use existing on that premises on the aforesaid effective or amendment date.

Local permits and approvals not required per PSL §130.

§ 80-19 Provisions applicable in all districts.

The following regulations are applicable to all or several districts as specified and are supplemented by or superseded where in conflict with the provisions applicable to each individual district.

A. Authorized uses. The uses of land and/or buildings shall be permitted in the various districts as specified by the provisions of this chapter, but any use which produces, beyond the confines of its own premises, an unusual noise intensity, dust, noxious or toxic fumes, smoke, danger from fire or explosion, vibration, public health hazard, danger from dissemination of radioactive materials or damage resulting from pollution or reduction in the supply of surface or ground waters shall be excluded from all districts.

B. Appurtenances in front and side yards. The following features may extend into the minimum front and side yards to the distances specified:

(1) Cornices, canopies, eaves and similar features: 30 inches.

(2) Open fire escapes: six feet.

(3) Terraces or uncovered porches with a floor level no higher than that of the entrance to the building: six feet in side yards and 20 feet in the front yard, limited at the ends by the minimum side yard requirements. A protective railing with a maximum height of three feet may be placed around the terrace or porch.

C. Height. The maximum height of buildings in residential and commercial districts and of residential buildings or portions of buildings used for residential purposes in other districts shall be 35 feet. The maximum height of all other buildings shall be 50 feet. Chimneys, flagpoles, radio and television antennas, cupolas, church spires, siren towers, poles and masts to support public utility lines, cornices, monuments, water tanks, silos, elevator penthouses and the necessary structures to house machinery for vertical industrial operations are released from the height limitations of this subsection.

(1) The minimum distance between the principal building and any accessory building and between individual accessory buildings shall be 10 feet or the height of the lower building, whichever is greater.

(2) The minimum distance between any accessory building and any adjoining property line shall be 10 feet.

D. Signs. Signs may be erected and maintained only when in compliance with the provisions of this article and any and all other ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices. Use permits shall be obtained from the Code Enforcement Officer except where the sign is part of an original site plan review that is subject to approval by the Planning Board. In that instance, the permit shall be obtained from the Planning Board as part of the site plan review.

Local permits and approvals not required per PSL §130.

E. Parking areas.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

(1) Off-street parking space shall be required for all buildings constructed, altered, extended and engaged in use after the effective date of this chapter. A minimum of 162 square feet shall be provided for each stall, with a minimum nine-foot width and eighteen-foot depth. Said area shall be clearly delineated on the

ground using appropriate pavement demarcation. Access drives shall be a minimum of 20 feet clear in width. The overall dimension of both stalls and drive shall be a minimum of 40 feet for parking along one side and 60 feet for parking along both sides of the drive. In addition, space necessary for maneuvering, safe pedestrian walkways and drives shall be provided. Parking requirements are specified in § 80-19E(3). **[Amended 10-13-1992 by L.L. No. 4-1992]**

(2) For uses not specified in § 80-19E(3), the Planning Board may establish parking requirements consistent with those specified in § 80-19E(3).

(a) For any building having more than one use, parking space shall be required as provided for each use.

(b) Floor areas for the purposes of computing parking requirements shall be the sum of the horizontal area within exterior walls of the several floors of a building, excluding basement, cellar and attic areas used primarily for storage or service.

(c) Any parking lot or parking area that will contain more than 100 cars shall be effectively configured using stripping and islands, so as to ensure safety of vehicles moving within the entire parking area and to control speed. **[Amended 10-13-1992 by L.L. No. 4-1992]**

(d) Access points (ingress and egress) from parking areas, for industrial and commercial uses shall have a physical barrier separating the ingress and egress area of the access points. A maximum of two lanes, a minimum width of 12 feet wide per lane, shall be permitted for each. Access points shall be separated from adjoining access points by at least 50 feet.

(e) All nonresidential parking shall be adequately lighted.

ARTICLE VI

District Regulations

§ 80-20 RF-5A Residential-Forestry District. [Amended 4-13-1987]

E. Special permit. The following uses will be permitted in the RF-5A District upon a special permit's being obtained from the Board of Appeals:

(9) Essential service buildings.

Local permits and approvals not required per PSL §130.

G. Minimum requirements:

- (1) Minimum lot size. Minimum lot size shall be as follows:
[Amended 11-28-1988; 8-15-2005 by L.L. No. 3-2005]

Area	Width
(acres)	(feet)
5	400

- (2) Minimum yard dimensions.

	1 Side		2 Side
Front	Yard	Yards	Rear
(feet)	(feet)	(feet)	(feet)
50	50	150	100

§ 80-21 RA-1A and RA-M-1A Residential-Agricultural Districts. [Amended 4-13-1987]

E. Special permit. The following uses will be permitted in the RA-1A and RA-M-1A Districts upon a special permit's being obtained from the Board of Appeals:

- (3) Essential service buildings.

Local permits and approvals not required per PSL §130.

G. Minimum requirements:

- (1) Minimum lot size. ,Minimum lot size shall be as follows:
[Amended 11-28-1988; 8-15-2005 by L.L. No. 3-2005]

Area	Width
(acres)	(feet)
1*	200

* NOTE: One and one-half lot size for duplex; 10,000 square feet for clustering.

- (2) Minimum yard dimensions.

	1 Side	2 Side	
Front*	Yard	Yards	Rear
(feet)	(feet)	(feet)	(feet)
50	50	100	50

* NOTE: Properties fronting on a state highway shall provide for an additional 30 feet of setback.

§ 80-22 LDR-25 and LDR-15 Low-Density Residential Districts. [Amended 4-13-1987]

E. Special permit. The following uses will be permitted in the LDR-25 and LDR-15 Districts upon a special permit's being obtained from the Board of Appeals:

Essential service buildings.

Local permits and approvals not required per PSL §130.

G. Minimum requirements:

(1) Minimum lot size.

	Area	Width
District	(square feet)	(feet)
LDR-25	25,000*	150
LDR-15	15,000*	100

*NOTE: One and one-half lot size for duplex; 10,000 square feet for clustering.

(2) Minimum yard dimensions.

	1 Side	2 Side	
	Front*	Yard	Yards Rear
District	(feet)	(feet)	(feet) (feet)
LDR-25	40	25	75 50
LDR-15	40	20	40 35

§ 80-23 Com-1A Commercial District. [Amended
5-12-1986 by L.L. No. 1-1986]

F. Minimum requirements are as follows:

(1) Lot and yard size.

Minimum Lot Size		Minimum Yard Sizes		
Area	Width	Front*	Side	Rear
(acres)	(feet)	(feet)	(feet)	(feet)
1	150	50	20	20, except that a 50-foot side/rear yard is required adjoining residential zones

*NOTE: Properties fronting on a state or county highway shall provide for an additional 30 feet of setback.

(2) Minimum percent of lot to be permeable: 25%.

G. Site plan review. All development within the Commercial Districts shall be subject to site plan review as described in Article VIII of this chapter.

Local permits and approvals not required per PSL §130.

§ 80-24 Ind-75 Industrial District. [Amended 4-13-1987]

E. Special permit.

(5) Essential service buildings.

Local permits and approvals not required per PSL §130.

F. Minimum requirements:

(1) Minimum lot size.

Area	Width
(square feet)	(feet)
75,000	200

(2) Minimum yard dimensions.

	Each Side	
Front*	Yard	Rear
(feet)	(feet)	(feet)
40	25**	50**

NOTES:

*Properties fronting on a state or county highway shall provide for an additional 30 feet of setback. **Increase to 100 feet when adjacent to other districts.

G. Exclusion. Any other use not specifically permitted, except accessory uses, shall be prohibited, including but not limited to hazardous waste.

H. Site plan review. All development within the Industrial Districts shall be subject to site plan review as described in Article VIII of this chapter.

Local permits and approvals not required per PSL §130.

§ 80-24.1 PIC-75 Park Industrial/Commercial District. [Added 2-9-1998 by L.L. No. 3-1998]

E. Minimum requirements:

(1) Minimum lot size:

Area	Frontage
(square feet)	(feet)
75,000	200

(2) Minimum yard dimensions: [Amended 3.21-2005 by L.L. No. 1-2005]

	Each Side	
Front*	Yard	Rear
(feet)	(feet)	(feet)
40	25**	50**

Notes:

*Properties fronting on a state highway shall provide for an additional 30 feet of setback.

****Double when adjacent to residential districts.**

F. Exclusion. Any other use not specifically permitted, except accessory uses, shall be prohibited, including but not limited to hazardous waste disposal.

G. Site plan review. All development within the PIC-75 Districts shall be subject to site plan review as described in Article VIII of this chapter.

Local permits and approvals not required per PSL §130.

§ 80-26 Transitional zoning.

The provisions for transitional zoning are concerned with the common boundaries between different districts, the lots situated along such boundaries and with abutting areas of lots where the requirements are dissimilar.

A. The provisions of a district with greater minimum requirements, with respect to side yard width and distance of accessory buildings from adjoining property lines, shall apply to the adjoining sides of border lots in adjacent districts with lesser minimum requirements.

B. The owner of any lot in a Commercial, Industrial or Planned Development District or area in an Agricultural District which is used for purposes other than customary farming operations, which adjoins a residential district, shall provide screening along the district boundary, except when such lot or area is being used solely for agricultural or residential purposes for a minimum distance of 150 feet from the district boundary line.

C. The minimum side yard requirements of any lot with a side yard boundary line common with a rear lot boundary line of a corner lot shall apply to that portion of the rear yard of the said corner lot which is adjacent to said side yard.

D. Transition between Com-1A Districts and all residential districts. The owner of any lot that is zoned Com-1A for any portion of the lot shall be allowed to use the entire lot as set forth in § 80-23, Corn-1A Commercial District, only where all of the following provisions are fully complied with: **[Added 11-9-1998 by L.L. No. 5-1998]**

(1) The entire lot must have been of record as of the date that this subsection is enacted. This subsection shall not apply to lots that are created after the date of enactment of this subsection.

(2) The portion of the lot that is zoned Corn-1A must have frontage on an improved roadway sufficient to satisfy the road frontage requirements of the Com-1A Districts.

(3) The portion of the lot facing the residential district must have solid fencing (either wood fencing or solid vegetation fencing) at least five feet in height, which fencing shall be within the required lot setback and which shall be of sufficient length to screen the commercial use from the residential district.

(4) Where the subject lot adjoins a lot that is entirely within the residential zone, a buffer area of 50 feet (minimum) shall be maintained. This buffer area may not contain any improvements. The buffer area shall extend from the side yard setback of the subject lot to the lot line of the adjoining residential lot.

(5) All provisions of the Com-1A Zone must be complied with in regard to the subject lot.

§ 80-27 Visibility at corners and curves in roads.

On any corner lot, a clear view of the intersections shall be provided from a point at least 25 feet distant from the intersection of the lot lines at the intersection or apex of the curve. Such intersection or apex shall have a view unobstructed by solid fencing, shrubbery, structures of any kind or posts more than one foot in diameter in a space between three and 10 feet above the average established grade of the adjacent road or roads.

ARTICLE VIII

Site Plan Review

Local permits and approvals not required per PSL §130.

ARTICLE III

General Requirements; Design Standards

§ A84-11 Standards to be minimum requirements.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article V herein.

Local permits and approvals not required per PSL §130.

CHAPTER A87: WATER DISTRICT RULES AND REGULATIONS

§ A87-2 Unauthorized connections and attachments.

No person other than the duly authorized representatives of the town will be permitted to tap or make any connection or attachment with any town water mains or to make any repairs, additions or alterations to any pipe, tap, cock, meter or other fixture connected with any service line from the water main to the curb box, including said curb box.

§ A87-3 Applications for connections; charges.

A. Application for service connections with any water main or pipe forming a part of the distribution system of the town shall be made to the town on the form provided therefor. Such application shall be signed by the owner of the property to be served or by an agent holding legal authorization to sign for the owner. Payment for such connection must be made in advance, in accordance with the schedule in effect. No connection to the system will be made without approval of the application verified by the issuance of a permit. No connections will be made for properties outside water district limits.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF FORT EDWARD

Note that the Project as proposed will be located within the following types of districts:

Light Industrial (~7,000 ft)

CHAPTER 51: FIRE PREVENTION AND BUILDING CODE

§ 51-4 Compliance required.

All new construction, alterations, improvements, removal or demolition of any building or structure, and the installation of any heating equipment, system or component and the installation of any in-ground or aboveground swimming pool shall be in compliance with the most recent edition of the New York State Uniform Fire Prevention and Building Code, prepared by the New York State Division of Housing and Community Renewal.

§ 51-9 Building permit required.

No person, firm, corporation, association or other organization shall commence the erection, construction, alteration, improvement, removal or demolition of any building or structure, except agricultural buildings or structures, and the installation of any heating equipment, system or component and the installation of any in-ground or aboveground swimming pool, without having applied for and obtained a building permit from the Code Enforcement Official. At the request of the applicant, building permit requirements may be waived where the work to be done involves minor interior or exterior alterations.

Local permits and approvals not required per PSL §130.

§ 51-14 Inspections required.

All dwellings, structures and uses regulated under the State Uniform Fire Prevention and Building Code, including but not limited to those buildings and structures for which a building permit has been obtained, shall be inspected for compliance with the building construction and the fire prevention provisions of the code.

§ 51-16 Prior notice required; exceptions.

Access to buildings and premises by the Code Enforcement Official to conduct inspections shall be made only after reasonable prior notice has been given to the owner or his authorized representative with the following exceptions:

A. In the event that the owner or his authorized representative can not be located with due diligence.

B. In the event that the occupant makes a complaint that the conditions within the premises pose a threat to the health, safety or welfare of its occupants.

§ 51-22 Building permit information.

The building permit issued pursuant to this chapter shall specify at a minimum the address of the proposed construction or structural alteration activity, the activity for which the permit is issued, the date of permit issuance, any conditions relevant or required as part of the issuance and the signature of the Code Administrator or Code Enforcement Official.

Local permits and approvals not required per PSL §130.

§ 51-25 Stop order.

Whenever the Code Enforcement Official has reasonable grounds to believe that work on any building or structure is being done in violation of the applicable provisions of the code, or it is not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or the work is being done in an unsafe and dangerous manner, the owner of the property or the owner's agent shall be notified in the form of a stop order to stop all work. Such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing and shall state the conditions under which the work may be resumed. It may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the order to him by certified mail at the address set forth in the building permit application if such application shall have been made.

CHAPTER 54: FLOOD DAMAGE PREVENTION

§ 54-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 54-6. Application for a development 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.

Local permits and approvals not required per PSL §130.

F. Stop-work orders.

(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 54-8 of this chapter.

(2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stopwork order shall be subject to the penalties described in § 54-8 of this chapter.

Local permits and approvals not required per PSL §130.

H. Certificate of compliance.

(1) It shall be unlawful to use or 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) All other development occurring within the designated flood hazard area will have, upon completion, a certificate of compliance issued by the local administrator.

Local permits and approvals not required per PSL §130.

§ 54-13 General standards.

In all areas of special flood hazard, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two (2) feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

(2) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(3) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters.

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either fifty (50) lots or five (5) acres.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 54-12A(3). This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 54-12B or Subsection D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.
- (3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 54-12B, the requirements of § 54-15, Floodways, shall apply.

§ 54-14 Specific standards.

A. In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 54-6, Basis for establishing areas of special flood hazard, and § 54-12B, Use of other base flood and floodway data, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

(1) Residential construction. New construction and substantial improvements of any resident structure shall:

(a) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.

(b) Have fully enclosed areas below the lowest floor that 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

[1] A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

[2] The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.

[3] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, 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.

(a) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

[1] A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

[2] The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.

[3] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(b) If the structure is to be floodproofed:

[1] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight, with walls substantially impermeable to the passage of water,

with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

[2] A licensed professional engineer or licensed land surveyor shall certify the specific elevation, in relation to mean sea level, to which the structure is floodproofed.

(c) The local administrator shall maintain on record a copy of all such certificates noted in this section.

B. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 54-12B or two (2) feet above the highest adjacent grade where no elevation data is available.

(1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.

(c) Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.

§ 54-15 Floodways.

Located within areas of special flood hazard are areas designated as "floodways" (See definition, § 54-4.) The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 54-6 and 54-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical valuation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

CHAPTER 56: STORMWATER

§ 56-4 Applicability; review.

A. This chapter shall be applicable to all land development activities as defined in § 56-3 except as provided in § 56-5.

B. All stormwater pollution prevention plans (SWPPPs) relating to land development activities subject to review and approval by the Town Board, Planning Board or Zoning Board of Appeals under subdivision, site plan, special permit or any other laws, rules or regulations shall be reviewed by the appropriate Board subject to the standards contained in this chapter.

C. All SWPPPs relating to land development activities not subject to review as stated in Subsection B shall be submitted to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this chapter.

D. The reviewing board or the Stormwater Management Officer, as the case may be, may:

- (1) Review the SWPPP;
- (2) Engage the services of a registered professional engineer to review the SWPPP, specifications and related documents at a cost not to exceed the amount adopted by the Town Board pursuant to Town Code § 50-1 and listed on the Fee Schedule; or
- (3) Accept the certification of a licensed professional that the SWPPP conforms to the requirements of this chapter.

Local permits and approvals not required per PSL §130.

§ 56-6 Stormwater pollution prevention plans.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Stormwater pollution prevention plan required. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

B. Contents of stormwater pollution prevention plans.

- (1) Requirements for all land development activities, except those identified in § 56-5. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) for the project at a scale no smaller than one inch equals 100 feet and 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; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes;

locations of off-site material, waste, borrow or equipment storage areas;

and location(s) of the stormwater discharges(s);

(c) Description of the soil(s) present at the site;

(d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one

time unless pursuant to an approved SWPPP;

(e) Description of the pollution prevention measures that will be used to prevent litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(f) 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;

(g) 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 closeout;

(h) Site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(j) Temporary practices that will be converted to permanent control measures;

(k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(m) Name(s) of the receiving water(s);

(n) Delineation of SWPPP implementation responsibilities for each part of the site;

(o) Description of structural practices designed 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; and (p) Any existing data that describes the stormwater runoff at the site.

(2) Additional requirements for certain land development activities. Land development activities as defined in § 56-3 and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth below as applicable:

(a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

(b) Condition B: stormwater runoff from land development activities disturbing five or more acres.

(c) Condition C: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(3) SWPPP requirements for Conditions A, B and C:

(a) All information in Subsection B(1) above.

(b) Description of each post-construction stormwater management practice.

(c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice.

(d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.

(e) Comparison of post-development stormwater runoff conditions with predevelopment conditions.

(f) Dimensions, material specifications and installation details for each post-construction stormwater management practice.

(g) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.

(h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair.

Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

(i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 56-8 of this chapter.

C. Plan certification. The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

D. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

E. Contractor certification.

(1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date 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 Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

(2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(3) The certification statement(s) shall become part of the SWPPP for the land development activity.

F. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 56-7 Performance and design criteria.

All land development activities shall be subject to the following performance and design criteria:

A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

(2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 56-8 Maintenance and repair of stormwater facilities.

A. Maintenance during construction.

(1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the Washington County Clerk after approval by the counsel for the Town.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall be operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with this chapter.

D. Maintenance agreements. The Town shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Washington County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement." Editor's Note: Schedule B is on file in the Town offices. The Town, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 56-9 Administration and enforcement.

A. Inspections.

(1) Erosion and sediment control inspection.

(a) The Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter 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 chapter and the SWPPP as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before any of the following as required by the Stormwater Management Officer:

[1] Start of construction.

[2] Installation of sediment and erosion control measures.

[3] Completion of site clearing.

[4] Completion of rough grading.

[5] Completion of final grading.

[6] Close of the construction season.

[7] Completion of final landscaping.

[8] Successful establishment of landscaping in public areas.

(b) 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. 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 Stormwater Management Officer.

(2) Stormwater management practice inspections. The Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

(3) 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; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; 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 control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

(4) Submission of reports. The Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.

(5) Right of entry for inspection. When any new stormwater management facility is installed on private property or when any

new connection is made between private property and the public storm water system, the landowner shall grant to the Town the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection A.

B. 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 in its approval of the Stormwater Pollution Prevention Plan, the Town 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 as the beneficiary. The security shall be in an amount to be determined by the Town 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, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has 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. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

Local permits and approvals not required per PSL §130.

(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 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 and sediment control facilities, the Town may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

Local permits and approvals not required per PSL §130.

(3) Recordkeeping. The Town may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§ 56-10 Enforcement; penalties for offenses.

B. Stop-work orders. The Town may issue a stop-work order for violations of this chapter. 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 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 civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

CHAPTER 57: STORM SEWERS

§ 57-3 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.

§ 57-6 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) through (4). 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 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, uncontaminated crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from firefighting 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 local 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 a 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 local 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 municipality's MS4 or allows such a connection to continue.

§ 57-8 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 § 57-2 Definitions, of this article.

B. Such activities include failing individual sewage treatment systems as defined in § 57-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. 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.

§ 57-9 Prevention control and reduction of stormwater pollutants.

A. Best management practices: Where the SMO has identified illicit discharges as defined in § 57-2 or activities contaminating stormwater as defined in § 57-8 the municipality 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 premise, which is, or may be, the source of an illicit discharge as defined in § 57-2 or an activity contaminating stormwater as defined in § 57-8, 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. Individual sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 57-2 of this article, the owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

(a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee.

(b) Avoid the use of septic tank additives.

(c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and

(d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

(e) Most tanks should be pumped out every two to three years. However, pumping may be more or less frequent depending on use. Inspection of the tank for cracks, leaks and blockages should be done by the septage hauler at the time of pumping of the tank contents.

(2) Repair or replace individual sewage treatment systems as follows:

(a) In accordance with 10 NYCRR, Appendix 75-A to the maximum extent practicable.

(b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

[1] Relocating or extending an absorption area to a location not previously approved for such.

[2] Installation of a new subsurface treatment system at the same location.

[3] Use of alternate system or innovative system design or technology.

(c) 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.

§ 57-10 Suspension of access to MS4.

A. Illicit discharges in emergency situations. The SMO may, without prior notice, e

§ 57-11 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.

§ 57-12 Applicability; access to facilities; and 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 its 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 is 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.

§ 57-13 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

§ 57-17 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.

CHAPTER 62: HAZARDOUS WASTES

§ 62-4 Dumping/disposal prohibited.

The dumping of hazardous waste and materials in the Town of Fort Edward is prohibited. Any Town of Fort Edward employee or agent employed in the Town of Fort Edward need not accept for dumping any waste or materials that he feels may be hazardous, unless the waste or materials are properly identified and described.

§ 62-6 Legislative intent.

The Fort Edward Town Board believes that one (1) of its most basic goals and responsibilities is to provide the best possible living environment and quality of life for town residents. In keeping with this responsibility and principle, it is of the utmost importance that actions be taken to ensure that the public is protected from potential hazards as may be introduced into the environment arising from the disposal of radioactive and/or nuclear waste material.

§ 62-7 Disposal in town prohibited.

Said Town Board of the Town of Fort Edward hereby prohibits the disposal of radioactive and/or nuclear waste materials and similar such hazardous materials within the geographic boundaries of the Town of Fort Edward, County of Washington, State of New York, as may be generated by sources from outside of such geographic boundaries.

CHAPTER 68: LITTERING

§ 68-3 Prohibitions.

A. No person shall dispose of litter or direct or permit any servant, agent or employee, or any other person under his or her control, to dispose of litter of any kind whatsoever in or upon any public place, vacant lot or area within the Town of Fort Edward (outside the Village of Fort Edward limits).

B. Every owner, lessee, tenant or occupant or person in charge of any building or premises shall keep and cause to be kept the sidewalk and all areas abutting the building or premises free from obstruction and nuisance of any kind and shall keep said area free of any litter within the Town of Fort Edward (outside the Village of Fort Edward limits).

C. No owner, driver, person in control or passenger of any vehicle shall throw or cause to be thrown from said vehicle, whether moving or standing, any litter in or upon any public place or upon any vacant lot or area within the Town of Fort Edward (outside the Village of Fort Edward limits).

§ 68-4 Interference with municipal employees.

No person shall interfere with any municipal employee enforcing this chapter or in the act of cleaning of any road or other public place or area or in the performance of any of the municipal employee's regular or prescribed duties or functions as related to sanitation services performed and enforcement of the local laws and codes of the Town of Fort Edward.

CHAPTER 81: SITE PLAN REVIEW

Local permits and approvals not required per PSL §130.

§ 81-4 Planning Board authorization.

In accordance with § 274-a of the Town Law, the Planning Board is authorized to review and approve, approve with modifications or disapprove site plans, prepare to specification set forth in this chapter and in regulations of the Planning Board, showing the arrangement, layout and design of the proposed use of the land shown on such plan.

§ 81-19 Building permits.

A. Permit required. No building, structure or sign shall be erected, added to or structurally altered until a permit therefor has been issued by the Zoning Administrator/ Building Inspector. No new use of a building or structure shall be undertaken until a permit therefor has been issued by the Zoning Administrator/Building Inspector. No building permit, or where applicable, certificate of occupancy shall be issued for any building, structure, use or sign where said construction, addition, alteration or use would be in violation of any of the provisions of this chapter or of any other local law for the Town of Fort Edward.

Local permits and approvals not required per PSL §130.

CHAPTER 99: VEHICLES AND TRAFFIC

§ 99-1 Speed limit established.

No person shall operate a motor vehicle or motorcycle upon any public highway within the corporate limits of the Town of Fort Edward and outside the corporate limits of the Village of Fort Edward, New York, at a rate of speed in excess of 30 miles per hour. This section shall not apply to ambulances, fire vehicles or public vehicles when on emergency trips.

§ 99-2 Exceptions.

The foregoing limitation of speed is expressly declared not to apply to any highways, roadways or streets which are under the control, jurisdiction and maintenance of either the State of New York or the County of Washington. Editor's Note: Former § 23-2B, which established a school speed zone and which immediately followed this section, was deleted 6-27-1988 by L.L. No. 3-1988.

§ 99-8 Trucks over 15 tons excluded from certain streets.

The Superintendent of Highways is herewith authorized to post the following roads in the Town of Fort Edward to temporarily exclude vehicles with a gross weight of over 15 tons, pursuant to § 1660, Subdivision (a) 11, of the New York State Vehicle and Traffic Law, effective from the time of the erection of signs designating the exclusions until the removal of the signs as directed by the Town Board of the Town of Fort Edward:

- Blackhouse Road
- Cary Road
- Duer Road (formerly East Road, Fort Miller)
- Hunter Road
- Patterson Road
- Williams Road

§ 99-9 Limited load streets (12 tons).

It shall be unlawful to operate any vehicle on the following streets in the Town of Fort Edward when the gross weight on the surface of the road of any such vehicle exceeds 24,000 pounds, where the weight of vehicles permitted on such street is limited by local law and signs indicating such limitations are posted, except for the purpose of making delivery or picking up a load on such street, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for such purpose:

- Ethan Allen
- Putnam Avenue
- Gates Avenue

CHAPTER 108: ZONING

§ 108-7 Regulations applicable to all districts.

Except as hereinafter otherwise provided:

A. No building shall be erected, and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner, other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.

B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

Local permits and approvals not required per PSL §130.

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Note that the Project as proposed will be located within the following types of districts:

Zone R-1 Residential
Zone C-1 Commercial
Zone C-3 Commercial
Zone I Industrial
Zone N-1 Marina

CHAPTER 29: MOVINGS OF BUILDINGS

§ 29-1 Permit required.

No person shall move any dwelling, house, barn, garage, outbuilding or other structure over or upon any public streets or avenues of the village unless the Board of Trustees shall grant a written permit for such moving, signed by the Mayor and countersigned by the Village Clerk.

Local permits and approvals not required per PSL §130.

CHAPTER 49 UNIFORM FIRE PREVENTION AND BUILDING CODE

§ 49-9 Permit required.

No person, firm, corporation, association or other organization shall commence the erection, construction, alteration, improvement, removal or demolition of any building or structure, except agricultural buildings or structures, or the installation of heating equipment without having applied for and obtained a building permit from the Code Enforcement Official. At the request of the applicant, building permit requirements may be waived where the work to be done involves minor interior or exterior alterations.

Local permits and approvals not required per PSL §130.

§ 49-17 Compliance with code.

All dwellings, structures and uses regulated under the State Uniform Fire Prevention and Building Code, including but not limited to those buildings and structures for which a building permit has been obtained, shall be inspected for compliance with the building construction and fire prevention provisions of the code.

§ 42-22 Fire prevention inspections.

The Department of Code Enforcement shall conduct required inspections for compliance with the fire prevention provisions of the code.

Local permits and approvals not required per PSL §130. § 49-27 Compliance required.

It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire Prevention Building Code or this

chapter, as well as any regulation or rule promulgated by the Code Enforcement Official in accordance with applicable laws, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Official or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy. In the event of a violation and the failure to comply, neither a building permit nor a certificate of occupancy shall be issued. If a certificate of occupancy has been previously issued and thereafter a violation is found, the certificate shall be revoked if such violation is not remedied.

Local permits and approvals not required per PSL §130.

§ 49-28 Stop-work orders.

Whenever the Code Enforcement Official has reasonable grounds to believe that work on any building or structure is being done in violation of the applicable provisions of the code or it is not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued or the work is being done in an unsafe and dangerous manner, the owner of the property, or the owner's agent, shall be notified, in the form of a stop order, to stop all work. Such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing and shall state the conditions under which the work may be resumed. It may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the order to him by certified mail at the address set forth in the building permit application, if such application shall have been made.

CHAPTER 52: FLOOD PREVENTION

§ 52-2 Purpose.

D. Control filling, grading, dredging and other development which may increase erosion or flood damages.

§ 52-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 52-6. Application for a development 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.

A. Application Stage.

B. Construction Stage.

Local permits and approvals not required per PSL §130.

§ 52-12 Powers and duties of local administrator.

F. Stop-work orders.

(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 52-8 of this chapter.

(2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 52-8 of this chapter.

G. 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 that the development is in compliance with the requirements of either the development permit or the approved variance.

Local permits and approvals not required per PSL §130.

§ 52-13 Certificate of compliance.

A. It shall be unlawful to use or 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.

B. All other development occurring within the designated flood hazard area will have, upon completion, a certificate of compliance issued by the local administrator.

C. All certifications shall be based upon the inspections conducted subject to § 52-12G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

Local permits and approvals not required per PSL §130.

§ 52-14 General standards.

In all areas of special flood hazard, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All 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.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 52-12A(3). This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 52-12B or 52-14D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point.
- (3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 52-12B, the requirements of § 52-16, Floodways, shall apply.

§ 52-15 Specific standards.

A. In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 52-6, Basis for establishing areas of special flood hazard, and § 52-12B, Use of other base flood and floodway data, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, 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.

(a) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically, without human intervention, allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
2. The bottom of all such openings shall be no higher than one (1) foot above the lowest adjacent finished grade.
3. Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(b) If the structure is to be flood proofed:

1. A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
2. A licensed professional engineer or licensed land surveyor shall certify the specific elevation, in relation to mean sea level, to which the structure is floodproofed.

(c) The local administrator shall maintain on record a copy of all such certificates noted in this section.

B. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 5212B or two (2) feet above the highest adjacent grade where no elevation data is available.

§ 52-16 Floodways.

Located within areas of special flood hazard are areas designated as floodways. (See § 52-4.) The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 52-6 and 52-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Local permits and approvals not required per PSL §130.

Chapter 59: LITTERING

§ 59-3 Litter in public places.

A. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the village except in public receptacles or in authorized private receptacles for collection.

§ 59-4 Litter from vehicles.

A. No person shall throw or deposit litter from any vehicle upon any street or public place within the village or upon private property.

B. No person shall drive or move any vehicle or truck within the village, the wheels or tires of which carry onto or deposit in any street, alley or other public place sticky substances or foreign matter of such kind as adheres to the road surface.

CHAPTER 61: NOISE

§ 61-2 Prohibited acts.

A. No person shall cause, suffer, allow or permit to be made unreasonable noise. For the purpose of this chapter, unreasonable noise is any disturbing, excessive or offensive sound which disturbs a reasonable person of normal sensitivities.

§ 61-3 Exceptions.

A. Noise generated by the installation and maintenance of utilities.

CHAPTER 65: PROPERTY MAINTENANCE

§ 65-5 Storage of commercial and industrial material.

A. There shall not be stored or used at a location visible from the sidewalk, street or other public areas equipment and materials relating to commercial or industrial use unless permitted under the Zoning Ordinances for the premises.

B. Under no circumstances shall any of the stored materials exceed the height of the appropriate fencing for the specific zone.

CHAPTER 69: SEWERS

§ 69-1 Prohibited acts.

No unauthorized person shall in any way interfere with or open any manhole connected with the sewer system or water system of this village, or remove or break any of the covers thereof.

CHAPTER 70: SIGNS

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 70-3 Permit required; application; approval.

A. Except as otherwise provided; no person shall erect, alter or relocate any sign without first obtaining a permit from the Village Clerk. Within six months following the effective date of this chapter, a permit shall also be obtained for any sign in existence as of the effective date of this chapter, with no fee, unless excluded by the exempt signs provision under § 70-4. Subsequent to this initial application, no permit shall be required for a sign to be repainted, repaired or to have its message changed.

Local permits and approvals not required per PSL §130.

§ 70-4 Exempt Signs

A. One sign, not exceeding six square feet in the residential districts or 16 square feet in the commercial or industrial districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress. Said sign shall be removed within three days of completion of such work.

§ 70-5 General restrictions.

A. No off premises signs shall be allowed other than as permitted under the exempt signs provisions of § 70-4 above.

B. No sign in any district shall be placed or located within or extend into the right-of-way of any public highway or roadway.

- C. No sign shall be illuminated by or contain flashing, intermittent, rotating or revolving lights, except to show time and temperature.
- H. No sign shall be attached to fences, utility poles or trees.
- J. No sign(s) shall be placed along a state highway without first obtaining permission from the New York State *Department* of Transportation in order to avoid conflict with any New York State law.
- K. No sign will exceed four feet high from the ground when it is placed between the curb and sidewalk or beside a roadway.

§ 70-7 Regulations by district.

A. General regulations.

- (1) The total number of permitted signs on any lot in all districts shall not exceed two, of which only one may be freestanding.
- (2) The cumulative area of any sign permitted on any lot shall be as follows:
 - (a) Commercial districts: 100 square feet.
 - (b) Industrial district: 100 square feet.
 - (c) Residential district: 32 square feet.
- (3) The cumulative height above road grade of any sign and supporting structure permitted on any lot shall be as follows:
 - (a) Commercial district: 20 feet.
 - (b) Industrial districts: 20 feet.
 - (c) Residential districts: six feet.

CHAPTER 71: SOLID WASTE COLLECTION AND DISPOSAL

§ 71-4 Maintenance of premises.

Owners and occupants of occupied premises and owners and persons in charge of unoccupied premises, including vacant lots within the village, are hereby charged with the duty of maintaining such premises at all times in a sanitary, clean and tidy condition and so as to prevent the accumulation there of solid waste which constitutes a nuisance or fire hazard.

CHAPTER 74: STREET AND SIDEWALKS

§ 74-1 Street excavations.

No person other than an employee of the village shall excavate any street without first obtaining permission from the Highway Superintendent. Any person given permission to excavate shall restore the street to the condition prior to the excavation to the satisfaction of the Highway Superintendent. The person given permission shall indemnify the village against all damages or claims for damages, costs, suits, actions or judgements that may be brought against the village by persons resulting from such excavation. The village may require a certificate of

insurance naming the village as a loss payee with a liability limit of at least \$1,000,000.

Local permits and approvals not required per PSL §130.

§ 74-2 Failure to restore street as directed.

If an excavation made by any person is closed in such a manner as to leave the street in a condition, in the opinion of the Highway Superintendent, is not in the same condition prior to the excavation, the Highway Superintendent shall report such condition to the Board of Trustees, who may require the person to restore, within a reasonable time, that portion which is defective. Upon failure to restore said street, the Board of Trustees will direct the Highway Superintendent to perform such work, and the expense incurred will be paid by the person causing such defect.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 74-3 Guarding of excavations.

- A. Any person given permission to make an excavation in any street shall, between sunset and sunrise that street remains open, keep the same fenced and lighted so as to properly warn all persons of such excavation.
- B. Any person making an excavation within five feet of the line of any street shall erect and maintain a barrier at least four feet in height between said street and the excavation, and place lighted warnings at such excavation.
- C. No person shall remove any barrier or guard erected for public safety.

§ 74-4 Permission required for encumbrances.

No person shall erect or cause to be erected any building or fixture or place any encumbrance which shall project into or over the line of any public area without obtaining the permission of the Highway Superintendent.

§ 74-5 Obstruction of public areas.

No person shall obstruct or use any street, sidewalk or other public ground in any manner other than which was originally intended.

§ 74-6 Restriction on hauling of materials.

No person shall transport or cause to be transported in any vehicle any material which is not so constructed as to prevent the material from dropping or sifting upon any streets of the village.

§ 74-8 Restriction on placement of pipes.

The village shall not place or caused to be placed any pipes in any street that have not been accepted by the village.

§ 74-9 Structures on or over streets and sidewalks.

No person shall construct or cause to be constructed any sign or structure upon or over any street or sidewalk in the village, nor shall any sign or structure now in existence be allowed without the consent of the Code Enforcement Official through an application to be provided by the Code Enforcement Official.

§ 74-11 Obstruction of sidewalks.

No person shall permit any animal, vehicle or other objects to obstruct the free use of any sidewalk or crosswalk in the village and no person shall obstruct the sidewalks with boxes, barrels, crates, goods, wares, merchandise or any other materials without obtaining permission from the Village Board.

§ 74.13 Digging in front of private premises.

No person shall dig into or across any sidewalk until permission is received by the Highway Superintendent and the sidewalk shall be put back in as good as the condition prior to the digging.

CHAPTER 79: TAXATION

§ 79-3 Tax imposed.

Pursuant to the authority granted by § 5-530 of the Village Law of the State of New York, a tax equal to one per centum (1%) of its gross income from and after the first day of May 1970, is hereby imposed upon every utility doing business in the Village of Fort Edward which is subject to the supervision of the State Department of Public Service, which has a gross income for the twelve (12) months ending May 31 in excess of five hundred dollars (\$500.), except motor carriers or brokers subject to such supervision under Article 7 of the Transportation Law, and a tax equal to one per centum (1%) of its gross operating income from and after the first day of May 1950, is hereby imposed upon every other utility doing business in the Village of Fort Edward which has a gross operating income for the twelve (12) months ending May 31 in excess of five hundred dollars (\$500.), which taxes shall have application only within the territorial limits of the Village of Fort Edward, and shall be in addition to any and all other taxes and fees imposed by any other provision of law. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of Fort Edward, notwithstanding that some act be necessarily performed with respect to such transaction within such limits.

§ 79-4 Definitions.

UTILITY — Includes every person subject to the supervision of the State Department of Public Service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or of operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water, refrigeration, telephone or telegraphy, delivered through mains, pipes or wires, or furnishes gas, electric, steam, water, refrigeration, telephone or telegraph service by means of mains, pipes or wires, regardless of whether such activities are the main business of such person or are only incidental thereto or whether use is made of the public streets.

§ 79-5 Keeping of records.

Every utility subject to tax under this Article shall keep such records of its business and in such forms as the Village Treasurer may require, and such records shall be preserved for a period of three (3) years, except that the Village Treasurer may consent to their destruction within that period or may require that they be kept longer.

§ 79-7 Payment of tax.

At the time of filing a return as required by this Article, each utility shall pay to the Village Treasurer the tax imposed by this Article for the period covered by such return. Such tax shall be due and payable at the time of filing the return or, if a return is not filed when due, on the last day on which the return is required to be filed.

§ 79-12 Tax to be part of operating costs.

The tax imposed by this Article shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others, but shall constitute a part of the operating costs of such utility.

CHAPTER 94: WATER

§ 94-4 Location of water fixtures; connection.

A. Applicants for Village water must designate the position of water fixtures to the Street Superintendent so it can be determined the location of the fixtures will prohibit the fixtures from freezing. All excavations for building water service installation shall be adequately guarded with barricades and lights to protect the public from hazard or injury. Streets, sidewalks, and other public property

disturbed in the course of the work will be restored in a manner satisfactory to the Village.

B. The applicant for the building water service permit shall notify the Village when the building water service is ready for inspection and connection to the public water service and before the water service installation is backfilled or covered. The connection will be made under the supervision of the Street Superintendent or other authorized Village representative. The applicant shall obtain the Street Superintendent's approval before backfilling or covering the water service pipe.

§ 94-16 Approved water supply, plumbing fixtures and piping; inspection of systems.

A. All buildings which are served with public water from the Village's system shall have approved water supply and plumbing fixtures and piping. Where the fixtures do not exist, or are not in good condition, in the judgment of the Village, they shall be altered or repaired, as the case may be, in such a manner as shall be required and within the time named, by notice served by the Village upon the property owner or occupant.

B. The Village may at any time inspect existing plumbing systems and require such modifications as in its judgment may be necessary to put said plumbing in an approved, sanitary condition.

§ 94-17 Potable water supply systems, cross connections.

A. Potable water supply systems shall be designed, installed and maintained in such manner as to prevent non-potable liquids, solids, or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system.

B. Piping conveying potable water shall be constructed of nontoxic material. No chemicals or other substances that could produce either toxic conditions, taste, odor or discoloration in a potable water system shall be introduced into or used in such systems. The interior surface of a potable water tank shall not be lined, painted or repaired with any material which will affect either the taste, odor, color or portability of the water supply when the tank is placed in or returned to service.

C. No physical connection or cross-connection shall be permitted between the public water supply and an industrial, fire or other auxiliary or emergency water supply source. This prohibition applies to all piping systems, whether inside or outside of any building or buildings.

§ 94-20 Industrial process water supply.

The Village or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the interconnection of potable water supply lines with industrial process water supply systems and on the amounts of water required from the public water supply system. The industry may withhold information considered confidential. The

industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

CHAPTER 100: ZONING

Local permits and approvals not required per PSL §130.

§ 100-11 Exceptions.

A. Height exemptions. The height limitations of this chapter shall not apply to church spires, belfries, cupolas, penthouses, domes, chimneys, ventilators, skylights, water tanks, bulkheads, solar- and energy-producing equipment and all other similar features and necessary appurtenances usually carried above roof levels.

§ 100-14 Front yards.

A. No building shall be erected, altered, constructed or reconstructed so as to project in any way beyond the average setback line observed by the building on the same side of the street within the block at the time of passage of this chapter, subject to the provision that any building may be erected as near the street as whichever adjoining building is nearer thereto. Where there are existing buildings at the time of the passage of this chapter on only one (1) side of the street within the block, then the setback line on the vacant side shall be thirty (30) feet back from the property line. Where there are no existing buildings on either side of the street within the block, no new building shall be erected nearer to the front street line on either side of the street than thirty (30) feet.

§ 100-15 Side yards.

In Zones R-1 and R-2, no building shall be erected, constructed, reconstructed or altered so as to project or encroach nearer than seven and one-half ($7\frac{1}{2}$) feet from the side line of the lot, and on a corner lot none shall encroach or project nearer the side street than twenty (20) feet, but in no case shall it be required to be greater than the average setback line observed by the buildings on the same side of the street in the same block. Where the two (2) street frontages of a corner lot are the same length, the owner may elect which street is to be deemed the front and which is the side.

§ 100-16 Plats.

A. In Residential Zones R-1 and R-2, applications for a building permit shall be accompanied by a plat drawn freehand or to scale, showing the location of the proposed building on the lot, all other buildings existing thereon, the setback line, the size of the lot and proposed building. Commercial C-1 and C-2 and Industrial I applications must be accompanied by a plat drawn to scale.

B. Every such application shall also be accompanied by a copy of plans and working drawings or photostats or blueprints thereof for the building for which a permit is desired and also by a simple set of specifications showing the material of which the proposed building is to be constructed, the number and dimensions of rooms, the height of the ceiling above the floor and the water taps or other water uses and, the same must be left on file with the Village Clerk until the certificate of occupancy is issued.

C. The property owner is responsible for establishing the property lines on plans or sketches submitted with a request for a building permit.

§ 100-28 Building permits.

A. Before the alteration or construction of any building or structure, or part of either, the owner or lessee or the agent of either shall make application to the Village Clerk for a building permit upon blanks furnished by the Clerk. If, after examination by the Enforcement Officer, such application shall be found to comply with this chapter, the Clerk shall issue a building permit within seven (7) days of the filing of such application.

B. It shall be unlawful for any person to construct or alter any building or structure until application and plans shall have been approved by the Enforcement Officer and such permit issued by the Village Clerk. Any such permit issued hereunder by which no work is commenced within one (1) year from date of issuance, shall expire and become void.

C. Any building or structure being altered to accommodate more than two (2) dwelling units on any floor will require certified engineer blueprints prior to issuance of a building permit.

Local permits and approvals not required per PSL §130.

§ 100-32 Trailers.

Trailers, as set forth in the definitions in Article I, shall not be allowed within the village limits of the Village of Fort Edward, either resting upon their own wheels and supports or resting upon concrete blocks or any other material with the intent to make the trailer a permanent dwelling place or place of business or a temporary dwelling place or place of business.

§ 100-33 Stripping of topsoil.

No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of building on such premises and excavation or grading incidental thereto. A permit will be required for any other disposal of topsoil.

§ 100-34 Excavating, grading and filling.

A. The Building Inspector shall require the issuance of a permit for any excavating, grading, fill or construction in the community.

B. The Building Inspector shall require review of each permit application to determine whether the proposed site and improvements are in a location that may have mudslide hazards. A further review must be made by persons qualified in geology and soils engineering, and the proposed new construction, substantial improvement or grading must be adequately against mudslide damage and not aggravate the existing hazard.

§ 100-35 Fences.

A. No person, company or corporation shall use barbed wire, buckhorn wire, electric wire fence or any other type of wire that may be a part of a fence that may be a conductor of electricity in the construction or the erection of any fence, either on their property or as a division line fence or for any other purpose in the Village of Fort Edward, but does not include chain link or cyclone type of fences with barbed wire string at the top and used as a security fence for commercial or industrial properties.

B. No fence at any point nearer the street than the rear line of the main building applicable thereto shall exceed a height of four (4) feet above the sidewalk level existing on such street at the premises on which the fence is built.

C. A fence shall not be installed in excess of six (6) feet six (6) inches in height in the rear yard.

D. A fence shall not extend beyond the building side of the sidewalk in the front yard. Where no sidewalk exists, the sidewalk line will be established by the Department of Public Works Supervisor or his representative

E. On a corner lot, any fence in excess of four (4) feet but not in excess of six (6) feet shall not be installed in width greater than the distance from the building side line to the opposite side line of the lot. The building side line shall be established by the side yard selected by the owner as required by § 10014. In no case shall the width from the building side line and the opposite side line of the lot be required to be less than thirty-five (35) feet.

F. All fences of man-made structures shall have supporting posts or projections on the property owner's side of the fence.

G. Chain link or cyclone type fence used for security purposes by commercial and industrial establishments shall not exceed eight (8) feet in height.

§ 100-36 Visibility at intersections.

On corner lots, no fence, wall, hedge, structure or planting more than three (3) feet in ultimate height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points twenty (20) feet from the point of intersection, measuring along said lines.

§ 100-38 Parking. [NOTE: Include in all zones.]

B. Location. If parking areas (spaces) are located in front yards or side yards, the driveway leading to the parking area (space) will consist of a minimum of two-inch-thick concrete or asphalt.

SARATOGA COUNTY

CODE OF THE
TOWN OF MOREAU

Note that the Project as proposed will be located within the following types of districts:

Manufacturing
Agricultural
Residential

CHAPTER 70. FENCES

§ 70-2 Approval required.

No fence, wall or other type of construction shall be erected without the approval of the Building Inspector and/or Code Enforcement Officer. The Building Inspector and/or Code Enforcement Officer shall secure approval of the Superintendent of Highways and the Bureau of Fire Prevention, where applicable.

Local permits and approvals not required per PSL §130.

§ 70-4 Height limitations.

No fence shall be more than eight feet in height at the rear of homes or buildings situated in a residentially zoned district, which fence shall not extend forward of the rear building line of any existing or proposed building. No other fence or portions of a fence shall be higher than 48 inches. This restriction shall not apply to construction in all zoning districts.

§ 70-5 Location restrictions.

Any fence erected under this chapter shall be placed at least six inches from any property line. Any fence erected in a front yard shall be placed at least one foot back from the sidewalk, but in no event may it be less than one foot back from the front line and/or property line.

§ 70-6 Materials and composition.

A. Any fence, wall or similar structure as well as shrubbery which unduly cuts off light or air which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction to combating fires which may affect public safety is hereby expressly prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than 50% solid.

CHAPTER 74. ADMINISTRATION AND ENFORCEMENT OF NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

§ 74-3 Code Enforcement Officer and inspectors.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) To issue stop-work orders;

§ 74-4 Building permits.

A. Building permits required. Except as otherwise provided in Subdivision B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Local permits and approvals not required per PSL §130.

§ 74-5 Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subdivision B of this section is ready for inspection.

§ 74-6 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is Authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to

whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

§ 74-8 Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify, in writing, the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

§ 74-10 Operating permits.

A. Operating permits required.

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;

(b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(c) Use of pyrotechnic devices in assembly occupancies;

(d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as

determined by resolution adopted by the Town Board of this Town.

(2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subdivision A shall be required to obtain an operating permit prior to commencing such activity or operation.

Local permits and approvals not required per PSL §130.

§ 74-11 Firesafety and property maintenance inspections.

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

(1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

(2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

(3) Firesafety and property maintenance inspections of all multiple dwellings not included in Paragraph (1) or (2) of this Subdivision, and all nonresidential buildings, structures, uses and occupancies not included in Paragraph (1) or (2) of this Subdivision, shall be performed at least once every 36 months.

B. Inspections permitted. In addition to the inspections required by Subdivision A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon:

(1) The request of the owner of the property to be inspected or an authorized agent of such owner;

(2) Receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) Receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that

conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this Subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b.

CHAPTER 78. FLOOD DAMAGE PREVENTION

§ 78-5 Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Moreau.

§ 78-11 Floodplain development permit.

A. 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 insuring 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 § 78-6, 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.

Local permits and approvals not required per PSL §130.

§ 78-13 Duties and responsibilities of local administrator.

Duties of the local administrator shall include but not be limited to the following:

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.

Local permits and approvals not required per PSL §130.

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 § 78-8 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 chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 78-8 of this chapter.

G. Certificate of compliance.

(1) In areas of special flood hazard, as determined by documents enumerated in § 78-6, 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 § 78-13E, 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.

Local permits and approvals not required per PSL §130.

§ 78-14 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 § 78-6:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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.

(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.

(b) The Town of Moreau 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 Moreau 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 Moreau 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 § 78-6, 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.

(b) The Town of Moreau 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 Moreau 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 Moreau for all costs related to the final map revisions.

§ 78-15 Standards for all structures.

The following standards shall apply to all structures:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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.

(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 that 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) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

(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.

§ 78-17 Nonresidential structures.

The following standards apply to new and substantially improved commercial industrial and other nonresidential structures, in addition to the requirements in § 78-14A, Subdivision proposals, and § 78-14B, Encroachments, and § 78-15, Standards for all structures:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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, together with attendant utility and sanitary facilities, shall either:

(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.

(2) Be floodproofed so that the structure is watertight below the base flood level 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 the depth number specified in feet on the community's FIRM [at least two feet if no depth number is specified].

(2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(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 Subsection A(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.

CHAPTER 82. FRESHWATER WETLANDS

§ 82-5 Permit required; exceptions.

A. Except as provided in Subsection B of this section, no person shall conduct a regulated activity on any freshwater wetland or adjacent area unless such person has first obtained a permit pursuant to this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 84. ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 84-5 Discharge prohibitions.

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 below. 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 local law, unless the Department or the Town 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; dechlorinated 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 maybe 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 local law.

(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 local law if the person connects a line conveying sewage to the Town's MS4 or allows such a connection to continue.

§ 84-7 Prohibition against activities contaminating stormwater.

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 Town's MS4 SPDES permit.

(2) Cause or contribute to the Town being subject to the special conditions as defined in § 84-2, Definitions, of this local law.

B. Such activities include failing individual sewage treatment systems as defined in § 84-7, improper management of pet waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization.

C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Town'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 Town's MS4 SPDES permit authorization.

§ 84-8 Requirement to prevent, control, and reduce stormwater pollutants by use of best management practices.

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 84-2 or activities contaminating stormwater as defined in § 84-7, the Town 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 their 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 § 84-2 or an activity contaminating stormwater as specified in § 84-7, 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. Individual sewage treatment systems. Where individual sewage treatment systems are contributing to the Town's being subject to the special conditions as defined in § 84-2 of this local law, the owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

(a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee.

(b) Avoid the use of septic tank additives.

(c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and

(d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

(2) Repair or replace individual sewage treatment systems as follows:

(a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.

(b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

[1] Relocating or extending an absorption area to a location not previously approved for such.

[2] Installation of a new subsurface treatment system at the same location.

[3] Use of alternate system or innovative system design or technology.

(c) A written certificate of compliance shall be submitted by the design professional to the Town at the completion of construction of the repair or replacement system.

§ 84-10 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 Town prior to the allowing of discharges to the MS4.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 84-11 Access and monitoring of discharges.

A. Applicability. This article applies to all facilities that the SMO must inspect to enforce any provision of this law, 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 local law.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this law. 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 law.

(3) The Town shall have the right to set up on any facility subject to this law 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 Town has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the Town access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the Town reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.

(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 law, 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 law or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 84-12 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 Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business days of the telephone 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.

CHAPTER 100. NOISE

§ 100-5 Prohibited acts; exceptions.

A. Any act in violation of any of the provisions of this section is deemed to be in violation of Subsection B of this section, without in any way limiting the generality of the provisions of Subsection B of this section.

B. Unnecessary noise. No person shall make, continue or cause or permit to be made any continued unreasonably loud or unnecessary noise, including any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal and ordinary sensitivities.

E. Building construction: operating or permitting the operation of any tool or equipment used in construction, drilling or demolition work, including, but not limited to, the excavation, alteration, construction or repair of any building, between the hours of 11:00 p.m. and 7:00 a.m., except in the case of an emergency or the interests of the public safety and then only with the permit of the Building Inspector, which permit may be issued for a maximum period of three days during the continuance of such emergency.

CHAPTER 115. SEWERS

§ 115-6 Permit required for connection to sewer; application.

A. No person or corporation shall connect to the district sewer system for any purpose whatsoever without having obtained a permit, upon written application therefor, after having first paid the charges pertaining to the connection to the premises.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 115-7 Compliance with federal and city provisions.

All users of the facility shall be legally bound to comply with all applicable provisions of the Federal Water Pollution Control Act, as amended, and regulations promulgated pursuant thereto, including but not limited to 40 CFR Part 403, and Chapter 177 (formerly 88) of the City Code, as amended, and Appendix A of the agreement between the city and the town, incorporated herein by reference, and shall engage in pretreatment as may be required, establish metering and sampling facilities, issue reports and in general perform all acts mandated by the aforesaid legal authorities.

§ 115-10 Tapping of mains or pipes restricted.

No person or corporation shall tap any sewer main or lateral pipe or make or interfere with any connection with the sewer system unless under the direction of and in the presence of the Sewer Superintendent or unless he is an employee of the district or unless specific written permission in each case is given by the Sewer Superintendent, nor shall any person or corporation make any alterations or additions in and about sewer pipes, other than on the owner's side of the metering system and/or sampling system, unless a permit shall have been given by the Sewer Superintendent upon written application therefor.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 115-26 Right of entry.

The Sewer Superintendent or his authorized agents shall have full power to enter the premises of any user, at all reasonable hours, to read the meter or to examine the fixtures, plumbing and manner of using the sewer. Authorized officers, and employees of the City of Glens Falls shall at all times have access to inspect pipes, meters, sampling equipment or other appurtenances connected with the furnishing of sewer service.

CHAPTER 117. SIGNS

§ 117-4 Regulations.

The size, type and location of any sign shall be allowed only in accordance with the following regulations, and, whenever districts are set forth in these regulations, the same shall refer to the districts set forth in Chapter 149, Zoning, of the Code of the Town of Moreau.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Signs in agricultural and residential districts.

(1) Home occupation signs indicating the name and address of the occupant or permitted home occupation in any residence shall be allowed, provided that the combined area of such signs shall not exceed a total of three square feet and shall not include any illumination. Approved signs shall be affixed to the residence as a wall sign. No freestanding signs shall be allowed.

(2) Business signs for customary agricultural operations selling farm products grown on the premises shall be allowed, provided the combined area of such signs shall not exceed a total of 16 square feet in any R-1 or R-2 Residential Districts and 32 square feet in any agricultural and residential districts and shall not include illumination.

(3) Institutional signs shall be allowed, provided the combined area of such signs shall not exceed a total of 20 square feet in area and shall not include any flashing illumination, nor shall any source of illumination be directed toward any public street or adjacent residential property.

(4) Business signs pertaining only to legal nonconforming uses of the premises on which they are located shall be allowed, provided the combined area of such signs shall not exceed a total of 20 square feet and shall not include any flashing illumination, nor shall any source of illumination be directed toward any public street or adjacent residential property. Business signs legally in existence on the date of enactment of this chapter which pertain to nonconforming uses may continue to be used, except that all intermittent or flashing illumination shall be converted to a constant light source.

(5) Temporary signs shall be allowed, provided that such signs shall not exceed a combined total of six square feet in area and shall not be illuminated. Such signs shall promptly be removed by the property owner when the circumstances leading to their erection no longer apply.

(6) Advertising signs shall not be permitted in any agricultural or residential district except as allowed by other provisions of this chapter.

B. Signs in commercial and manufacturing districts.

(1) The signs permitted in agricultural and residential districts shall be allowed.

(2) Business signs relating to the use conducted in the building or on the immediate premises thereof shall be allowed, provided that the combined area of all such signs shall not exceed a total of 40 square feet. In the event that the facade of the principal use building on said premises shall exceed 800 square feet in area, a square footage for signs equal to 5% of the area of the facade of the front of the building on said premises in which said business is conducted shall be allowed, but in no event shall the total area of such sign or signs exceed 150 square feet.

(3) A business sign legally in existence on the date of the enactment of this chapter which does not conform to the specifications of this section may continue to be used, but may not be extended.

(4) Temporary signs advertising the sale, construction or improvement of the premises on which they are located shall be allowed, provided that the combined area of such signs shall not exceed a total of 32 square feet and that the signs shall be removed within five days after the conclusion of the circumstances leading to their erection. Failure to properly remove signs within the prescribed time period is a violation of this chapter.

(5) Advertising signs shall not be allowed in any commercial or manufacturing district except as allowed by other provisions of this chapter.

C. General regulations.

(1) Signs shall be constructed of durable materials and shall be maintained in good condition. Signs which are deteriorated shall be removed upon direction of the Building Inspector and/or Code Enforcement Officer following notification to the owner of the premises on which the sign is located.

(2) No sign shall be erected so that any portion thereof shall be any closer than 10 feet to the nearest lot line or within five feet of any utility pole.

(3) The maximum height of any portion of any sign shall not extend above the roofline of the tallest building on the premises.

(4) Flashing illuminated signs shall not be permitted in any zoning district.

(5) Signs to be erected by a nonprofit community service organization which are intended as a public service for the good of the community may be erected upon the granting of a special

permit by the Planning Board pursuant to Article V, Special Use Permits, of the Zoning Law of the Town of Moreau. Editor's Note: See Ch. 149, Zoning.

(a) No sign shall exceed 20 square feet in area.

(b) Such signs shall not be illuminated.

(c) Such signs shall be limited to arterial and collector streets only.

(d) An applicant for a special permit hereunder shall be required to produce evidence of approval for the erection of the sign by the owner of the property on which it is to be placed.

(6) Temporary signs.

(a) All signs of a temporary nature, such as political candidate's signs, political, educational, or civic issue or movement signs or other signs of a similar nature, shall be allowed in any zoning district in the Town. Such signs shall not be attached to any fences, trees, shrubs, utility poles or the like; and further provided that such signs shall not be placed in a position that obstructs or impairs vision for traffic or in any manner creates a hazard, nuisance or disturbance to the health and welfare of the general public.

(b) Signs may be placed on private property for a period not to exceed 60 days, including removal time. All signs must be removed within five days after the date of activity that the sign was announcing or endorsing. Failure to properly remove signs within the prescribed time period is a violation of this chapter.

(7) Signs erected for the purposes of posting private lands shall be in accordance with Article 11 of the Environmental Conservation Law of the State of New York.

(8) Such off-premises directional signs as may be necessary to direct persons to commercial, industrial, service or community facilities may be erected in any zoning district, subject to the following:

(a) No such sign shall exceed 10 square feet in area, and no more than 32 square feet of signage shall be allowed on any one lot.

(b) No commercial, industrial or service use shall be permitted to have more than one directional sign.

(c) Text shall be limited to name or identification, arrow, direction and distance, but shall contain no advertising message.

(d) Such signs shall not be illuminated.

(e) Such signs shall be limited to arterial and collector streets only.

(f) An applicant for a sign permit hereunder shall be required to produce evidence of approval for the erection of the sign by the owner of the property on which it is to be placed.

(g) Permits for such signs shall be subject to the approval of the Planning Board pursuant to Article V, Special Use Permits, of the Zoning Law of the Town of Moreau. Editor's Note: See Ch. 149, Zoning.

(9) Billboard signs shall be allowed in all zoning districts that have frontage on an interstate highway.

(a) Signs must be within 1,000 feet of the property line and as otherwise restricted under Part 150 of the Regulations of the New York State Department of Transportation for advertising signs adjacent to interstate highways.

(b) Signs must face the interstate highway.

(10) Traffic signs shall be allowed in all zoning districts. All signs must be erected and removed by persons having jurisdiction over the property on which they are positioned.

(11) Portable signs shall not be allowed in any zoning district.

§ 117-5 Permit required.

After the effective date of this chapter, and except temporary signs as otherwise herein provided, no person shall erect any signs as allowed by § 117-4 herein without first obtaining a permit therefor from the Building Inspector and/or Code Enforcement Officer.

Local permits and approvals not required per PSL §130.

**CHAPTER 120. STORMWATER MANAGEMENT AND EROSION AND
SEDIMENT CONTROL**

§ 120-4 Applicability.

A. This local law shall be applicable to all land development activities as defined herein unless otherwise exempt pursuant to § 120-5 herein.

B. The Town Board of the Town of Moreau shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Town Board of the Town of Moreau engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

Local permits and approvals not required per PSL §130.

C. All land development activities subject to review and approval by the applicable board of the Town of Moreau under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this local law.

Local permits and approvals not required per PSL §130.

D. Any person who proposes land development activities not subject to review as stated in Paragraph C hereof shall submit a stormwater pollution prevention plan (SPPP) to the Stormwater Management Officer who shall approve the SPPP if it complies with the requirements of this law.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 120-7 Prohibition against land development activity; permit required.

It shall be unlawful for any person, developer or entity to undertake or engage in land development activity as that term is defined in § 120-6 herein without complying with the terms and requirements of this local law which includes obtaining a land development activity permit from the Town. The permit application shall be on a form prescribed by the Town. The permit application fee shall be an amount established and amended from time to time by resolution of the Town Board.

Local permits and approvals not required per PSL §130.

§ 120-8 Stormwater pollution prevention plans.

No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SPPP) prepared in accordance with the specifications in this local law.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 120-10 Other environmental permits.

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 120-13 Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance and design criteria:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Technical standards. For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

(1) New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual).

(2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set

forth in Article 2, Section 3.1 and the SPPP shall be prepared by a licensed professional.

C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 120-14 Maintenance and inspection during construction.

A. The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

B. For land development activities as defined in § 120-6 hereof and meeting Condition A, B or C in § 120-8B hereof, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be maintained in a site log book.

C. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

§ 120-27 Stop-work orders.

The Town of Moreau may issue a stop-work order for violations of this law. 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 Moreau 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 civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

CHAPTER 136. VEHICLES AND TRAFFIC

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 136-5 One-way streets.

The streets or parts of streets described in Schedule II (§ 136-31), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

§ 136-6 U-turns.

No person shall make a U-turn on any of the streets or parts of streets described in Schedule III (§ 136-32), attached to and made a part of this chapter.

§ 136-7 Prohibited turns at intersections.

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule IV (§ 136-33), attached to and made a part of this chapter.

§ 136-8 Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule V (§ 136-34), attached to and made a part of this chapter.

§ 136-9 Stop intersections.

The intersections described in Schedule VI (§ 136-35), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

§ 136-10 Yield intersections.

The intersections described in Schedule VII (§ 136-36), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

§ 136-11 Trucks over certain weights excluded.

Trucks in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule VIII (§ 136-37), except for the pickup and delivery of materials on such streets.

§ 136-11.1 Prohibited vehicles excluded from certain roads/streets; exceptions.

A. No person, firm or corporation shall drive or operate or permit to be driven or operated any prohibited vehicle, as defined herein, into, on, along, or through the roads or streets described in § 136-47 herein.

B. "Prohibited vehicle" shall mean any truck, commercial vehicle, tractor, tractor-trailer combination or tractor-semitrailer combination in excess of

25 feet in length, whether loaded or unloaded and traveling to or from the Moreau Industrial Park.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 136-13 Seasonal parking restrictions.

A. The parking of vehicles is hereby prohibited on all highways, roads, streets and rights-of-way, including all paved or nonpaved areas and shoulders thereof (for the purpose of this section only, hereinafter "restricted area"), within the Town of Moreau from November 1 to May 1 (hereinafter "restricted period").

B. Notwithstanding any other provision contained in this chapter, any vehicle parked in a restricted area during a snow storm or at such time when the Town of Moreau Highway Department is removing snow from a restricted area in the restricted period may, by authority of the Highway Superintendent, be removed and thereafter stored in accordance with § 136-24 hereof.

§ 136-14 Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule IX (§ 136-38), attached to and made a part of this chapter.

§ 136-15 No stopping.

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule X (§ 136-39), attached to and made a part of this chapter.

§ 136-16 No standing.

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XI (§ 136-40), attached to and made a part of this chapter.

§ 136-17 Parking prohibited certain hours.

No person shall park a vehicle between the hours specified in Schedule XII (§ 136-41) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XII, attached to and made a part of this chapter.

§ 136-18 No stopping certain hours.

No person shall stop a vehicle during the times specified in Schedule XIII (§ 136-42) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIII, attached to and made a part of this chapter.

§ 136-19 No standing certain hours.

No person shall stand a vehicle during the times specified in Schedule XIV (§ 136-43) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIV, attached to and made a part of this chapter.

§ 136-20 Time limit parking.

No person shall park a vehicle for longer than the time limit shown in Schedule XV (§ 136-44) at any time between the hours listed in said Schedule XV of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XV, attached to any made a part of this chapter.

§ 136-21 Angle parking.

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XVI (§ 136-45) except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

CHAPTER 145. WATER

§ 145-5 Permit required for use of water; application.

A. No person or corporation shall use the water supplied by the district for any purpose whatsoever without having first obtained a permit upon written application therefor, after having first paid the charges pertaining to the introduction of water to the premises.

Local permits and approvals not required per PSL §130.

§ 145-25 Use of water in building construction.

A. When water is required for use in connection with building construction, application shall be made to the district therefor. Where the owner of the premises is not the applicant, deposit of such sum as the Superintendent of the district shall deem sufficient to pay for water to be used and charges attendant thereon shall be paid in advance to the district. Where, after installation and commencement of the use of water, in the opinion of the Superintendent, more water is used or will be used than is

covered by the deposit, he may then require a further deposit, in default of which he may discontinue service when the amount of water charges and other district charges equals the amount of the deposit. After completion of the work, upon claim duly made therefor to the Town Board, any surplus of the deposit over and above the amount of the water charges and other expenses attendant shall be refunded to the applicant. Charges for this purpose shall be the same as provided herein for permanent service, except that if the meter is returned to the district in good and serviceable condition, the cost thereof to the applicant will be refunded.

Local permits and approvals not required per PSL §130.

§ 145-26 Use of water in other construction.

A. Persons or corporations desiring to use water for construction purposes, other than mentioned in § 145-25, shall make application to the district therefor, setting forth the name and address of the applicant, the object and purpose of the use of water and the quantity estimated to be needed and shall give such other information as the Superintendent shall require. If such application is granted, the supply of water shall be furnished in such manner as the district shall allow, and the water rates shall be as in these rules established, except that there shall be no minimum charge. A meter shall be furnished by the district for the use of which a reasonable charge will be made by the district. Where water for such purpose is taken from a hydrant, provision shall be made for the protection of the meter and for quick disconnection in case such hydrant or hydrants are needed to extinguish any fire. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Local permits and approvals not required per PSL §130.

§ 145-27 Use of service connection.

Except with the permission of the district, water for construction purposes shall not be taken from any service connect on used for any other purpose, whether or not on the same premises or from any main or hydrant.

Local permits and approvals not required per PSL §130.

§ 145-29 Right of entry.

The Superintendent of the district or his authorized agents shall have full power to enter the premises of any consumer, at all reasonable hours, to read the meter or to examine the fixtures, plumbing and manner of using water.

ARTICLE II. Water District No. 2 thru 5 Rules (§§ 145-42 thru 145-426)

Permit required for use of water; application.

A. No person or corporation shall use the water supplied by the district for any purpose whatsoever without having first obtained a permit upon written application therefor, after having first paid the charges pertaining to the introduction of water to the premises.

Local permits and approvals not required per PSL §130.

Use of water is building construction.

A. When water is required for use in connection with building construction, application shall be made to the district therefor. Where the owner of the premises is not the applicant, deposit of such sum as the Superintendent of the district shall deem sufficient to pay for water to be used and charges attendant thereon shall be paid in advance to the district. Where, after installation and commencement of the use of water, in the opinion of the Superintendent, more water is used or will be used than is covered by the deposit, he may then require a further deposit, in default of which he may discontinue service when the amount of water charges and other district charges equals the amount of the deposit. After completion of the work, upon claim duly made therefor to the Town Board, any surplus of the deposit over and above the amount of the water charges and other expenses attendant thereon shall be refunded to the applicant. Charges for this purpose shall be the same as provided herein for permanent service, except that if the meter is returned to the district in good and serviceable condition, the cost thereof to the applicant will be refunded.

B. Installation, unless otherwise permitted by the district, shall conform to the rules and regulations herein provided for permanent service.

Local permits and approvals not required per PSL §130.

Use of water in other construction.

A. Persons or corporations desiring to use water for construction purposes, other than mentioned in § 145-62, shall make application to the district therefor, setting forth the name and address of the applicant, the object and purpose of the use of water and the quantity estimated to be needed and shall give such other information as the Superintendent shall require. If such application is granted, the supply of water shall be furnished in such manner as the district shall allow, and the water rates shall be as in these rules established, except that there shall be no minimum charge. A meter shall be furnished by the district for the use of which a reasonable charge will be made by the district. Where water for such purpose is taken from a

hydrant, provision shall be made for the protection of the meter and for quick disconnection in case such hydrant or hydrants are needed to extinguish any fire. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I

Local permits and approvals not required per PSL §130.

Right of entry.

The Superintendent of the District or his authorized agents shall have full power to enter the premises of any consumer, at all reasonable hours, to read the meter or to examine the fixtures, plumbing and manner of using water.

Construction or blasting near gas mains.

Section 1918 of the Penal Law of the State of New York provides that no construction or excavation shall be done within 100 feet of any existing street, highway or public place in which there is a gas main, unless seventy-two-hour advance notice of such work shall have been given in writing to the person, corporation or municipality engaged in the distribution of gas in such territory. The law further provides that no blasting shall be done within 200 feet of such street, highway or public place in which there are gas distribution mains unless the aforementioned written seventy-two-hour advance notice is given. The applicant for new water service shall, therefore, ascertain for himself if there are any gas mains in any street or highway within 100 feet of his excavation or within 200 feet of any proposed blasting and shall provide written, seventy-two-hour advance notice in accordance with the preceding.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 149. ZONING

§ 149-12 Issuance of building permit.

Before the construction or alteration of any building or structure or any part of either, the owner or lessee thereof, or the agent of such owner or lessee, or the architect or builder employed by such owner or lessee, in connection with the proposed construction or alteration, shall obtain a building permit as specified in Article XI of this chapter, signifying that the building or structure and proposed use thereof complies with the provisions of this chapter and the Building Code of the Town of Moreau. Editor's Note: See Ch. 74, Fire Prevention and Building Construction. The building permit shall be displayed prominently at the site of the construction or alteration.

Local permits and approvals not required per PSL §130.

§ 149-28 Wetlands Overlay Districts (W).

A. Intent. The Town of Moreau contains within its Town limits several areas of wetlands, which, due to their unique characteristics, present important constraints to development. In addition, these wetlands provide flood control, water quality, recreational, aesthetic and open space benefits to the Town. Accordingly, to provide for the proper use of these wetlands, a Wetlands Overlay District is hereby established. All underlying districts shall be indicated on the Town Zoning Map.

B. Area description. The W District encompasses those lands and waters which meet the definition of "wetlands" provided in § 24-0107, Subdivision 1, of the Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law) and have an area of at least 12.4 acres or, if smaller, have unusual local importance as determined by the Commissioner of the New York State Department of Environmental Conservation pursuant to § 24-0301, Subdivision 1, of the Act. Such areas are generally shown on the maps entitled "Final Freshwater Wetlands Maps — Saratoga County," prepared by the New York State Department of Environmental Conservation pursuant to § 24-0301, Subdivision 5, of the Freshwater Wetlands Act (Article 24 and Title 23 of Article 71 of the Environmental Conservation Law). The precise boundaries of such wetlands may be determined by field inspection by the New York State Department of Environmental Conservation.

C. Use, space and area restrictions. The use, space and area restrictions for the W District are identical to those for the Resource Protection District (see § 149-26), with the exception that quarrying, mining and sand and gravel extraction are not allowed.

§ 149-30 Application requirements.

When applying for a special use permit, the applicant shall provide the Zoning Board of Appeals with a completely documental description of the proposed use, including maps, plans and an explanation indicating why the proposed use would be in the public interest. After review of the application, the Board of Appeals may request such additional information as it deems necessary to fully and adequately review the proposed use.

Local permits and approvals not required per PSL §130.

§ 149-35 General provisions.

Local permits and approvals not required per PSL §130.

§ 149-47 Off-street parking.

A. The following minimum motor vehicle parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which, after the date when this chapter becomes effective, is erected, enlarged or altered for use for any of the following purposes. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Appeals may issue special permits for the parking spaces to be on any lot within 500 feet of the building if it determines that it is impractical to provide parking on the same lot with the building.

B. The Zoning Board of Appeals may require additional off-street parking and loading spaces for any use if the Board finds that the following required minimum spaces are not sufficient. The minimum required spaces are as follows:

(6) Industrial or manufacturing establishments: a minimum of one parking space for each 400 square feet of gross area or for each three workers, whichever is greater.

(7) Office building: a minimum of one parking space for each 300 square feet of gross office floor area.

§ 149-48 Off-street loading.

A. At least one off-street loading space shall be provided for each commercial or industrial establishment hereafter erected or substantially altered to have a gross floor area in excess of 5,000 square feet, computed as described below. Space for off-street loading shall be in addition to space for off-street parking.

B. Each off-street loading space shall be subject to the following minimum requirements:

(1) Each berth shall be not less than 12 feet wide, 40 feet long and 14 feet in height when covered.

(2) Off-street loading space (or spaces) located within 50 feet of a residential property shall be shielded by a wall, fencing or other suitable materials which shall serve to screen noise and uncontrolled entrance.

§ 149-49 Hudson River shoreline regulations.

A. Setbacks. The minimum setback from the mean high-water mark of all principal buildings and accessory structures, other than docks or boathouses, shall be 100 feet in all zones.

§ 149-64 Stop-work orders.

A. The Town Board for the Town of Moreau hereby grants the Zoning Inspector the administrative responsibility of immediately terminating any actions according to § 149-62 of this Article by posting a stop-work order on the premises wherein the violation has occurred.

B. The stop-work order shall serve notice to the owner, builder, developer, agent and/or any other individual or business on the premises that all such actions specified on the stop-work order must be terminated immediately.

C. Relief from the stop-work order can be realized as follows:

(1) If all provisions of this chapter, together with other conditions specified by the Zoning Inspector, are met, then the Town Board or Zoning Inspector may authorize the termination of the stop-work order.

(2) Except for cases involving site plan review, if a variance is granted by the Zoning Board of Appeals permitting the violations specified on the stop-work order to continue henceforth as allowable, said administrative decision shall also specify the conditions, if any, for the termination of the stop-work order.

§ 149-68 Building permits.

There shall be submitted with the application for a building permit duplicate written copies of all the information, building plans and plot plans necessary to enable the Zoning Inspector to determine whether the proposed building and use of the premises comply with the provisions of this chapter. One copy of such submitted information or plans shall be returned to the applicant when approved by the Zoning Inspector, or by the Board of Appeals or Planning Board when their approval is necessary, together with such permit, upon payment of a fee as set forth in the Building Code. Editor's Note: See Ch. 74, Fire Prevention and Building Construction.

Local permits and approvals not required per PSL §130.

THE ZONING ORDINANCE
OF THE
TOWN OF NORTHUMBERLAND

Note that the Project as proposed will be located within the following types of districts:

Agricultural Protection District
Hamlet
Industrial
3-Acre Residential

ARTICLE VI

AGRICULTURAL PROTECTION DISTRICT (“ADP”)

- B. Permitted Uses > Construction or public utility uses are not listed as permitted use.

Local permits and approvals not required per PSL §130.

- C. Special Permitted Uses > Construction or public utility uses are not listed as permitted use.

Local permits and approvals not required per PSL §130.

- D. Density

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

1. In accordance with this zoning ordinance and case law, the Town of Northumberland must provide for limited development of land contained within the Agricultural Protection District. However, prospective developers are "put on notice" that they must diligently seek out locations upon and near farms for such development that are not characterized by agriculturally productive soils and will not disrupt farm operations. These areas must be developed on a priority basis before other fault areas will be considered for subdivision and land development.
2. All permitted and special permitted uses located within the APD shall require a minimum of five (5) acres of land; Said uses shall conform to the siting and design standards for development specified in Section E of this Article. In addition, all minor and major subdivisions of property located within the APD shall be required to utilize "conservation subdivision design" techniques which conform to the siting and design standards contained in Section E, subject to the approval of the Town Planning Board.

- E. Siting and Design Standards for Development

1. Mandatory conservation subdivision design of all subdivisions to be constructed within the APD is required of all applicants whenever deemed to be beneficial for the protection of agricultural lands by the Town Planning Board. This process will require the applicant to submit an alternate conservation subdivision design based on the establishment of a "net" conventional density as referenced in the *Town of Northumberland Conservation Subdivision Design Regulation* found within Supplementary Regulations, Article XI, Section R, of this ordinance. This mandatory process is intended to provide the Planning Board with sufficient siting flexibility to create innovative subdivision site designs which will provide for the increased protection of the APD's agricultural viability and the rural character of the land within the District.

ARTICLE VII

COMMERCIAL/RESIDENTIAL DISTRICT & HAMLET DISTRICT PERFORMANCE GUIDELINES

B. Commercial/Residential & Hamlet District Design Guidelines

All commercial/business uses identified in this ordinance's Commercial/Residential District and Hamlet District schedule of uses and area and bulk regulations must also meet the following design guidelines, whenever feasible, in addition to the requirements of the aforementioned schedule:

1. Harmony in Scale: In many instances, the scale of new commercial structures is inharmonious with pre-existing residential buildings and their surroundings. The Planning Board should review each application for new commercial/ business structures within these Districts to determine its compatibility of scale with the existing nearby residential structures. Wherever possible, the Planning Board should require the applicant to design the scale of commercial and business structures to be compatible with the scale of existing structures within the area.
2. Setbacks: Where nearby existing buildings within these Districts reflect pre-zoning front setbacks creating a characteristically close relationship with the Route 50 corridor, it is highly desirable to continue this pattern in order to retain the area's character. Therefore, the maximum setback of new construction should harmonize with the average set-backs of existing adjacent buildings. Where commercial or business development is proposed adjacent to a residential use, a side yard setback of 30 feet shall be required for any buildings, parking or storage areas. This area is to be used as a buffer zone and shall be appropriately landscaped as required by the Planning Board.

4. Signage: The goal of regulating signage is to encourage legible signage for commercial and businesses located within the Route 50 corridor and Hamlet areas to enable the identification of goods and services available, while deterring excessive visual competition which degrades the quality of these District's visual character. All signs to be located within these Districts are subject to the review and approval of the Town Planning Board. Large, freestanding signs are prohibited within the C/R and Hamlet Districts. The Planning Board should require applicants to utilize the smallest sign possible, and in no instance shall the area of said sign be in excess of 10 square feet. Whenever possible, small freestanding signs shall only be permitted in the Commercial/Residential and Hamlet Districts when sited in conjunction with vegetative landscaping designed to integrate the sign into the adjoining residential character of these Districts.
5. Traffic Access and Circulation: As commercial areas become more densely developed and as traffic volumes increase, highways become more congested and traffic accidents increase. Many of these accidents are in large part due to poorly controlled vehicular circulation and poorly designed road access points. The Planning Board shall require that all commercial/business use access within the C/R and Hamlet Districts be limited to a single curb cut and, whenever possible, utilize existing side streets for ingress and egress where they abut the premises.
6. Parking: The visual impact of parking areas within these Districts' largely residential areas can easily be reduced through proper siting and the use of landscaped buffers. Parking areas within the District shall only be allowed, unless unfeasible, at the side or to the rear of buildings. Parking areas must also be screened along lot lines bordering residential uses. Screening shall consist of a landscaped area at least six (6) feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of 2" trunk diameter when planted and native trees and shrubs shall be utilized, wherever possible. Parking lots containing ten or more spaces shall be planted with at least one tree per eight spaces, with each tree being surrounded by no less than 40 sq. ft. of permeable, unpaved area.
7. Buffers/screening: The Planning Board is encouraged to require adequate buffer and screening of all commercial and business uses within the C/R and Hamlet Districts, as appropriate, as part of its site plan review function. Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Suitable types of screening include natural colored wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence should be built to provide screening until the evergreens are of sufficient height. In locations where potential health or safety hazards may arise (such as rubbish

storage/collection areas), a solid wooden fence, six (6) feet in height is required to deter children and animals from entering the area. Where new fencing would create a continuous surface greater than ten (10) feet in length, it shall be "softened" visually with tree and shrub plantings.

7. Noise: Due to the proximity of residential uses near commercial/ business uses within these Districts, excessive noise emanating from commercial/ business uses will not be allowed and are subject to the requirements of Town of Northumberland Local law # 2 of 2005.
8. Air Emissions: Emission of dust, dirt, flyash, odors, fumes, vapors, or gases which could be injurious to human health, animals, or vegetation and detrimental to the enjoyment of adjoining or nearby properties, which are produced by any commercial or business establishment located within the C/R and Hamlet Districts shall be prohibited. Violation of this prohibition shall be determined by the Town of Northumberland Zoning Administrator and shall be grounds for the revocation of the commercial use's or business' special permit.
9. Lighting and Glare: Overspill from tall, unshielded or unfocused floodlights; parking lot luminaires; and security lighting can cause excessive glare and unwelcome illumination on neighboring properties. This is particularly bothersome with regard to fugitive light impacts on nearby residential structures, but can also cause traffic safety problems if intense rays from such fixtures are cast into the line of vision of drivers traveling along nearby highways and streets of the C/R and Hamlet Districts. The Planning Board is encouraged to require all commercial and business uses within these Districts to utilize reasonable lighting intensities and outdoor lighting fixtures that provide adequate shielding to prevent fugitive illumination from affecting nearby residential uses.
10. Use of Commercial/Business Parks: Potential commercial and business uses are also encouraged to utilize larger parcels of land within 1000 feet of NYS Route 50 to create suitable, well-designed commercial and business parks which could allow direct access to this NYS highway. It is suggested that applicants wishing to explore this commercial development concept may want to utilize Article V, Planned Unit Development section of this ordinance.

ARTICLE VIII

SHORELINE OVERLAY DISTRICT

B. General Information

1. Relation to Other Districts: The Shoreline Overlay District is an overlay district mapped over other districts. It modifies, and where there is inconsistency, supersedes the regulations of such other districts. Except as so

modified or superseded, the regulations of the underlying districts remain in effect.

C. Projects within District

1. Application of District Regulations: Within the Shoreline Overlay District, no person shall undertake any Land Use Activity as hereafter defined in Section C (2), below, except pursuant to review and approval by the Planning Board pursuant to the requirements this Article and Article X, Special Permit Uses, and of Article XI, Site Plan Review.
1. Definition of Land Use Activity:
 - a. Land Use Activity means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, removal of vegetation, changes or expansions of roads, fences, driveways and mining for the purpose of extracting soils or mineral deposits, and demolitions.
 - b. General Exceptions. > Utility related construction is not exception
4. Application: Application for review and approval under this Section shall be filed according to the requirements as set forth in Article XI (D).

D. Land Use and Development Guidelines

1. General: Before any Land Use Activity has begun in the Shoreline Overlay District, the Zoning Administrator shall determine what permits are necessary for the activity. Furthermore, no land use activity or development will be allowed until it has been determined by the Planning Board that the development or activity will not significantly result in: unsafe or unhealthful conditions; erosion or sedimentation; water pollution; degradation of fish and wildlife habitat; conflicts of use; and will conserve and restore vegetation, scenic vistas to and from the water, points of public access to the water; and the natural beauty of the area.
2. Specific: In addition to the standards and guidelines set forth in Articles IX, X and XI, if applicable, the following standards and guidelines shall apply throughout the Shoreline Overlay District.
 - a. Lot Layout and Design
 - (1) The layout of lots and roads should relate to the form of the land rather than ignore it;

- (2) The natural character of the site should be maintained.
 - (3) Clustering of development is recommended. Clustered development should not, by its massing, cause adverse environmental impact or be visually intrusive when viewed from the Hudson River.
 - (4) It is recommended that shoreline set backs be a sufficient distance from the shoreline to allow for a footpath above mean high water.
- b. Drainage. Drainage is a specific concern as the Town has no public stormwater collection system. Proposed projects, therefore, shall ensure that all drainage is either carried off-site via natural drainage channels or absorbed on-site, and that post-development runoff shall not exceed pre-development runoff. Adjacent properties are then protected from unnatural runoff and possible flooding.
 - c. Protection of Existing Landscape Character. Existing trees and vegetation shall be preserved to the maximum extent possible. Indigenous species of plants only shall be used in any landscape plans. The use of ground cover on disturbed land is required.
 - d. Building Siting and Design. It should be a principle of building siting and design that it is sensitive to the character of the natural and visual environments. The structures should not dominate the natural and visual landscape.
 - (1) Where new construction is adjacent to other buildings, it should establish a relatedness to them in terms of the primary visual aspects of bulk, height, massing and scale.
 - (2) Where practical, buildings should be sited to minimize their prominence. They should not be placed at the top of the slope or crest of the hill, where they will be seen silhouetted against the skyline and will be visible at a distance. Rather, buildings should be placed down the slope where they will have the hillside for a background. Buildings should avoid being placed in the middle of open fields, where possible. Rather, buildings should be located in or adjacent to existing vegetation.
 - e. Lighting. Lighting devices shall be oriented so as to minimize disturbances on surrounding properties and on the river;
 - f. Screening. All structures, including accessory structures except docks and boathouses, shall be landscaped in such a way so that the visual impact of the structures from the water and land is minimized;
 - g. Tree Cutting and Land Clearing. The purpose of the tree cutting and land clearing regulations is to protect scenic beauty, control erosion

and reduce effluent and nutrient flow from the waterfront lands. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that in the opinion of the Planning Board, present safety or health hazards.

(1) Riverfront Cutting

- (a) Within thirty-five (35) feet extending inland from all points along the mean high water mark no vegetation may be removed. This area shall be maintained as an undisturbed natural buffer strip

- (b.) Undisturbed natural buffer strip.

The general exception to this standard shall be an allowance for river access. The creation of a contiguous clear-cut opening in the buffer strip shall not exceed twenty (20) percent of the shoreline frontage, not to exceed thirty-five (35) feet, on any individual lot. The clear-cut shall be at angle to lessen its visual impact from the river and to minimize erosion and sedimentation. The pathway created should be constructed or surfaced to be effective in controlling erosion.

(2) Cutting Plan

As an alternative to the above Section, a special cutting plan allowing greater cutting may be permitted by the Planning Board. An application shall include a sketch of the lot and provide information on the topography of the land, existing vegetation, proposed cutting plan and proposed re-vegetation plan. The Planning Board may request the Saratoga County Soil and Water Conservation District review the plan and make recommendations. The Planning Board may grant such a permit only if it finds that such special cutting plans:

- (a) Will not cause undue erosion or destruction of scenic beauty;
- (b) Will provide that natural shrubbery is preserved as far as practicable and, where removed, is replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty;
- (c) Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas.

ARTICLE IX

SPECIAL PERMIT USES

All special permit uses cited in Article IX and Attachment A of this Ordinance or any other Section of this Ordinance shall be subject to Site Plan Review. The procedures and requirements of this review are located in Article X. In all cases where this Ordinance requires site plan review and approval, no building permit or Certificate of Occupancy or Use shall be issued by the Zoning Administrator except upon authorization of and in full conformity with plans approved by the Planning Board.

Local permits and approvals not required per PSL §130.

H. Additional Standards for Certain Uses

2. Mining and Excavation Under State Jurisdiction: The regulations below shall apply to those operations including the loading, hauling, and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of one thousand (1,000) tons or 750 cubic yards, whichever is less, in twelve (12) successive calendar months, or, greater than one hundred (100) cubic yards from or adjacent to any body of water.
 - a. All applicable provisions of the New York Mined Land Reclamation Ordinance and other applicable State and Federal regulations shall be fully complied with;
 - b. Ingress to and egress from the site which involves locally controlled roads shall be such that vehicles associated with the operation can enter and exit safely without undue disturbance to adjacent land uses;
 - c. The routing of mineral transport vehicles over locally controlled roads shall cause as little damage as practicable to the road surface and create as little disturbance as is possible to adjacent land uses;
 - d. The Town has the authority to regulate and place special permit conditions on setbacks from property boundaries and public rights-of-way; natural and manmade barriers to restrict access if required, dust control and hours of operation;
 - e. The Town has the authority to enforce New York State Department of Environmental Conservation requirements as they pertain to reclamation.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

19. Public Utility Use.

- a. Site Plan. An applicant shall be required to submit a site plan in accordance with Article X of this ordinance. The site plan shall show all existing and proposed structures and improvements, including roads, building, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.

Local permits and approvals not required per PSL §130.

ARTICLE X

SITE PLAN REVIEW

Local permits and approvals not required per PSL §130.

C. Applicability

All land use activities which meet one or more of the criteria below shall, prior to the issuance of a Building Permit, receive site plan approval from the Planning Board pursuant to the procedures and standards of this Article of this Ordinance.

1. All special permit uses listed in Article IX. of this Ordinance and all those special permit uses identified elsewhere in this Ordinance. All approved use variances granted by the Zoning Board of Appeals. In lieu of this requirement, approved use variances for the siting of commercial communications/radio towers must meet the requirements of Article IX,H.,17.
2. All land use activities proposed within the boundaries of the Shoreline Overlay District, described in Article VIII of this Ordinance, and shown on the Town of Northumberland Zoning Map.

ARTICLE XI

SUPPLEMENTAL REGULATIONS

The following supplemental regulations are applicable to all zoning districts within the Town of Northumberland unless otherwise provided herein.

A. General Performance Standards

1. Noise: No person shall operate or cause to be operated any source of sound

in such a manner as to create a sound level which is a nuisance to surrounding inhabitants.

2. Atmospheric Emissions: No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential district shall be disseminated beyond the boundaries of any lot in a residential district where any use is located.
3. Glare and Heat: Any outdoor lighting fixture shall be shielded in such a manner that:
 - a. The edge of the shield is below the light source;
 - b. Direct rays from the light source are confined to the immediate area to be illuminated and to the extent practicable confined to the property boundary; and
 - c. Direct rays are prevented from escaping toward the sky.

For the purpose of these provisions, light source includes any refractor, reflector or globe. Outdoor lighting shall be of substantially minimum intensity needed for the particular purpose. No heat shall be produced that is perceptible beyond the boundaries of the lot on which such source is located.

4. Industrial and Commercial Wastes: No solid or liquid wastes, including solvents, greasecutters, paint thinners, oils, pesticides, herbicides, heavy metals, or radioactive materials shall be discharged into any public sewer, common or private sewage disposal system, stream or on or into the ground, except in strict conformance with the standards approved by the NYSDOH and NYSDEC, or with the standards established by any applicable local law or ordinance, or other duly empowered agency. Where more than one (1) standard exists, the most stringent shall apply. Radioactive material shall be stored in compliance with all applicable regulations of NYSDOH, New York State Labor Department, NYSDEC, and the Federal Environmental Protection Agency.
5. Radioactivity or Electromagnetic Disturbance: No activities shall be permitted which emit any radioactivity beyond the building in which such activity is located. No electrical disturbance adversely affecting the operation of any equipment other than that of the generator of such disturbance shall be permitted. No emission or discharge of radioactive gases, liquids or solids shall be permitted. The handling and disposal of radioactive materials or waste by-products, whether or not licensed by the Nuclear Regulatory Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," as amended, and in accordance with any other applicable laws, regulations or ordinances including those established by the Town of Northumberland.

6. Fire and Explosion Hazards: All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed. All burning of such waste materials in open fires is prohibited.
7. Maintenance of Developed Lots: All open portions of any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or by other material.

B. Parking Standards and Design

In all districts, at the time any new building or structure is erected, any existing building or structure enlarged, new or changed use of land or structure established, or subdivision completed, off-street parking and loading space shall be provided in accordance with the minimum standards set forth below. These parking spaces shall be satisfactorily maintained by the owner of the property for each building which, after the date this Ordinance becomes effective, is erected, enlarged, or altered for any use for any of the following purposes. All parking spaces provided pursuant to this Section shall be on the same lot with the building. The Planning Board may require additional off-street parking and loading spaces for any use if the Planning Board finds that the minimum standards are not sufficient.

1. Required Number of Off-Street Parking Spaces: The minimum number of parking spaces stated below shall be required in addition to one (1) parking space for each company vehicle associated with a commercial, business or light industrial use.

f. Industrial Uses:

Industry and	I space per number of
Manufacturin	employees on largest shift, or 800 sq.. ft.
g	gross floor
	area, whichever is greater, plus 1 space per
	company vehicle

For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time of special permit and/or site plan review, as provided for in Articles IX. and X., respectively, of this Ordinance.

In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be

established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit modification.

Alternative off-street parking standards to those in 1 (a-g), above, shall be accepted by the Planning Board if the applicant demonstrates that such standards better reflect local conditions.

Design Standards for Off-Street Parking Spaces:

- a. Areas which may be considered as meeting off-street parking space requirements may include a garage, carport or other properly developed area available for parking;
- b. Parking shall not encroach within fifteen (15) feet of any public right-of-way, side or rear property line, except that if abutting a residential district a minimum of twenty (20) feet separation shall be maintained;
- c. In all districts, each parking space provided shall be at least nine (9) feet wide and eighteen (18) feet long. Parking spaces for the physically handicapped shall measure twelve (12) feet in width. Each space shall have direct and usable driveway access to a street and adequate maneuvering area between spaces;
The average parking lot area per automobile parking space shall not be less than three hundred (300) square feet, including adjacent circulation areas;
- d. All parking areas shall be suitably drained. Except for one or two-family dwellings, parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article X. of this Ordinance, with particular consideration given to the number of vehicles accommodated and the proposed intensity and season(s) of use;
- e. All non-residential off-street parking areas shall be designed to eliminate the need to back out onto any public street, road, or highway and where feasible for residential
- f. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and impacts on adjacent land uses;
- g. Parking facilities shall be adequately lighted

C. Loading Standards and Design

1. Required Number of Off-Street Loading Berths: Space for off-street loading shall be in addition to space for off-street parking. Off-street loading berths, either open or closed, shall be required for the following uses:

- | | | |
|----|-----------------------------------|---|
| c. | Industrial and Manufacturing Uses | 1 berth for the first 5,000 sq. ft. of floor area and 1 additional berth for each additional 25,000 sq. ft., unless truck deliveries do not exceed 1 vehicle per day. |
|----|-----------------------------------|---|
- 2

Design Standards for Off-Street Loading Berths:

- a. Each required loading berth shall be at least twelve (12) feet wide, thirty five (35) feet long, and fourteen (14) feet high. Alternative design standards to these may be accepted by the Planning Board if applicant demonstrates that such standards are appropriate to meet demand. If deliveries are by semi trailer, the berth shall be 75-feet long.
- b. Unobstructed access, at least twelve (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as permitted below. No entrance or exit for any off-street parking or loading shall be located within fifty (50) feet of any street intersection, nor shall any off-street loading berth encroach on any required front yard or required side yard, accessway or off-street parking area, except that in a commercial district off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for any more than three (3) hours during the daily period that the establishment is open for business.
- c. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments.

E. Fences and Walls

- (3) In the Industrial (I) District, fences and walls shall not exceed eight (8) feet in height.
- (4) In any district, all fences and walls shall conform to the requirements of Article XI.M. as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety.
- (5) The side designed to be viewed shall face outward, away from the area/use being fenced.

G. 100 Year Flood Hazard Areas

All proposed uses that occur in federally designated 100-year flood hazard areas shall, in addition to complying with Local Law No. 1 of 1995, meet the following:

1. All structures shall be designed and anchored to prevent floatation,

collapse, or lateral movement due to flood water related forces;

2. All construction materials and utility equipment used shall be resistant to flood damage;
3. Construction practices and methods shall be employed which minimize potential flood damage;
4. Adequate drainage shall be provided to reduce flood hazard exposure; and
5. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

H. Principal Buildings Per Lot

Unless otherwise specified, there shall be only one (1) principal use and building per lot in all districts.

I. Through Lots

For any through lot, fronting on parallel or abutting streets, or a street and shoreline, both frontages shall comply with the front yard requirements of the district in which it is located.

K. Special Lot Regulations

1. Existing Substandard Lots. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the erection of a building on any lot separately owned or under contract of sale and containing, at the time of the passage of this Ordinance, an area or a width smaller than that required for permitted use shall be allowed without requiring a variance. The minimum side yard requirements are reduced in proportion to the reduction of lot width over the specified minimum lot width for the district. This provision applies only where such lot is not adjacent to other property owned by the applicant.

M. Obstructions at Street Intersections

On a corner lot in any district, any fence or wall built within fifty (50) feet of the pavement edge of the intersecting streetline shall be of open construction, such as wire, wood, picket, or iron, and shall not exceed four (4) feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools. For safety at intersections, corner lots shall not have any structure, plantings, signs, or other objects that obstruct the view of traffic on the intersecting street from motor vehicle operators.

P. Required Screening

Any enclosed or unenclosed commercial or light industrial use permitted by this

Ordinance may be required by the Planning Board to be enclosed by a fence, screen and/or landscaping sufficient to provide a year round buffer to obscure objectionable aspects of such use from view from adjoining properties in residential districts and/or public rights-of-way.

1. Any use which is not conducted within a completely enclosed building, including but not limited to junk yards, storage yards, and parking lots, and which use abuts, is adjacent to, or is located within a residential district or use or fronts a public right-of-way, may be required by the Planning Board to be obscured from view from such residential districts and uses and public rightsof-way in an effective manner;
2. Any required fences, screens and landscaping, installed in accordance with this Ordinance shall be maintained in good order to achieve the objectives stated herein. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this Ordinance.

S. Solid Waste Management and/or Resource Recovery Facilities

Solid waste management and resource recovery facilities in the Town of Northumberland are regulated by Local Law #1 of 1992.

T. Soil Disturbance

Soil disturbance within the Town of Northumberland is regulated by Local Law #2 of 1991. Any soil disturbing activity which affects five (5) or more acres of land within the Town of Northumberland shall undergo site plan review and receive such permit prior to commencing said activity.

1. Exceptions:

Nothing contained within this Ordinance will preclude soil disturbing activities in the event of a bona fide emergency for authorized governmental activities or for the customary cultivation of farmland associated with agricultural activities or the conversion of various lands for agricultural purposes or for the non-commercial selective cutting of trees for firewood and/or woodland management purposes.

V. Watercourse Protection

Watercourse protection within the Town of Northumberland is regulated by Local Law #1 of 1991.

1. Regulated Watercourse Areas.

These watercourse protection standards are applicable to all streams within the Town of Northumberland which are delineated on the most recent edition of the U.S. Geological Survey's 7.5 minute quadrangle

maps for the Town of Northumberland and to all adjacent areas lying within one hundred feet (100 measured horizontally from the centerline of the stream in each direction. (Said maps are on file and copies are available for reference at the Town Clerk's Office.)

4. Exempt Activities. The following activities shall, to the extent provided, be exempt from site plan review:

- d. Municipal utility and road crossings.
- e. Maintenance and reconstruction of municipal utilities and roads.

Y. Construction Trailers

Construction trailers are allowed to be located on active construction sites subject to the issuance of a temporary building permit which requires their removal within thirty (30) days after the completion of construction.

Z. Stormwater Management

The Zoning Administrator and the Town Planning Board shall require all applicants who will be disturbing one (1) acre or more of land due to construction-related activities to secure NYS Phase 2 stormwater management general permit coverage and provide all pertinent information, including a copy of the state-required Stormwater Pollution Prevention Plan (SWPPP) and proof of state general permit coverage approval, to the aforesaid parties for their review prior to the issuance of any local permits or approvals.

Town of Northumberland

Subdivision Regulations and Design and Construction Standards

Part I - Subdivision Regulations

The following related town local laws may apply to a subdivision. Copies are available from the town clerk.

- Driveway permit
- Regulation right to farm law
- Soil disturbing activities law watercourse protection law
- Development in flood hazard areas

Local permits and approvals not required per PSL §130.

Local Law #1 of the year 2007

A LOCAL LAW PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE

SECTION 4: BUILDING PERMITS

Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

SECTION 6: STOP WORK ORDERS.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt.

- (1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, or the Town Zoning Law or Subdivision Regulations, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

SECTION 7: CERTIFICATES OF OCCUPANCY/ CERTIFICATES OF COMPLIANCE

(a) Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof; which are converted from one use or occupancy classification or sub classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.

SECTION 15: VIOLATIONS

Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations, or this local law.

**CODE OF THE
TOWN OF WILTON**

Note that the Project as proposed will be located within the following types of districts:

H-1

NC-1

Mobile Home Park District

Compost, recycle and transfer zone

CHAPTER 43 BUILDING CONSTRUCTION ADMINISTRATION

§ 43-6 Building Permit Required

No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building Department for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

Local permits and approvals not required per PSL §130.

§43-12 Stop Orders

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by certified mail to the applicant or owner.

§43-13 Right of Entry

Any employee of the Building Department, upon the showing of proper credentials and in the discharge of his duties, may enter upon any building,

structure or premises at any reasonable hour, and no person shall interfere with or prevent such entry.

§ 43-17 Tests of compliance

Whenever there are reasonable grounds to believe that any material, construction, equipment or assembly does not conform to the requirements of this code or other applicable building laws, ordinances, rules or regulations, the Building Inspector may require the same to be subjected to tests in order to furnish proof of such compliance.

§ 43-18. Inspectors designated.

The Chief Inspector and each of the duly appointed inspectors of the New York Board of Fire Underwriters or any qualified and licensed engineer of the owner's choice are hereby authorized to make inspections and reinspections of all electrical installations hereinafter described and to approve or disapprove the same. In no event, however, will the cost of such inspections and reinspections be a charge against the Town.

Local permits and approvals not required per PSL §130.

§ 43-22 Unlawful acts.

It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

Local permits and approvals not required per PSL §130.

CHAPTER 57: DUMPS AND DUMPING

§ 57-3 Unlawful acts.

A. The dumping, storing or placing of any kind of solid or liquid waste materials within the Town of Wilton which originates either within or outside the Town of Wilton is prohibited.

B. The creation, maintenance and/or operation of dumps or dumping grounds within the Town of Wilton of solid or liquid waste materials other than by the Town of Wilton, unless under the expressed written authority of the Town Board of the Town of Wilton, is prohibited.

CHAPTER 65: FEES

- § 63-2 Nonresidential building permit.
- § 63-4 Nonresidential site plan review.
- § 63-13 Sign permits.
- § 63-15 Inspection fees.
- § 63-16 Sidewalk installation fee.

Local permits and approvals not required per PSL §130.

**CHAPTER 69: ILLICIT DISCHARGES, ACTIVITIES AND
 CONNECTIONS TO STORM SEWER**

- § 69-6 Discharge prohibitions.

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 § 69-6A(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 chapter, unless the Department or the municipality 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, dechlorinated swimming pool discharges, 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 chapter.

(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 chapter if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 69-8 Prohibition against activities contaminating stormwater.

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 § 69-2, Definitions, of this chapter.

B. Such activities include failing individual sewage treatment systems as defined in § 69-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. 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.

Prevention, control and reduction of stormwater pollutants.

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 69-2 or activities contaminating stormwater as defined in § 69-8 the municipality 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 their 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 premise, which is, or may be, the source of an illicit discharge as defined in § 69-2 or an activity contaminating stormwater as defined in § 69-8, 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 compliant with the provisions of this section.

B. Individual sewage treatment systems. The following are required when special conditions requiring no increase of pollutants or requiring a reduction of pollutants are determined, as defined in § 69-2 of this chapter. These requirements are above and beyond that already required by the Town of Wilton Town Code. The owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

(a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;

(b) Avoid the use of septic tank additives;

(c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals;

(d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items;

(e) Most tanks should be pumped out every two to three years. However, pumping may be more or less frequent, depending on use. Inspection of the tank for cracks, leaks and blockages should be done by the septage hauler at the time of pumping of the tank contents.

(2) Repair or replace individual sewage treatment systems as follows:

(a) In accordance with 10 NYCRR, Appendix 75-A, to the maximum extent practicable.

(b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

[1] Relocating or extending an absorption area to a location not previously approved for such.

[2] Installation of a new subsurface treatment system at the same location.

[3] Use of alternate system or innovative system design or technology.

(c) 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.

§ 69-10 Suspension of access to MS4.

A. 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 municipality's MS4 in violation of this chapter may have their 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 therefor. 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.

§ 69-11 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.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 69-12 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 chapter, 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 chapter.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. 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 chapter.

(3) The municipality shall have the right to set up on any facility subject to this chapter 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 chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its 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 chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter 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 chapter.

(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 chapter, 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 chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 69-13 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

§ 69-14 Enforcement; penalties for offenses.

A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is 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.

CHAPTER 70: INSPECTIONS

Local permits and approvals not required per PSL §130.

CHAPTER 70: NOISE AND NUISANCES

§ 79-3 Noise and Nuisances, Unlawful Acts

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

- (5) Construction, demolition and excavation: the erection, including excavating; demolition; alteration; or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety.
- (14) Noise in the conduct of any business: the creation of unreasonable or unnecessary 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).

CHAPTER 129: ZONING

§129-9 Permits

A. A permit is required for but not limited to the following activities:

- (1) Alteration of any structure.
- (2) Banner placement.
- (3) Construction of any structure.
- (4) Demolition of any structure.
- (5) Driveway installation.
- (6) Mobile home placement or replacement.
- (7) Modular home placement.
- (8) Relocation of structures.
- (9) Septic installation.
- (10) Sewer hookup.
- (11) Sign placement.
- (12) Soil and woodland conservation. Editor's Note: Refer to Article XXVII, Timber, Soil and Stream Regulations, of this chapter.
- (13) Installation of solid-fuel-burning devices.
- (14) Installation of swimming pools, including aboveground pools.

B. The Town reserves the right to require additional permits as deemed necessary.

Local permits and approvals not required per PSL §130.

§ 129-80 Permitted uses. (Article XV NC-1 Northway Corridor Overlay District)

C. This green buffer shall be a no-cut, nondisturbance area of at least 100 feet from the right-of-way line. Underground utility work is exempt from the requirements of this article of the Zoning Chapter, provided that the

disturbed area is restored to as close to its original condition as is practical. The Planning Board may, at its discretion, require additional plantings, screening or berming within this area.

Local permits and approvals not required per PSL §130.

§ 129-145 et seq. Commercial or industrial site plan review.

The Planning Board shall review, approve, approve with modifications or disapprove plans for all nonresidential uses, public and semipublic buildings, whether or not such development includes a subdivision or resubdivision of a site. The construction of residential single- or two-family dwellings and farm buildings shall not be covered by this article.

Local permits and approvals not required per PSL §130.

§ 129-164 Air and water quality standards; construction standards.

All developments proposed for the Town of Wilton shall meet the minimum air and water quality control standards established by the State of New York. The New York State Uniform Fire Prevention and Building Code shall prevail unless the Town has specifically adopted other codes which supersede.

§ 129-165 Water storage areas; retention/detention areas.

A. Water storage areas, retention/detention areas may be required to be enclosed by a fence as deemed necessary by the Planning Board.

Local permits and approvals not required per PSL §130.

§ 129-166 Outdoor storage and parking.

B. Storage or parking of a commercial vehicle in a residential zone shall be prohibited.

(1) A commercial vehicle shall be any vehicle which would require a commercial drivers license to legally operate on a public road.

(2) Existing residential lots and properties containing commercial vehicles shall have one year from the effective date of this amendment to be brought into compliance.

§ 129-168 Temporary structures.

B. Nonresidential use.

(1) Temporary mobile homes or trailers used in conjunction with construction work shall be permitted. A temporary mobile home or

trailer may be located on the site of a work project and shall be used solely as an office or storage house in connection with the work project, provided that it is removed within 30 days after completion of such project. A temporary mobile home or trailer shall not be used as a residence.

(2) Temporary structures/facilities used in conjunction with construction work shall be permitted. Structures shall be located on the site of a work project and shall be used solely in conjunction with the work project. These structures shall be removed prior to the completion of said project.

§ 129-175 Special permit review.

Each specific use for which a special permit is sought shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use.

Local permits and approvals not required per PSL §130.

§ 129-176 Standard requirements for specific uses.

K. Public utilities.

(1) Site plan. An applicant shall be required to submit a site plan in accordance with § 129-146. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.

Local permits and approvals not required per PSL §130.

§ 129-174 Design standards for RB-1, RB-2, CR-1, CR-2, C-2, and C-3 Zoning Districts.

(8) No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare, as determined by the Town of Wilton or its agent.

§ 129-181 Sign requirements.

A. No new signs shall be placed within 100 feet of the center of a stream, with the exception of informational, directional, public safety or regulatory signs which may be placed in such a location by any authorized federal, state or local government entity with the permission of the

landowner where such signs are otherwise allowed by law, provided that no such sign shall exceed four square feet in size or a height of 10 feet.

B. Size and dimensions.

(1) Measurement of signs.

(a) All signs shall be measured by the outside dimensions of the sign board. Where individually mounted letters are used to make a sign, the sign shall be measured from the outermost portion of the letters on the right and left sides and the top and bottom of the sign, to include that area between the letters as part of the sign.

(b) Box or letter signs shall be considered as separate signs if the background area of the sign does not physically connect them.

(2) Said signs shall comply with the following provisions:

(a) Signs, attached. In any nonresidential district an attached sign shall be in proportion to the main building front and/or face. Said sign shall not exceed 15% of the building facade, where the sign is located, or 150 square feet, whichever is less. Attached signs shall be allowed only when the main entrance to a business or an industry exits to the building exterior, any other provisions of this article notwithstanding.

(b) Signs, detached.

[1] Maximum square footage for any detached sign in the C-1 Commercial, I-1 Industrial, C-2 Business/Light Industrial, C-3 Commercial/Light Industrial, CR-1 Commercial/Residential or CR-2

Commercial/Residential Zones shall be 75 square feet per side, not to exceed 150 total square feet. In no case shall the total of all signs, both attached and detached, exceed 250 square feet, except in the case where a parcel has frontage and an entrance on two different roads the total of all signs, both attached and detached, shall not exceed 350 square feet.

[2] H-1 Hamlet District signs shall be 60 square feet per side. In no case shall the total of all signs, both attached and detached, exceed 120 square feet.

[3] RB-1 Residential Business District signs shall be 40 square feet per side. In no case shall the total of all signs, both attached and detached, exceed 200 square feet.

[4] Plazas/multiple uses on one property. In the case where a property has multiple uses on a property in either one building or multiple buildings only one detached sign shall be allowed. The total square footage of this sign shall not exceed the area requirements. This square footage shall include the property/project name and the tenant signs.

[5] In all cases where a parcel has frontage and an entrance on two or more roads, the number of allowable detached signs may be increased to two, but only if the signs are to be located at entrances located on each road.

(3) Signs pertaining to a nonconforming commercial use located in a residential district shall not exceed 20 square feet per side and shall be limited to one sign per establishment.

(4) Signs for uses allowed as a special use shall be as follows, and only one freestanding sign shall be allowed:

(a) Home occupations: maximum square footage for any double-faced sign shall be one square foot per side, not to exceed two total square feet.

(b) Recreational vehicle/tenting campsites: maximum square footage for any double-faced sign shall be 32 square feet per side, not to exceed 64 total square feet.

(c) Senior living community: maximum square footage for any double-faced sign shall be 40 square feet per side, not to exceed 80 total square feet.

(d) Clubs/lodges and country clubs: maximum square footage for any double-faced sign shall be 16 square feet per side, not to exceed 32 total square feet.

(e) Boarding, tourist houses and bed-and-breakfasts: maximum square footage for any double-faced sign shall be four square feet per side, not to exceed eight total square feet.

(f) Apartment buildings: maximum square footage for any double-faced sign shall be 10 square feet per side, not to exceed 20 total square feet.

(g) Any church, school or similar publicly owned structure: maximum square footage of 24 square feet per single side is permitted.

C. Design.

(1) No more than two signs, which require a permit, are allowed per establishment. Except in the case where a parcel fronts on two different roads, no more than one attached sign and two detached signs shall be allowed.

(2) No detached sign shall be more than 20 feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

(3) No sign shall flash, produce glare, undue distraction or confusion or be a hazard to the surrounding area or to vehicular traffic.

(4) No sign shall extend above the roof or parapet of the building, including detached signs.

(5) Illuminated signs shall be shielded to reduce glare.

(6) Signs located on New York State Route 50 and New York State Route 9 shall conform to the New York State Route 50 Corridor Study and the Town of Wilton New York State Route 9 Corridor Landscaping Study as follows:

(a) Minimize freestanding signs. Those approved shall be in conformance with the Sign Ordinance.

(b) Simplify the signs as much as possible by the use of logos and other nonverbal symbols.

(c) Signs shall be compatible with the building architecture.

(d) All project signs shall be of like style and shall be part of an overall plan for the entire project.

(e) Sign illumination shall be minimized and only used to make the sign visible at night.

D. Specific regulations to sign types.

(1) Attached signs.

(a) Attached signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building.

(b) Attached signs, except for certain electric signs, shall not extend more than six inches from the face of the buildings to which they are attached. Electric signs may extend a distance of up to 14 inches to accommodate the sign and a code-required transformer box; but in no case shall this transformer box extend more than eight inches from the face of the building to which it is attached or shall it extend beyond the face of the sign.

(2) Detached signs:

(a) No detached sign may be located less than 50 feet from any other detached sign.

(b) Detached signs shall be set back a minimum of 30 feet from the front property line.

(c) No detached sign shall extend over or into the public right-of-way nor shall it overhang the property lines.

§ 129-183 Construction.

General provisions:

A. All signs shall comply with applicable regulations of the Building Code.

B. All electrical signs shall be constructed in accordance with the standards of the National Electric Code.

C. All detached signs shall be designed and constructed to withstand a wind pressure of not less than 20 pounds per square foot.

D. All signs, including attached signs, shall be securely anchored and shall not swing or move in any manner.

E. All detached or attached signs shall employ acceptable safety material.

F. All signs shall be painted and/or fabricated in accordance with generally accepted standards.

G. All signs shall be constructed of durable materials and shall be maintained in good condition and repair at all times.

§ 129-184 Maintenance.

A. Any sign and/or supporting structure, which becomes in disrepair, shall be removed from the site upon the order of the Building Inspector if not repaired after 30 days' notice. Any new sign shall conform to all regulations. A seasonal sign temporarily removed or covered shall not be considered in disrepair.

B. Abandoned signs. Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located shall be prohibited and shall be removed by order of the Building Inspector.

C. All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.

§ 129-185 Temporary signs.

The following signs shall be allowed without a permit, subject to the regulations contained herein:

A. Construction signs. One construction sign per construction project not exceeding 24 square feet per side in sign area in residential districts or 48 square feet per side in commercial or industrial districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed five days after completion of construction and prior-to occupancy.

§ 129-186 Unlawful signs.

The following signs are prohibited:

A. Animated and intensely lighted signs. Except for time and temperature signs, no sign shall be permitted which is animated by means of flashing, blinking, or traveling lights or any other means not providing constant illumination, unless specifically permitted by special permit.

B. Moving signs. Except as otherwise provided in this article, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a nonstationary or fixed condition except for the rotation of barber poles, permissible changing signs or permissible multiprism units. Indexing multiprism units shall not exceed a speed of two complete revolutions every 20 seconds.

C. Public areas. No sign shall be permitted which is placed on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this article.

D. Unclassified signs.

(1) Signs which bear or contain statements, words or pictures of an obscene, pornographic or immoral character or which contain advertising matter, which is untruthful.

(2) Signs which are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by posting the name of the occupant or structure and the street address.

(3) Signs which operate or employ any motion-picture projection or media in conjunction with any advertisements or which have visible moving parts or any portion of which moves or give the illusion of motion except as permitted in this article.

(4) Signs that emit audible sound, odor or visible matter.

(5) Signs which purport to be or are an imitation of or resemble an official traffic sign or signal or which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words.

(6) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or which hide from view any traffic or street sign or signal device.

(7) Off-premises signs or billboards shall not be permitted in any district. All signs shall be located on the same site that they identify or advertise. Off-premises directional signs for community activities and major attractions shall be permitted within the public right-of-way with approval from the Highway Superintendent.

(8) Roof signs shall not be permitted in any district.

(9) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering or revolving device. Such devices shall be prohibited even if they have no message or logo on them. Said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign. No sign or part thereof may rotate or move back and forth. Exception for banners, grand opening only; see § 129-185G.

§ 129-187 Permit requirements.

A. Permit required.

(1) Permits required. No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Building Inspector. The fee for said permit is listed in Chapter 63. Every application for a sign permit shall be accompanied by scaled plans, showing the area of the sign, the position of the sign in relation to nearby buildings or structures, the location of the building, the structure or lot to which or upon which the sign is to be attached or erected, the method of illumination, if any, and such other information as the Building Inspector shall require to show full compliance with this and all other laws and ordinances of the Town. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued, but should the work authorized under the permit not be completed within one year after the date of issuance, the permit shall become null and void.

Local permits and approvals not required per PSL §130.

§ 129-188 Special permit signs.

All types of signage not specifically covered in the foregoing sections shall require a special permit requiring approval of the Zoning Board of Appeals.

Local permits and approvals not required per PSL §130.

§ 129-197 Soil disturbance; excavation, mining, removal and filling of lands.

A. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, mining, garbage, rubbish or other waste or by-products is hereby prohibited in any zoning district, except upon prior approval by the Planning Board or as otherwise presented under this chapter.

Local permits and approvals not required per PSL §130.

§ 129-200 Permit issuance.

A. Nothing contained in this chapter shall preclude soil disturbing and timber harvesting activities in the event of:

(1) A bona fide emergency.

- (2) Authorized governmental activities.
- (3) The customary cultivation of farmland.
- (4) The removal of diseased vegetation or of rotten or damaged trees or of other vegetation that presents safety, environmental or health hazards.
- (5) The cutting of firewood by the owner of land for personal use in his own dwelling.

B. The Building Inspector shall issue a written permit to allow timber harvesting or soil disturbance practices on less than five acres of land, and silvicultural practices on more than one acre of land upon submission of all required information. The Building Inspector may impose limitations, conditions or other such criteria which shall be noted on the written permit. The following information shall be provided to the Building Department prior to permit issuance:

Local permits and approvals not required per PSL §130.

ARTICLE XXVIII. Stormwater Control

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 129-205 Findings of fact; purpose; statutory authority; applicability; exceptions.

In addition to this article, all development activities must comply with other applicable state and federal laws, including NYS SPDES GP-02-01.

§ 129-206 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article. (See § 129-205E, Exemptions.)

§ 129-207 Performance and design criteria.

All land development activities shall be subject to the following performance and design criteria:

A. Technical standards. For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are

designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

(2) New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, August 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 129-208 Maintenance and repair of stormwater facilities.

A. Maintenance during construction.

(1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Quarterly reports must also be prepared. The quarterly reports shall be delivered to the Stormwater Management Officer. All inspection reports and quarterly reports shall be copied to the site logbook.

B. Stormwater management facility ownership. Proposed or future stormwater management facilities shall be dedicated to the Town of Wilton, or its designee, provided such facilities meet all the requirements of this article and § 109-35 of this Code and include adequate and perpetual access and sufficient area, by fee simple methods for stormwater management areas, and through dedication of roads, for inspection and regular maintenance.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this article shall be operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this article.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 129-207B.

D. Maintenance agreements. In such a case where the Town of Wilton shall not be the owner of stormwater management facilities, the following shall apply. The Town of Wilton shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of the attached schedule, entitled "Sample Stormwater Control Facility Maintenance Agreement." Editor's Note: Said schedule is included at the end of this chapter.

§ 129-246 Permits.

B. Conditional use permit. A conditional use permit for special purposes that do not fall under the requirements for a building permit or special use permit may be granted for the period up to 90 days by the Building Inspector upon the approval of the Town Board. This permit may be renewed by the Town Board for an additional 30 days.

Local permits and approvals not required per PSL §130.

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Note that the Project as proposed will be located within the following types of districts:

Office Residential

Agricultural/Residential

CHAPTER 40: BUILDINGS, UNSAFE

§ 40-1 Inspection upon notice of unsafe building; report.

Upon receipt of notice to the Town Board that any building or structure within a business, industrial or residential section of the Town is dangerous or unsafe to the public, the Town Board shall appoint an official of said Town, to be designated by the Town Board, to make an inspection of such building or structure and to report in writing thereon to said Town Board.

§ 40-2 Notice to repair or remove.

A. Upon receipt of said report, the Town Board shall examine the same, and if it appears to the Town Board that said building or structure may be dangerous or unsafe to the public, the Town Board shall cause written notice to be served on the owner thereof or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by certified mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other persons having a vested or contingent interest in the same, as shown by the records of the Receiver of Taxes or in the office of the County Clerk.

Local permits and approvals not required per PSL §130.

CHAPTER 43: DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWER

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 43-6 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 chapter, unless the Department or the municipality 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, dechlorinated 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 local 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 chapter.

(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 chapter if the person connects a line conveying sewage to the municipality's MS4 or allows such a connection to continue.

§ 43-7 Failing individual sewage treatment systems prohibited.

No person shall operate a failing individual sewage treatment system in areas tributary to the municipality'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. Liquid level in the septic tank above the outlet invert.
- E. 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.
- F. Contamination of off-site groundwater.

§ 43-8 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 § 43-2, Definitions, of this chapter.

B. Such activities include failing individual sewage treatment systems as defined in § 43-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. 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.

§ 43-9 Prevention, control and reduction of stormwater pollutants.

A. Best management practices: Where the SMO has identified illicit discharges as defined in § 43-2 or activities contaminating stormwater as defined in § 43-8, the municipality 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 § 43-2 or an activity contaminating stormwater as defined in § 43-8, 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.

§ 43-10 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 municipality's MS4 in violation of this chapter 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 therefor. 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.

§ 43-11 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.

§ 43-12 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 chapter, 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 chapter.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. 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 chapter.

(3) The municipality shall have the right to set up on any facility subject to this chapter 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 chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its 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 chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter 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 chapter.

(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 chapter, 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 chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 43-13 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

§ 43-14 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 chapter, 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 is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall farther 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.

CHAPTER 47. DUMPS AND DUMPING

§ 47-8 Prohibited deposits.

A. Dead animals. No person shall deposit any dead animals or parts thereof upon the premises mentioned in § 47-2 hereof; provided, however, that this section shall not prevent any person otherwise entitled to use said dump from depositing ordinary garbage therein.

B. Sewage from septic tanks and cesspools. No person shall deposit on said dumping grounds any sewage, waste or other matter from septic tanks, cesspools or other receptacles for human waste or sewage. Editor's Note: Former Sec. 10, Restrictions on use; deposit of unflammable material, was deleted 12-28-1988 by L.L. No. 10-1988.

§ 47-16 Restrictions.

It is illegal to transport trash, refuse, debris and/or garbage along public highways in the Town of Greenfield except within an enclosed vehicle or under a securely fastened cover or secured in some other fashion or manner on all other vehicles.

CHAPTER 49. ENVIRONMENTAL QUALITY REVIEW

§ 49-2 Compliance required; exceptions.

No decision to carry out or approve an action, other than an action listed in § 49-3B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action, shall be made by the Town Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that nothing herein shall be construed as prohibiting:

A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary formulation of a proposal for action which do not commit the Town to approve, commence or engage in such action; or

B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations have been fulfilled.

Local permits and approvals not required per PSL §130.

CHAPTER 54. FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 54-5 Building permits.

A. No person, firm or corporation shall commence the erection, construction, alteration, enlargement, improvement, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the official inspection agency for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature, storage buildings, 192 square feet or less, and tent-style storage structures.

Local permits and approvals not required per PSL §130.

M. No person, firm or corporation shall commence the construction, alteration, enlargement or improvement of a driveway entering onto a Town road, or cause the same to be done, without first obtaining a driveway permit from the Town Highway Superintendent. Applications for driveway permits shall be made on forms provided by the Town of Greenfield and shall contain such information as per Appendix A310.1. Editor's Note: Appendix A310.1 is included at the end of this chapter.

Driveways must be constructed in accordance with the requirements set forth by the Town of Greenfield on the driveway permit application form.

Local permits and approvals not required per PSL §130.

§ 54-9 Right of entry.

The inspector, upon showing of proper credentials and in the discharge of his duties, shall be permitted to enter upon any building, structure or premises, without interference, during reasonable working hours.

§ 54-11 Stop orders.

Whenever the inspector has reasonable grounds to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations or not in conformity with the provisions of an application or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent to suspend all work and suspend all building activities until the stop order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him 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 him by certified mail at the address set forth in the application for the permission for construction of such building.

§ 54-12 Certificates of occupancy.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the official inspection agency.

Local permits and approvals not required per PSL §130.

CHAPTER 57. FLOOD DAMAGE PREVENTION

§ 57-11 Floodplain development permit.

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 § 57-6, 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.

Local permits and approvals not required per PSL §130.

§ 57-14 General standards for construction.

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 § 57-6.

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 Greenfield 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 Greenfield 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 Greenfield 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 § 57-6, 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 Greenfield 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 Greenfield 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 Greenfield for all costs related to the final map revisions.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 57-15 Construction standards for all structures.

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.
- (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that 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) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architects' certification of the design is required.
- (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.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 57-17 Construction of nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 57-14A, Subdivision proposals, and § 57-14B, Encroachments, and § 57-15, Construction 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, together with attendant utility and sanitary facilities, shall either:

(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or

(2) Be floodproofed so that the structure is watertight below the base flood level, 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 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 Subsection A(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 § 57-17A(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.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 67. LITTERING

§ 67-3 Prohibited acts.

A. No person shall deposit, throw, cast, lay or suffer or permit any other person to deposit, throw, cast or lay any waste, litter, rubbish, refuse, garbage, debris, discarded objects, materials and/or matter of any type on any street or public place in the Town.

B. No person shall abandon or discard or cause or suffer any other person to abandon or discard any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes, cartons, yard supplies, household appliances, automobiles or parts thereof, machinery or equipment, rubbish, refuse or garbage in any street or public place in the Town.

C. No person, being the owner, driver or manager of an automobile or other vehicle, and no owner of any receptacle shall deposit, scatter, blow, drop, spill or permit to be deposited, scattered, blown, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or materials, shavings, rubbish, litter, waste materials, automobiles or parts thereof, machinery, refuse or garbage therefrom upon any street or public place in the Town.

CHAPTER 85. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 85-4 Applicability; review.

A. This chapter shall be applicable to all land development activities as defined in § 85-3 except as provided in § 85-5.

B. All land development activities subject to review and approval by the Town Board, Planning Board or Zoning Board of Appeals under subdivision, site plan, special permit or any other laws, rules or regulations shall be reviewed by the appropriate board subject to the standards contained in this chapter.

Local permits and approvals not required per PSL §130.

C. All land development activities not subject to review as stated in Subsection B shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter.

Local permits and approvals not required per PSL §130.

D. The reviewing Board or the Stormwater Management Officer, as the case may be, may:

- (1) Review the SWPPP;
- (2) Upon approval by the Town Board, engage the services of a registered professional engineer to review the SWPPP, specifications and related documents at a cost not to exceed a fee schedule established by the Town Board; or
- (3) Accept the certification of a licensed professional that the SWPPP conforms to the requirements of this chapter.

§ 85-6 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan required. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

B. Contents of stormwater pollution prevention plans.

- (1) Requirements for all land development activities, except those identified in § 85-5. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (a) Background information about the scope of the project, including location, type and size of project.
 - (b) Site map/construction drawing(s) for the project at a scale no smaller than one inch equals 100 feet and 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; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material,

waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

(c) Description of the soil(s) present at the site;

(d) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

(e) Description of the pollution prevention measures that will be used to prevent litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(f) 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;

(g) 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 closeout;

(h) Site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(j) Temporary practices that will be converted to permanent control measures;

(k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(m) Name(s) of the receiving water(s);

(n) Delineation of SWPPP implementation responsibilities for each part of the site;

(o) Description of structural practices designed 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; and

(p) Any existing data that describes the stormwater runoff at the site.

(2) Additional requirements for certain land development activities. Land development activities as defined in § 85-3 and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:

(a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

(b) Condition B: stormwater runoff from land development activities disturbing five or more acres.

(c) Condition C: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(3) SWPPP requirements for Conditions A, B and C:

(a) All information in Subsection B(1) above;

(b) Description of each postconstruction stormwater management practice;

(c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;

(d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

(e) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;

(f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;

(g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.

(h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

(i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 85-8 of this chapter.

(j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

C. Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

D. Contractor certification.

(1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date 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 stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

(2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(3) The certification statement(s) shall become part of the SWPPP for the land development activity.

Local permits and approvals not required per PSL §130.

E. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

§ 85-7 Performance and design criteria.

All land development activities shall be subject to the following performance and design criteria:

A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

(1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual");

(2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set

forth in Subsection A above and the SWPPP shall be prepared by a licensed professional.

C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

§ 85-8

Maintenance, inspection and repair of stormwater facilities.

A. Maintenance and inspection during construction.

(1) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(2) For land development activities as defined in § 85-3 and meeting Condition A, B or C in § 85-6B(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site logbook.

(3) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the Saratoga County Clerk after approval by the counsel for the Town.

C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure that they are operated and maintained to achieve the goals of this chapter. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 85-7B.

D. Maintenance agreements. The Town shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the Saratoga County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this chapter entitled "Sample Stormwater Control Facility Maintenance Agreement." Editor's Note: Said Schedule is included at the end of this chapter. The Town, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Local permits and approvals not required per PSL §130.

CHAPTER 100. VEHICLES AND TRAFFIC.

§ 100-1 Vehicle weight limits.

Pursuant to Subdivision 11 of § 1660 of the Vehicle and Traffic Law, the Town Board of the Town of Greenfield hereby directs and orders that all Town roads will be temporarily closed to any and all vehicles having a gross weight of over four tons.

§ 100-2 When effective; duration.

Such temporary restrictions will become effective when notices are posted on the highways and public notice is given by the Town Clerk, and shall continue until such time as conditions will permit opening.

§ 100-4 Designation of snow removal period.

The period between November 1 and April 15 of the following calendar year shall be known as and designated as the "snow removal period."

§ 100-5 Restrictions on parking and standing.

During said snow removal period, there shall be no parking or standing of motor vehicles of any kind or nature upon any public highway in the Town of Greenfield, Saratoga County, New York.

§ 100-6 Removal and storage of vehicles; costs.

A. During said snow removal period, any motor vehicle parked or standing on a Town highway or Town right-of-way for highway purposes shall be subject to removal by towing or otherwise and storage by the Town Highway Department.

B. The last known registered owner of any vehicle removed or towed by the Town shall be responsible to the Town for all costs in connection with such removal and/or towing and storage, provided that the cost of towing shall not exceed the sum of \$60 and the cost of storage shall not exceed the sum of \$45 per day, per vehicle.

CHAPTER 105. ZONING.

§ 105-22 General provisions.

B. Minimum lot size. No division of land may be made whereby any lot created is smaller than the minimum size permitted in the district in which said lot is located or has less frontage, setback or yard space than the minimum required, except as explicitly provided in other sections of this chapter.

Local permits and approvals are not required per PSL §130.

§ 105-24 Duties of administrative official.

B. Entry and inspection. The official shall have the right to enter upon, examine and inspect or cause to be entered, examined and inspected any building or property for the purpose of carrying out the provisions of this chapter after reasonable written notice of intent to examine or inspect has been provided to a property owner and permission of the owner has been granted. If such permission is denied, access shall be pursued by the Town Attorney, who shall be notified by the official.

§ 105-51 Applicability.

A building, structure or parcel of land may be employed for a special use if the use is specifically listed as a special use in the regulations governing the zoning district where the use is proposed and if a special permit is approved by the Planning Board in accordance with this article. It is recognized that a proposed special use may actually consist of a principal

special use and some related use or uses. An applicant may seek authorization for a group of related special uses, so long as they are components of one overall operation conducted by related or affiliated entities and they are adequately described and approved in one special use permit application. Any special use permits which have already previously been authorized and which include any special uses related and/or ancillary to a principal special use shall be deemed to be validly authorized special uses. A special permit, in accordance with § 105-136, is also required for any new telecommunications tower or shared use of an existing tall structure for telecommunications purposes in all zoning districts.

Local permits and approvals not required per PSL §130.

§ 105-93 Procedure.

Local permits and approvals not required per PSL §130.

§ 105-111 Earth Material Extraction Overlay District (EME).

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Statement of purpose. The Town recognizes that natural sand, gravel, rock and mineral resources are necessary and beneficial to the economy of the Town and the welfare of its citizens. The purpose of the Earth Material Extraction Overlay District is to ensure that utilization and reclamation of these resources are done in a manner compatible with other land uses, in conformance with the Town's goal of maintaining the rural character and quality, and done in a way which minimizes potential hazards to the health, safety and general welfare of Town residents.

B. Applicability. The standards of the Earth Material Extraction Overlay District (EME) shall apply to all lands shown on the Official Earth Material Extraction Overlay District Zoning Map of the Town of Greenfield as being located within the Earth Material Extraction Overlay District.

C. Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the Earth Material Extraction Overlay District.

D. Accessory uses. Any accessory use permitted in the underlying zoning district shall be permitted in the Earth Material Extraction Overlay District.

E. Special uses. Any use permitted with a special use permit in the underlying zoning district shall be permitted in the Earth Material Extraction Overlay District. In addition, except when incidental to the

construction of a building on the same lot, the excavation, processing or sale of earth, sand, gravel, clay or other natural mineral deposits or the quarrying of any kind of rock formation hereafter may be carried out only after the issuance of a special use permit in accordance with Article VI Editor's Note: See Art. VI, Special Uses, in this chapter. and in accordance with all additional standards of this section.

F. Space and bulk standards. All associated space and bulk requirements in the underlying zoning district remain. In that case, the side yard setbacks do not apply. In addition, the following standards apply to any operation involving the excavation, processing or sale of earth, sand, gravel, clay or other natural mineral deposits or the quarrying of any kind of rock formation:

(1) Minimum lot size:

(a) Excavation of earth, sand, gravel, clay or other natural mineral deposits: 20 acres.

(b) The processing or sale of earth, sand, gravel, clay or other natural mineral deposits in connection with excavation activities: 30 acres.

(2) Minimum lot frontage:

(a) Excavation of earth, sand, gravel, clay or other natural mineral deposits: 500 feet.

(b) The processing or sale of earth, sand, gravel, clay or other natural mineral deposits in connection with excavation activities: 700 feet.

(3) Front setback, all uses: 200 feet.

(4) Minimum side yard, all uses, except where two mines abut one another on adjoining properties: 100 feet. In the case where two mines abut one another on adjoining properties, no side yard setback is required.

(5) Minimum rear yard, all uses: 100 feet.

(6) Maximum lot coverage ratio: 0.15.

(7) Maximum building height: 50 feet.

G. Additional standards. Any building, structure or use of land or the creation of new lots within the Earth Material Extraction Overlay District shall comply with the following standards:

(1) The general standards of performance of Article XI shall apply where applicable.

(2) The slope of material in such earth, sand, gravel, clay or other natural mineral deposits shall not exceed the normal angle of repose of such material.

(3) The top and the base of such slopes shall not be nearer than 100 feet to any property line nor nearer than 100 feet to the right-of-way of any street or highway.

(4) A plan for the restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a permit and shall assure conformance with the public health, safety and welfare. The plan shall include but not be limited to all of the following.

(a) A regrading plan at a contour interval of not less than five-foot contours.

(b) Revegetation and stabilization techniques to be employed.

(c) Erosion control measures.

(d) Stormwater and runoff control measures.

(e) Impacts of truck traffic from the proposed operation.

(f) A review of noise and visual impacts as deemed appropriate by the Planning Board.

(g) A full environmental assessment form in compliance with Chapter 49 of the Code of the Town of Greenfield, New York. Editor's Note: See Ch. 49, Environmental Quality Review.

(5) A reclamation bond, escrow account or other approved bonding mechanism must be submitted prior to approval of a special permit; said reclamation bond or an acceptable substitute is to be determined by the Town Board and will represent the estimated cost to the Town for reclamation of the affected land should the permittee fail to complete the reclamation plan.

(6) An amended application is required for any significant changes in the mining operation, such as an addition of land to be affected by mining, major changes in stockpile or processing areas, changes in mining equipment or processing facilities and any changes in the

mining or reclamation objectives. Amended plans may result in an adjustment to the reclamation bond.

H. Projects subject to DEC permit. For any project which is subject to the permit requirements of the New York State Mined Land Reclamation Law Editor's Note: See § 23-2701 et seq. of the Environmental Conservation Law. and which has received a mined land reclamation permit from the New York State Department of Environmental Conservation, Planning Board review of the special permit application shall consider the preceding requirements of this section only to the extent that they are not preempted by the provisions of the Mined Land Reclamation Law. Denial of the special use permit or imposition of conditions on the special use permit by the Planning Board shall be limited to the following factors:

- (1) Ingress and egress to public thoroughfares controlled by the Town;
- (2) Routing of mineral transport vehicles on roads controlled by the Town;
- (3) Requirements and conditions as specified in the DEC mined land reclamation permit concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control and hours of operation, when such requirements and conditions are part of the DEC mined land reclamation permit;
- (4) Enforcement of reclamation requirements contained in the DEC mined land reclamation permit; and
- (5) Any other factors allowed under applicable state law.

§ 105-112 Floodplain Management, Wetland Resource Conservation Overlay District (FMWRC).

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Statement of purpose.

- (1) The purpose of the Floodplain Management, Wetland Resource Conservation Overlay District is to regulate land development within flood hazard zones, wetlands and the Kayderosseras Creek area basin. Population growth, attended by housing, roads and other construction, along with increased demands on the Town's natural resources, has been found to be encroaching on, despoiling or eliminating many of the Town's wetlands, water bodies,

watercourses and other natural resources and processes associated therewith.

(2) The conservation, preservation and maintenance of these natural resources in any undisturbed and natural condition constitutes important physical, ecological, social, aesthetic, recreational and economic assets necessary to promote the health, safety and general welfare of present and future residents of the Town and of downstream drainage areas.

(3) It is the intent of this district to provide for the protection, preservation, proper maintenance and use of the Town's water bodies, watercourses and wetlands by preventing or minimizing erosion due to flooding and stormwater runoff, flooding of downstream lands, maintaining the natural groundwater supplies, and preserving and protecting the purity, utility, water-retention capability, ecological functions, recreational usefulness and natural beauty of all water bodies, watercourses and wetlands and other related natural features of the terrain.

(4) Specifically, the following objectives pertain:

(a) To maintain, protect and enhance water quality and associated aquatic resources and water supply within the Kayderosseras Creek watershed.

(b) To minimize the threat to life and the destruction of property and natural resources from flooding and preserve and/or reestablish natural floodplain hydrologic function.

(c) To enhance the cultural, recreational and visual amenities of the Kayderosseras stream corridor.

(d) To maintain, protect and enhance water quality and associated resources and water supply within the confines of wetlands within the Town.

B. Applicability. In addition to the requirements of Chapter 57, Flood Damage Prevention, of the Code of the Town of Greenfield, New York, the following standards for the Floodplain Management, Wetland Resource Conservation Overlay District shall apply to any lands meeting any of the following criteria:

(1) All lands within the one-hundred-year flood zone as determined by the Federal Emergency Management Agency.

(2) The five-hundred-foot conservation buffer zone adjacent to the one-hundred-year flood zone or, where no one-hundred-year flood zone exists, measured from the center line of the stream.

(3) All lands designated as New York State Department of Environmental Conservation regulated wetlands.

(4) All lands designated as federally regulated wetlands by the United States Army Corps of Engineers.

C. Permitted, accessory and special uses. All uses allowed in the underlying zoning district, including permitted uses, accessory uses and special uses, shall be permitted only as a special use in the Floodplain Management, Wetland Resource Conservation Overlay District. Each use shall require a special use permit in compliance with Article VI of this chapter; Chapter 57, Flood Damage Prevention, of the Code of the Town of Greenfield, New York; and the additional standards of this section. Within the five-hundred-foot buffer overlay, a special use permit is not required for a minor exterior structural addition or alteration (defined as an enclosed porch, deck, stairway or other similar facility).

D. Space and bulk standards. Any building, structure or use of land within the Floodplain Management, Wetland Resource Conservation Overlay District shall comply with the space and bulk requirements of the underlying zoning district.

E. Additional standards. Any building, structure or use of land within the Floodplain Management, Wetland Resource Conservation Overlay District shall comply with the following requirements:

(1) No filling, grading, dredging, excavation or construction, other than permitted piers, docks and similar water-dependent uses, shall be allowed within the Floodplain Management, Wetland Resource Conservation Overlay District.

(2) Within the Federal Emergency Management Agency Flood Hazard Zone, all new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(3) All development shall be constructed and maintained in such a manner that no net reduction occurs in the flood-carrying capacity of any watercourse.

(4) No development may take place within the five-hundred-foot conservation buffer zone unless such development is determined by the Planning Board to be in compliance with the following criteria:

- (a) That environmental resource constraints are fully considered in establishing land use patterns in the stream corridor.
- (b) That open space and visual amenities in rural areas are maintained and preserved by establishing and maintaining greenbelts along the stream corridor.
- (c) That development in the stream corridor is consistent with the historical and cultural character of the surroundings and fully reflects the need to protect visual amenities.
- (d) That disturbance of streambeds and streambank erosion are minimized and, where practical, eroding streambanks shall be restored to a natural or stable condition.
- (e) That runoff from development areas is controlled such that it does not unnecessarily increase the frequency and intensity of flooding at the risk of threatening life and property.
- (f) That the natural vegetative canopy along the stream corridor is maintained or restored to ensure that midsummer stream temperatures do not exceed tolerance limits of desirable aquatic organisms.
- (g) That accelerated enrichment of the stream corridor and contamination of waterways from runoff containing nutrients, pathogenic organisms, organic substances and heavy metals and toxic substances are minimized.
- (h) That any habitable structure shall be constructed with its lowest floor elevation at least one foot above the base flood elevation.
- (i) That any structure shall not cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.
- (j) That any structure shall be constructed and placed on any building site so as to offer the minimum obstruction to the flow of waters.
- (k) That any structure shall be firmly anchored to prevent flotation, collapse or lateral movement which may result in damage to other structures, restrictions of bridge openings and other narrowings of the watercourse.

(l) That all new and/or replacement water supply and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters, including individual septic and well sources.

(m) That service facilities, such as electrical and heating equipment, will be constructed at or above the base flood elevation for the particular area or shall be floodproofed.

(n) That new construction and substantial improvements shall be constructed using materials, methods and practices that minimize flood damages.

(o) That base flood elevation data is provided regardless of the proposed development size.

(p) That other data or evidence as may be requested by the Planning Board pertaining to flood and site plan information has been submitted.

F. Performance standards. The following performance standards apply to any land within the five-hundred-foot conservation buffer zone, in addition to the requirements of Article XI:

(1) Agriculture.

(a) Agricultural practices shall be conducted in such a manner that shall minimize soil erosion and contamination of surface waters by sedimentation, nutrient enrichment and fecal bacteria.

(b) An untilled filter strip of natural vegetation shall be retained between the tilled ground and the normal high-water mark of the surface waters protected by this district, in accordance with a plan designed after New York State Department of Environmental Conservation guidelines for preventing erosion and sedimentation.

(2) Clearing and noncommercial tree cuttings.

(a) The clearing of trees and conversion to other vegetation is permitted for approved construction and landscaping. Where such clearing extends to the shoreline, a cleared opening(s) not greater than 25 feet in width for every 100 feet of shoreline (measured along the normal high-water mark) may be created. This opening applies to all areas up to 50 feet inland from the normal high-water mark and

paralleling the shoreline. Where the natural vegetation is removed, it is to be replaced with other vegetation that is equally effective in retarding erosion and preserving natural beauty. The total width of any opening to the shore shall not exceed 40 feet.

(b) Tree cutting for noncommercial purposes is permitted, provided that no more than 50% of existing trees six or more inches in diameter, measured at five feet above ground level, are removed from any contiguous stand or grouping of trees. In no case shall the area of contiguous clearing exceed 7,500 square feet.

(3) Erosion and sedimentation control.

(a) On slopes greater than 15%, there shall be no grading or filling within 100 feet of the normal high-water mark, other than for road construction or water crossings, except to protect the shoreline and prevent erosion.

(b) Filling, grading, lagooning, dredging, earthmoving and other land use activities shall be conducted in such a manner as to prevent, to the maximum extent possible, erosion and sedimentation loading of surface waters. Such activities shall incorporate the following practices:

[1] As little bare ground as possible shall be exposed and for as short a time as is feasible.

[2] Full use shall be made of temporary ground cover, such as mulch, and permanent cover, such as sod, to stabilize fill and disturbed areas.

[3] Sediment shall be trapped by diversion ditches, silting basins, terraces, siltation fences, hay bale barriers and other devices.

[4] The sides of channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter, unless bulkheads or riprapping are provided and the sides are stabilized to prevent slumping.

(4) Wetland alteration.

(a) No filling, dredging or other earthmoving shall be carried out within the limits of a wetland as identified by the New York State Department of Environmental

Conservation (NYSDEC) except in connection with road construction as set forth under Subsection F.

(b) Within 75 feet of any NYSDEC-designated wetland, the land shall be maintained in a natural vegetative state and no buildings, structures or impervious surfaces shall be placed or erected.

(c) Within 100 feet of a NYSDEC-designated wetland, a NYSDEC permit shall be obtained for the placement of buildings, structures, subsurface drainage or impervious surfaces, prior to their placement or erection.

(5) Roads and water crossings.

(a) All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of flowing streams or standing beds of water shall be revegetated or otherwise stabilized so as to reasonably prevent erosion and sedimentation of water bodies. Temporary erosion control measures, including siltation fences and hay bale barriers or other devices, will be installed where appropriate and/or required by the Town Engineer.

(b) Road banks shall have a slope no greater than two horizontal to one vertical, extending back 75 feet from the normal high-water mark.

(c) Drainage ditches are to be provided so as to effectively control water entering and leaving the road area within 75 feet of the normal high-water mark. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion is minimized.

(d) To prevent road surface drainage from directly entering water bodies, roads and their associated drainage ditches shall be located, constructed and maintained to provide an unscarified filter strip, of at least the width indicated below, between the road and the normal high-water mark of a surface water body.

Average Slope of Land Between Road and Normal High-Water Mark	Width of Strip Between Road and Normal High-Water Mark (linear feet along surface of ground)
0	25

Average Slope of Land Between Road and Normal High-Water Mark	Width of Strip Between Road and Normal High-Water Mark (linear feet along surface of ground)
10	45
20	65
30	85
40	105
50	125
60	145
70	165

NOTE: This requirement does not apply to road approaches to water crossings.

(e) Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate twenty-five-year storm frequency water flows.

(f) Culverts used in water crossings shall be installed at or below streambed elevation, be seated on firm ground, have soil compacted at least halfway up the side of the culvert, be covered by soil to a minimum depth of one foot or according to the culvert manufacturer's specifications, whichever is greater, and have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert. These standards do not apply to any water crossing or encroachment regulated by any county, state or federal body.

(6) Subsurface sewage disposal. All subsurface sewage disposal facilities shall be installed in conformance with the State of New York Department of Health Standards for Individual Water Supply and Individual Sewage Treatment Systems as well as other appropriate State of New York and Town of Greenfield regulations. In addition, the following standards apply:

(a) All subsurface sewage disposal systems shall be located in areas of suitable soil and size to meet state standards.

(b) The minimum setback for subsurface sewage disposal facilities with design flows of 300 gallons per day or less shall be no less than 100 horizontal feet from the normal high-water mark of the regulated stream(s) or wetland. Systems with design flows of greater than 300 gallons per day shall have a minimum setback of 300 horizontal feet.

(7) Timber harvesting. Commercial timber harvesting, other than for road building and water crossings or that in conjunction with development activities, is prohibited in the Floodplain Management, Wetland Resource Conservation Overlay District.

§ 105-113 Kayderosseras Ridge Overlay District (KROD).

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Purpose. The purpose of the Kayderosseras Ridge Overlay District is to protect the aesthetic, scenic and ecological character and nature of the Kayderosseras Ridge within the Town. This overlay district provides standards for regulating development on the Kayderosseras Ridge, in order to minimize structural intrusions upon the visual landscape, to prevent erosion and the degradation of water quality, to preserve important ecological resources, and to maintain the rural character and scenic beauty of the Town.

B. Boundaries; site plan review required.

(1) The boundaries of the Kayderosseras Ridge are depicted on the Town of Greenfield Zoning Map. They extend from an elevation of 1,000 feet above mean sea level to the top of the ridge. For the purposes of these regulations, if any portion of any parcel of land is located within the KROD, the entire parcel shall be considered within the district.

(2) All activities in the KROD involving the construction of more than 1,200 square feet shall require site plan approval by the Planning Board in accordance with the procedures of Article IX of this chapter.

Local permits and approvals not required per PSL §130.

C. Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the Kayaderosseras Ridge Overlay District.

D. Minimum lot size. The minimum lot size for all uses in the KROD shall be eight acres per principal permitted use and/or dwelling unit.

E. Visibility. All structures proposed within the KROD shall be sited away from ridgelines. Wherever possible, structures shall be sited at lower elevations and close to existing roads and vegetation. In steeply sloped areas, structures shall be sited in a manner so as to minimize the amount of disturbance to slopes.

F. Structure design. Structures shall be designed to blend in with the natural surroundings and landscaping.

(1) Preferred use of natural wood siding and stone and the use of roofing materials with earth tone colors. Light, bright, and reflective materials shall be avoided on the exterior surfaces of structures.

(2) Windows shall not occupy more than 50% of any building facade.

(3) Roof slopes shall follow the natural contour of the land where possible.

G. Lighting. The location, height, design, arrangement and intensity of outside lighting shall minimize glare and shall be directed and shaded such that light shall not be directed off site. Residential and nonresidential structures may be illuminated to the minimum extent required to provide safe ingress and egress to the structure.

H. Structure screening. The applicant may be required to preserve existing vegetation or provide new plantings of native vegetation to screen structures.

I. Existing vegetation. Vegetation shall be preserved to the maximum extent possible. Every attempt shall be made to limit the amounts of cutting necessary for either construction or the opening of views from the subject site so as to maintain the natural vegetation as a screen for structures as seen from public streets or parks and other public views.

J. Buffer area. A buffer area having a minimum width of 25 feet shall be established along rear and side lot lines of any parcel proposed for development.

K. All buildings, structures, and/or accessory elements of buildings and structures shall be limited to no more than 35 feet in height.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Purpose. The purpose of the Lake Desolation Overlay District (LDOD) is to protect the water quality of Lake Desolation from pollution associated with sanitary sewage disposal systems.

B. Boundaries. The boundaries of the LDOD are depicted on the Town of Greenfield Zoning Map.

C. Water supply. Any public or private supply of water for domestic purposes must meet or exceed the standards of the New York State Department of Health and the Town of Greenfield.

D. Sewage treatment and disposal. Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows:

(1) Publicly owned sewer systems must be used where available.

(2) All private sewage treatment and disposal systems must meet or exceed the standards of the New York State Department of Health and the Town of Greenfield and shall be verified by a professional engineer for compliance with said standards.

(3) All private sewage treatment and disposal systems which discharge sewage into the ground must be set at least 150 feet from the ordinary high-water mark of Lake Desolation and/or any tributary stream.

(4) A sewage treatment system not meeting the requirements of this section must be replaced with a conforming system, any time a permit or variance of any type is required for any improvement on, or use of, the property.

(5) In the event the property owner cannot comply with the provisions of this section by reason of the physical layout of the property, a variance must be obtained from the Board of Health. In evaluating the variance, the Board of Health shall consider the sewage treatment and water supply constraints of the lot and adjoining properties and shall deny the variance if adequate facilities cannot be obtained.

E. Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the Lake Desolation Overlay District.

§ 105-121 Parking, landscaping, loading, curb, sidewalk and buffer requirements.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

The purpose of this section is to provide guidance as to the appropriate parking, loading, sidewalk and curb and buffer facilities that shall be required in conjunction with new development or a change of use in the Town of Greenfield.

A. Off-street parking.

(1) Spaces required.

(a) Off-street parking spaces shall be required in any district whenever any new use is established or any existing use is enlarged, in accordance with Table 3. Editor's Note: Table 3, Parking Requirements, is included at the end of this chapter. The Planning Board shall determine the parking requirement for any use not listed or where it is given the discretion to do so.

(b) The Planning Board reserves the right to waive any portion of the parking requirement in the event that proximate public parking exists to support the use in question.

(c) The Planning Board reserves the right to waive the construction of any portion of the parking requirement in the event that the applicant can demonstrate, to the Board's satisfaction, that the parking requirement is greater than would be required for the specific use requested, provided that the parking requirement pursuant to this article is shown on the plan and could be built at some future time if deemed necessary by the Planning Board. By agreeing to a waiver of any portion of the parking requirement pursuant to this section, the applicant or its successor expressly agrees that it will construct the parking requirement pursuant to this article if the Planning Board should require it in the future.

(d) In any district, the Planning Board, at its sole discretion, may approve the joint use of a parking facility and a reduction in the parking requirement of up to 30% by two or more principal buildings or uses, either on the same, adjacent or nearby parcels, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by

patrons or employees among such establishments or by virtue of pedestrian pathways that facilitate walking within 1/2 mile. There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use. Such covenant shall:

[1] Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;

[2] Be enforceable by either of the parties having beneficial use thereof as both; and

[3] Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

(e) No use may provide parking in excess of 20% over the amount specified in this section.

(2) Design of off-street parking facilities.

(a) Each parking space shall comply in size and dimension with the following standards:

Parking Lot Sizes and Dimensions

Angle (degrees)	Stall Width (feet)	Stall to Curb (19-foot stall) (feet)		Curb Length Aisle Width per Car (feet)
90	9.0	19.0	24.0*	9.0
60	9.0	21.0	18.0	10.4
45	9.0	19.8	13.0**	13.4
30	9.0	17.3	11.0**	18.0
0	9.0	9.0	12.0	23.0

NOTES:

* Two-way circulation.

** One-way circulation.

(b) Driveways providing access to parking aisles shall be at least 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that twelve-foot-wide driveways are permissible for two-way traffic when the driveway is not longer than 50 feet and it provides access to not more than six spaces, with sufficient turning space provided so that vehicles need not back onto a public street.

(c) Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces created contain within them the rectangular area required by this section.

(d) Handicap parking spaces are to be supplied in accordance with Part 1102 of the General Building Construction Section of the State of New York Uniform Fire Prevention and Building Code.

§ 105-123 Signs.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Purpose. The purpose of this section is to permit such signs that shall not, by their size, location, construction or manner of display, obstruct the vision necessary for traffic safety or otherwise endanger public safety. It is intended to protect property values, to create a more attractive economic and business climate, to enhance and protect the physical appearance of the community, to preserve scenic and natural beauty and to provide more visual open space by permitting and regulating signs in such a way as to support and complement the objectives and goals of the Town's Comprehensive Land Use Plan.

B. General provisions.

(1) For the purpose of this section, a "sign" shall be defined as any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

(2) No person, firm or corporation shall hereafter erect, reerect, construct or structurally alter a sign or sign structure without first obtaining a permit issued by the Code Enforcement Officer.

(3) Every application for a sign permit shall be accompanied by plans to scale showing the area of the sign; the position of the sign in relation to nearby buildings or structures; the location of the building, structure or lot to which or upon which the sign is to be attached or erected; the method of illumination, if any; and statements indicating compliance with appropriate construction standards.

(4) No permanent sign, other than an official traffic sign, shall be erected within the right-of-way of any public street or highway.

(5) The maximum sign area requirements as set forth in this section shall apply to a single side of a sign. On a two-sided sign, only one side shall be counted in computing the sign's area. A sign may not have more than two sides.

(6) The provisions of this section relating to signs shall apply in all zoning districts.

(7) Signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises.

(8) No sign shall be permitted which causes a traffic, health or safety hazard or creates a nuisance due to its placement, display or manner of construction. No sign shall be located so as to obstruct views of traffic.

(9) Nonconforming signs which existed prior to the adoption of this section may not be relocated or altered except in conformance with this section. Any change in the content of a nonconforming sign, including names, words, logos or similar information, shall constitute an alteration requiring conformance with this section.

(10) A temporary sign stating that a business is open or closed shall be permitted and shall not be deducted from the total square footage of signage allowed, as follows:

(a) Single-sided, nonilluminated signs of one square foot;
or

(b) Flags or banners of six square feet per side.

(11) The following types of signs shall be allowed in all districts and shall not be subject to permitting by the Town of Greenfield:

(a) Temporary signs.

[1] Private owner merchandise sale signs for garage sales and auctions located on the premises, not exceeding four square feet, for a period not exceeding seven days in any one month.

[2] Temporary nonilluminated "For Sale," "For Rent" or "For Lease" real estate signs and signs of a similar nature, concerning the premises upon which the sign is located; in a residential zoning district, one sign not exceeding four square feet per side; in a commercially zoned district, one sign not exceeding 50 square feet total, set back at least 15 feet from all property lines. All such signs shall be removed within three days after the sale, lease or rental of the premises.

[3] Temporary nonilluminated window signs and posters not exceeding 25% of the window surface.

[4] Christmas holiday decorations, including lighting and displays.

[5] Directional signs for meetings, conventions and other assemblies, not including sales events such as flea markets or garage sales.

[6] One sign, not exceeding six square feet in a residential district nor 16 square feet in a commercial district, listing the architect, engineer, contractor and/or owner on the premises where construction, renovation or repair is in progress.

[7] Political posters, banners, promotional devices and similar signs, not exceeding four square feet in residential districts nor 16 square feet in a commercial district, provided that placement shall not exceed 30 days prior to the election, be it general or primary, to which they pertain, through five days following the election.

C. Sign permits required. In addition to those signs expressly permitted under § 105-12B(11), the following regulations shall govern the erection, alteration or relocation of signs within the Town. No sign listed below shall be erected, altered or relocated until a sign permit is obtained from the official duly designated by the Town Board (the "official") to administer and enforce the provisions of this section.

Local permits and approvals not required per PSL §130.

§ 105-127 Contractor storage yard standards.

A. A contractor storage yard may only be permitted in connection with a principal permitted use, except in the IM Zone.

B. Vehicles stored at a contractor storage yard should be parked in the rear of the property or have a Type B buffer as defined in § 105-121.

C. Storage of building materials, supplies, parts, etc., must be indoors unless approved by special use permit.

D. No more than eight vehicles propelled by their own power (i.e., not including trailers) with a gross vehicle weight of 26,000 pounds or more may be stored at a large contractor storage yard.

E. No more than two vehicles propelled by their own power (i.e., not including trailers) with a gross vehicle weight of 26,000 pounds or more may be stored at a small contractor storage yard.

§ 105-135 Additional standards.

A. Abandoned vehicles. No motor vehicle, automobile, automobile trailer or other vehicle shall remain outside upon any property within the Town when such vehicle has been so dismantled or parts have been removed therefrom or otherwise abandoned so that such vehicle may be incapable of operation or use, for a period of 30 continuous days, except that travel trailers not used for dwelling purposes may be stored in rear yards when not in use.

B. Unregistered vehicles. No more than one unregistered motor vehicle may be stored in an unenclosed area in a residential district for no more than three months unless otherwise restricted by this chapter.

C. Storage and dumping.

(1) On any lot or plot, no storage of junk shall be permitted in the front yard.

(2) All spaces between building and structures shall be kept sufficiently free and clear of materials of every nature for the purpose of providing adequate light, air and protection against fire.

(3) Dumping of waste material must be in accordance with 6 NYCRR Part 360.

D. Obstructions at street intersections. On a corner lot in any district, any fence or wall built within 50 feet of the intersecting street lines shall be of open construction, such as wire, wood, picket or iron, and shall not exceed

four feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools.

E. Commercial garages. In any district where permitted, unless the regulations of that district are more restrictive, commercial garages shall be subject to the following regulations:

(1) No fuel pump shall be located within 20 feet of any street lines or side lot line, measured from the outside edge of the fuel island.

(2) No access drive shall be within 200 feet of, nor on the same side of the street as, a public or semipublic use, as defined herein, unless a street ties between the commercial garage and the public or semipublic use.

(3) All major repair work shall be done within a completely enclosed building.

(4) Curbing to regulate the location of vehicular traffic shall be installed at the street line of the lot, except for access drives.

F. Obstructions.

(1) No fencing, shrubbery, trees or other type of obstruction shall be placed in the area between the front property line and the paved portion of the roadway.

(2) Any fence or wall constructed in the Town of Greenfield must have a two-foot setback from existing boundary lines as to allow for maintenance for both sides of fence or walls.

G. Public utilities. Major installations of public utilities shall be reviewed by the Planning Board where proposed in any residential district. The Planning Board shall have the power to require any reasonable change in the site plan in order to protect the residential nature of adjoining properties. Underground utilities, including telephone and electric facilities, are encouraged. Developers may be asked to provide justification if underground utilities are not provided in the site plan.

Local permits and approvals not required per PSL §130.

§ 105-138 Performance standards.

A. Compliance and determination of nuisance elements.

(1) All uses of lands or buildings in the Town of Greenfield shall comply with the performance standards as described in this article.

(2) The Code Enforcement Officer may require independent expert evaluation to determine the compliance of a proposed use with the performance standards at the expense of the applicant before issuing a permit.

(3) The determination of the existence of any nuisance elements shall be made at the following:

(a) The property lines of the use creating such elements for noise, vibration, glare, dust and safety hazards.

(b) Anywhere in the Town for elements involving air, water, and ground pollution.

(4) The Code Enforcement Officer shall investigate any written or alleged violation of performance standards. If reasonable evidence of a violation exists, the Code Enforcement Officer may then revoke the permit.

B. Prohibited nuisances. No use shall be established or operated in a manner so as to create hazards, vibration, glare, air, water, groundwater pollution, or other nuisance elements in excess of the limits established in this article.

C. Fire and explosion hazards. All activities involving the manufacturing, production, storage, transfer, or disposal of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. In addition, on-site fire suppression equipment and devices standard to the industry shall be installed. The burning of waste materials in an open fire is prohibited, other than the routine burning of residential yard waste by the homeowner or tenant.

D. Lighting and glare.

(1) Purpose. It is the intent of these regulations to minimize glare and to provide the minimum amount of lighting on commercial sites necessary to provide for safe use of the property.

(2) Application. These regulations shall apply to all commercial, industrial, multifamily, office and recreation uses in the Town of Greenfield.

(3) Standards. All exterior lights and illuminated signs shall be designed and located in such a manner as to prevent objectionable light and glare to spill across property lines. The following horizontal illumination levels shall be observed. For uses not listed here, the Planning Board may determine the appropriate horizontal illumination level referencing the values found in the reference

titled the "IESNA Lighting Handbook" published by the Illuminating Engineering Society of North America. The Planning Board may vary these standards, making them more or less restrictive, where it finds it to be in the interests of this chapter and the Town to do so. In particular, the Town may vary the standards with reference to the brightness and use of the surrounding environment.

Use	Horizontal Illuminance (footcandles)
Commercial parking lot	2.5
Industrial parking lot	1.0
Office parking lot	1.0
Recreation parking lot	2.5
Multifamily parking lot	2.5
Churches/education lots	1.0
Building entrances	5.0
Building exteriors	1.0
Loading/unloading areas	20.0
Gas station approach/driveway	2.0
Gas station pump island	10.0
Gas station service areas	3.0
Seasonal stands	25.0
Automobile lots	20
Driveways and road approaches	2.0
Sidewalk and bikeways	1.0

(4) Fixtures. A lighting fixture shall be architecturally compatible with the primary building. Fixtures shall be shielded and have

cutoffs to direct light directly to the ground. This must be accomplished so that light dispersion or glare does not shine above a horizontal plane of 90° from the base of the fixture. Cutoff fixtures must be installed in a horizontal position as designed. Flat lens cutoffs are required. Fixtures shall generally be of dark colors. Pole-mounted fixtures shall not exceed 20 feet in height. High-pressure sodium lights are preferred. Lexan lenses or similar low-glare material is preferred. All lighting shall maintain a uniform ratio of 4:1.

(5) Vision. Lighting shall not interfere with or impair pedestrian or motorist vision.

(6) Procedure. Any use subject to site plan review shall submit a lighting plan describing the lighting component specifications such as lamps, poles, reflectors and bulbs. The lighting plan shall show the illumination levels for the entire site and shall be at a scale consistent with the site plan. The Planning Board may require specific lighting plans to address portions of the site, such as parking lots or pedestrian walkways, for evaluation purposes.

E. Noise.

(1) Unnecessary, excessive, offensive and/or nuisance noises from all sources are prohibited.

(2) Construction shall be limited to the hours of 6:00 a.m. to 9:00 p.m.

(3) Exemptions. The following uses and activities shall be exempt from noise level regulations.

(a) Air-conditioning equipment when it is functioning in accord with manufacturer's specifications.

(b) Lawn maintenance, agricultural, forestry and snow removal equipment when it is functioning in accordance with manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition.

(c) Nonamplified noises resulting from the activities such as those planned by school, governmental, or community groups.

(d) Noises resulting from any authorized emergency vehicle or warning device when responding to an emergency call or acting in time of emergency.

(e) All noises coming from the normal operations of railroad trains.

(f) Noises of church chimes.

F. Odor and air pollutants.

(1) No odors may be emitted which are easily detectable and offensive at the property line and which cause annoyance to a person of reasonable sensitivity.

(2) No emission of fly ash, dust, fumes, vapors, toxic gases or other forms of air pollution shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property which can cause any excessive soiling.

G. Radioactivity and electrical disturbance. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

H. Vibration. No vibration shall be permitted which is detectable without an instrument at the property line and which may cause annoyance to a person of reasonable sensitivity.

§ 105-139 Clearing and grading.

A. Purpose and intent. It is the purpose of this section to prevent the clear-cutting and grading of lots except in association with an approved site plan.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

B. Application. Within a five-year time period, clear-cutting and grading are limited to the following maximums, without obtaining site plan approval:

District

TC, OR	LDR	MDR1	MDR2	IM	LDR	PR
1 acre	5 acres	1.5 acres	3 acres	5 acres	6 acres	10 acres

C. Any person proposing to clear-cut or grade more than these totals must follow the procedures for and obtain site plan approval in accordance with Article IX, Site Plan Review, of this chapter. This requirement does not apply to bona fide timber harvesting activities involving tree removal from land areas greater than specified above which have properly notified the Town pursuant to § 105-130 of this chapter. These activities may be subject to additional requirements of other regulating agencies.

D. This regulation does not apply to bona fide timber harvesting activities that are carried out in accordance with DEC regulations.

§ 105-142 Accessory structures.

A. Accessory structures less than 120 square feet in size shall be permitted in all zoning districts. Accessory structures less than 120 square feet in size do not need to comply with the side yard and/or rear yard setback standards of this chapter. Accessory structures greater than 120 square feet in size must comply with the setback requirements of this chapter. If the principal building or use to which the structure is accessory would require site plan review or a special use permit under this chapter, then the accessory use requires such review.

Local permits and approvals not required per PSL §130.

B. Tractor-trailer boxes and railroad transport boxes may not be used as accessory structures.

§ 105-144 Blasting.

Notice of blasting shall be supplied to the Town Clerk at least 24 hours in advance of the event.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 105-146 Water body setbacks.

No building or structure may be constructed within 50 feet of the mean high-water mark of any permanent, year-round flowing stream or water body within the Town of Greenfield.

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Note that the Project as proposed will be located within the following types of districts:

Rural Residential 1, Suburban Residential 1, Transect Zone 5 Neighborhood Center, Transect Zone 4 Urban Neighborhood, Warehouse District, Urban Residential 2, Suburban Residential 2, General Industrial, Office/Medical Business District, Highway General Business District

CHAPTER 81: BLASTING

§ 81-1 Permit and license required; definition.

A. No person, firm, corporation or legal entity shall engage in the activity of blasting anywhere in the City of Saratoga Springs without first obtaining a blasting permit from the Building Inspector as provided in this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 106: ELECTRICAL STANDARDS

§ 106-5 Duties of inspection agents.

It shall be the duty of the inspector to report, in writing, to the Chief Building Inspector, whose duty it shall be to enforce all the provisions of this chapter and all violations of or deviations from or omissions of the electrical provisions of the the State Uniform Fire Prevention and Building Code and of all local laws and ordinances, insofar as any of the same apply to electrical wiring. The inspector shall make inspections and reinspections of electrical installations in and on properties in the City of Saratoga Springs, New York, upon the written request of an authorized official of the City of Saratoga Springs, New York, or as herein provided. The inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances and equipment in and on properties within the City of Saratoga Springs, New York, where he deems it necessary for the protection of life and property. In the event of an emergency, it is the duty of the inspector to make electrical inspections upon the oral request of an official or officer of the City of Saratoga Springs, New York. It shall be the duty of the inspector to furnish written reports to the proper officials of the City of Saratoga Springs, New York, and the owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. He shall direct that a copy of the certificate of compliance be sent to the City of Saratoga Springs, New York, to the attention of the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 106-6 Prohibitions.

A. It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter or repair electrical wiring for light, heat or power in or on properties in the City of Saratoga Springs, New York, until an application for inspection has been filed with the inspection agency.

B. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the inspection agency.

Local permits and approvals not required per PSL §130.

CHAPTER 118: BUILDING CODE ADMINISTRATION

§ 118-4 Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 118-6 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without

regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by the Code Enforcement Officer, state the reason or reasons for issuance, and, if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 118-15, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stopwork order.

CHAPTER 120: FLOOD DAMAGE PREVENTION

§ 120-15 General 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 § 120-6.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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:

C. Utilities.

(1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

(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.

CHAPTER 126: GARBAGE, RUBBISH AND REFUSE

§ 126-4 Transportation of refuse.

A. All refuse carried through the streets and highways of the City of Saratoga Springs must be in enclosed receptacles.

B. No person, firm, partnership or corporation shall use a vehicle for transporting refuse which permits such substance to drop therefrom or sift through upon a highway.

C. All vehicles used to transport refuse in the City of Saratoga Springs, New York, either commercial or private, if not completely enclosed, must be equipped with and make use of a covering that completely covers the material being transported to prevent such material from blowing, falling or dropping from said vehicle. A sturdy and well-fastened tarpaulin shall be acceptable as a covering.

CHAPTER 138: ILLICIT DISCHARGES TO STORM SEWER SYSTEM

§ 138-6 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 chapter, unless the Department or the municipality 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, dechlorinated 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 chapter.

(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 chapter if the person connects a line conveying sewage to the municipality's MS4 or allows such a connection to continue.

§ 138-10 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.

Local permits and approvals not required per PSL §130.

§ 138-12 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

CHAPTER 148: NOISE

§ 148-2 Unreasonable noises generally; unreasonable noise defined.

It shall be unlawful for any person to make any unreasonable noise within the boundaries of the City of Saratoga Springs. For purposes of this chapter, "unreasonable noise" shall mean any noise which is of such character that a reasonable person of normal sensitivities would not tolerate it under the circumstances, or is detrimental to the life or welfare of any individual, or causes a risk of public inconvenience or alarm.

§ 148-3 Standards for unreasonable noise.

The standards which may be considered in determining whether a violation of this chapter exists may include but not be limited to the following:

- A. The level or volume of the noise.
- B. The time of day or night the noise occurs.
- C. The duration of the noise.
- D. Whether the noise is recurrent, intermittent or constant.
- E. Whether the making of the noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons.

F. Whether the noise is reasonably necessary for temporary building or construction operations.

G. Whether reasonable methods are available for deadening or muffling the noise.

H. The proximity of the noise to residential property or property customarily used by persons for sleeping.

I. The proximity of the noise to hospitals or other types of care-giving facilities.

J. The proximity of the noise to schools during school hours.

§ 148-4 Specific acts deemed unreasonable noise.

In addition to and not in limitation of the standards enumerated in § 148-3, the following acts are deemed to be in violation of this chapter and to constitute unreasonable noise:

A. The conducting of any building or construction operations between the hours of 10:00 p.m. and 7:00 a.m., except when necessary in an emergency to protect or preserve property or when necessary in the public interest.

B. In any residential zoning district, the use of any device or apparatus for the amplification of sound, between the hours of 11:00 p.m. and 7:00 a.m., either outdoors or inside a building or structure so as to allow the amplified sound from such apparatus to be clearly and distinctly heard outside such building or structure.

C. In any nonresidential zoning district, the amplification of sound from whatever source, acoustical, electric or other, between the hours of 12:00 midnight and 8:00 a.m., Monday through Friday, either outdoors or inside a building or structure so as to allow the sound to be clearly and distinctly heard outside such building or structure.

D. In any nonresidential zoning district, the amplification of sound from whatever source, acoustical, electric or other, between the hours of 1:00 a.m. and 8:00 a.m., Saturday and Sunday, either outdoors or inside a building or structure so as to allow the sound to be clearly and distinctly heard outside such building or structure.

E. In any nonresidential zoning district within 250 feet adjacent to and/or abutting a residential district, the residential rules and limitations will apply.

F. The operation of any motor vehicle or motorcycle within the T-6 Urban Core Transect Zone, as said zone is defined or may hereafter be defined in the Zoning Ordinance, in such a manner as to cause a sound level meter in good operating condition to register a decibel level of 90 dba or greater at a distance of 50 feet from said meter.

CHAPTER 180: PUBLIC RIGHT-OF-WAY USE PERMIT

§ 180-3 Permit required.

A. Every person, firm, corporation, or legal entity who wishes to place any equipment, material, or vehicles in a public right-of-way within the City at any location within the City of Saratoga Springs shall be required to obtain a permit therefor from the Code Administrator.

Local permits and approvals not required per PSL §130.

CHAPTER 200A: STORMWATER MANAGEMENT

§ 200A-4 Applicability.

A. This chapter and Article VIIIA of the Zoning Ordinance shall be applicable to all land development activities as defined in Article VIIIA of the Zoning Ordinance, § 240- 8A.1

B. The City designates the City Engineer as its Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:

(1) Review the plans;

(2) Upon approval by the City Council of the City of Saratoga Springs, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

(3) Accept the certification of a licensed professional that the plans conform to the requirements of this chapter and Article VIIIA of the Zoning Ordinance.

C. All land development activities subject to review and approval by the applicable board of the City of Saratoga Springs under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter and Article VIIIA of the Zoning Ordinance.

D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter and Article VIIIA of the Zoning Ordinance.

Local permits and approvals not required per PSL §130.

§ 200A-7 Performance guarantee.

A. 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 City of Saratoga Springs in its approval of the stormwater pollution prevention plan, the City of Saratoga Springs may require the applicant or developer to provide, prior to construction, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City of Saratoga Springs as the beneficiary. The security shall be in an amount to be determined by the City of Saratoga Springs 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 City of Saratoga Springs, 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 City of Saratoga Springs. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

Local permits and approvals not required per PSL §130.

B. 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 City of Saratoga Springs 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 and sediment control facilities, the City of Saratoga Springs may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

Local permits and approvals not required per PSL §130.

CHAPTER 203: STREETS AND SIDEWALKS

§ 203-12 Permit required.

No person other than an authorized employee shall dig in a right-of-way without the prior written permit, revocable at any time, of the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

§ 203-16 Fencing and lights required.

A. A person causing digging in a highway shall between sunset and sunrise keep the same fenced and guarded by a lighted red lantern or lanterns approved by the Commissioner of Public Works.

B. A person making or causing an excavation or having an excavation on his premises within five feet of the line of a highway shall keep the same protected by a fence approved by the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

§ 203-20 Prohibitions.

No person shall interfere with or obstruct or use in any way not authorized by law any highway, public park, building or reservoir, sewer, water carrier or watercourse.

§ 203-21.2 Prohibitions.

A. No person shall, by physical obstruction, interfere with any other person's use of any public way or public place.

B. No person shall, by physical obstruction, interfere with any other person's use of a doorway or other ingress to or egress from a public place. Failure to maintain a distance of at least six feet from the threshold of any

such doorway, ingress or egress shall be deemed a violation of this subsection.

§ 203-23 Sidewalks, curbs and paving.

Concrete sidewalks and curbings hereafter laid in any highway shall conform to the following specifications:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Sidewalks, driveways, bikeways and paving.

(1) Grade of sidewalk.

(a) On application by any person, the City Engineer will establish the grade of the sidewalks and curbs in front of his premises. All sidewalks and curbs shall be built to grade.

(b) No concrete sidewalk or curb shall be constructed until grades have been established nor otherwise than in accordance with these specifications.

(2) Construction of sidewalk. These guidelines are to be considered minimum. The City of Saratoga Springs reserves the right to make field adjustments for unforeseen or unusual field conditions.

(a) The minimum width shall be 5.0 feet. When the new installation meets the existing sidewalk, the front edge of last five feet of the new sidewalk shall taper to meet the existing sidewalk for width and elevation.

(b) The back of the new sidewalk shall be on the same line as the original sidewalk.

(c) New sidewalk shall be a minimum of four inches thick, 3,000 pounds per square inch portland cement concrete, entrained air 5% to 7%, supported on a six-inch compacted gravel base.

(d) Expansion joints shall be of one-half-inch bituminous joint material of full depth and shall not exceed 20 feet.

(e) New concrete sidewalk shall be sloped toward the street at a minimum of 1/4 inch per foot and a maximum of 1/2 inch per foot.

(f) The finish shall be a fine-broomed texture at right angles to the run of the sidewalk.

(g) Dummy joints shall be male with an acceptable jointing tool at nominal five-foot spacing. Edges shall be tooled with an acceptable edging tool.

(3) Sidewalks, driveways, Class 1 bikeways, brick paving and grouted stone block paving.

(a) Description. This work shall consist of the construction of either a portland cement concrete sidewalk, an asphalt concrete sidewalk, an asphalt concrete driveway, a Class 1 bikeway, brick paving or grouted stone block paving. All work shall be in accordance with these specifications and in reasonably close conformity with the lines and grades shown on the plans or established by the Engineer.

(b) Materials.

[1] Materials shall meet the requirements specified in the following subsections of Section 700, Materials:

[a] Portland cement: 701-01.

[b] Bituminous materials (as specified): 702-00.

[c] Asphalt cement for paving: 702-02 or 03.

[d] Fine aggregates: 703-01.

[e] Coarse aggregates: 703-02.

[f] Cushion sand: 703-06.

[g] Mineral filler: 703-08.

[h] Premolded bituminous joint filler: 705-07.

[i] Mortar for stone curbs: 705-20.

[j] Wire fabric for concrete reinforcement: 709-02.

[k] Water: 712-01.

[2] Portland cement concrete sidewalks and driveways. The material requirements and composition shall comply with the specifications for Class A concrete in Section 501-2 under Portland Cement Concrete - General. Concrete shall be proportioned in accordance with the aggregate weights specified for Class A concrete in Table 501-3, Concrete Proportions.

(4) Construction details.

(a) Concrete sidewalks and driveways.

[1] The general construction details for manufacturing, transporting and placing concrete shall meet the requirements of Section 501, Portland Cement Concrete - General. Curing of concrete shall meet the requirements of Section 502, Portland Cement Concrete Pavement, except that when a membrane curing compound is used it shall be clear unless otherwise permitted by the Engineer.

[2] The concrete shall be placed in one course to the full depth shown on the plans.

[3] Wire fabric for concrete reinforcement, Section 709-02, shall be embedded at mid-depth in the slab.

[4] The wire fabric shall consist of No. 6 gauge wire at six-inch centers transversely and longitudinally.

[5] Transverse construction joints shall extend to the full depth of the slab and be spaced 20 to 25 feet apart. The edges of such joints shall be finished with an edging tool having a one-fourth-inch radius.

[6] The concrete surface shall be scored at intervals of three to five feet so that the finished walk will be marked in squares. The concrete shall be finished to produce a smooth surface and then lightly broomed to a uniform texture.

[7] A premolded bituminous joint filler, Section 705-07, shall be installed at all joints between sidewalk and curb pavement, building, etc.

(b) Asphalt concrete sidewalks, driveways and Class 1 bikeways.

[1] The provisions under Section 401-3, Construction Details for Plant Mix Pavements - General, shall apply.

[2] The sidewalks, driveways and Class 1 bikeways shall be constructed to the depths and dimensions indicated on the plans.

(c) Brick paving.

[1] All brick pavers shall be laid in the pattern shown on the plans or as directed by the Engineer to provide a uniformly even surface. Joints shall be handtight unless otherwise specified. No brick pavers shall be laid or grouted in freezing weather.

[2] A dry mixture of mortar for brick paving shall be swept over the brick pavers until the joints are completely filled and the joints lightly fogged with water. Brick pavers shall be cleaned of excess mortar and joints finished prior to the mortar setting up. All brick paving shall be kept moist for four days after filling the joints with mortar. After the four-day curing period, removal of the remaining mortar film may be accomplished by the use of a light acid wash (10% solution of hydrochloric or muriatic acid) followed by flushing clean with water or as approved by the Engineer. Care shall be taken to avoid the use of acid in areas where runoff could damage trees or other vegetation.

[3] All brick pavers used over tree pits shall be laid in a three-inch bed of cushion sand with sand-filled joints.

[4] Brick paving (sand setting bed). Brick pavers shall be laid in a properly compacted three-inch bed of cushion sand over the specified subgrade.

[5] Brick paving (mortar setting bed). Brick pavers shall be laid in a bed of mortar with a minimum thickness of one inch over the specified concrete or bituminous subgrade.

[6] Brick paving (bituminous setting bed). Brick pavers shall be laid in a three-fourths-inch thick bituminous setting bed over the specified concrete

or bituminous subgrade. The setting bed shall consist of asphalt cement meeting the requirements outlined in either Section 702-02 or Section 702-03 mixed with fine aggregate meeting the requirements of Section 703-01. The asphalt cement shall be 7.0% of the total batch weight. The mix shall be heated to approximately 325° F. A coating of neoprene-modified asphalt adhesive shall be applied by mopping, squeegeeing or troweling over the top surface of the setting bed to provide bond under the bricks.

[7] Brick paving (sand-cement setting bed). Brick pavers shall be laid on a two-inch setting bed of sand cement over the specified subgrade. The sand-cement setting bed shall not be placed more than four hours prior to the installing the brick paving.

[8] Brick paving (optional concrete setting bed). The contractor shall have the option of installing brick paving by one of the following methods:

[a] Bricks shall be laid on a bed of cement concrete as specified on the plans. The bricks shall be laid in the cement concrete while it is still fresh, as approved by the Engineer, and they shall be rammed into position to provide a uniformly even surface and a solid bedding under each stone block.

[b] Bricks shall be laid as provided for under Subsection A(4)(c)[5], Brick paving (mortar setting bed), provided that the finished surface shall conform to the lines and grades shown on the plans.

(c) Grouted stone block paving.

[1] All grouted stone block pavers shall be laid in the pattern shown on the plans or as directed by the Engineer to provide a uniformly even surface. Joints between blocks shall be a maximum of one and one-fourth (1 1/4) inches or as specified. No blocks shall be laid or grouted in freezing weather.

[2] Unless otherwise approved by the Engineer, a dry mixture of mortar as specified for brick paving, Section 608-2.03, shall be swept over the stone blocks until the joints are completely filled and the joints lightly fogged with water prior to the mortar setting up. All grouted stone block paving shall be kept moist for four days after filling the joints with mortar. After the four day curing period, removal of the remaining mortar film may be accomplished by the use of a light acid wash (10% plus or minus solution of hydrochloric acid) followed by flushing clean with water, or as approved by the Engineer. Care shall be taken to avoid the use of acid in areas where runoff could damage trees or other vegetation. All blocks used over tree pits shall be laid as shown on the current tree planting standard sheet or as shown on the plans.

[3] Grouted stone block paving (sand setting bed). Blocks shall be laid in a three-inch bed of cushion sand over the specified subgrade.

[4] Grouted stone block paving (mortar setting bed). Blocks shall be laid in a bed of mortar with a minimum thickness of one inch over the specified concrete or bituminous subgrade.

[5] Grouted stone block paving (sand-cement setting bed). Blocks shall be laid on a two-inch setting bed of sand-cement over the specified subgrade. The sand-cement setting bed shall not be placed more than four hours prior to installing the block paving.

[6] Grouted stone block paving (optional concrete setting bed). The contractor shall have the option of installing grouted stone block paving by one of the following methods:

[a] Blocks shall be laid on a bed of cement concrete as specified on the plans. The blocks shall be laid in the cement concrete while it is still fresh, as approved by the Engineer, and they shall be rammed into position to provide a uniformly even surface and a solid bedding under each stone block.

[b] Blocks shall be laid as provided for under Subsection A(4)(d)[4], Grouted stone block paving (mortar setting bed), provided that the finished surface shall conform to the lines and grades shown on the plans.

B. Curbing, gutters and concrete mall.

(1) Description. This work shall consist of the construction of the curb, gutter, concrete mall or combination curb and gutter and resetting of the old curb in accordance with these specifications and the lines and grades shown on the plans or established by the Engineer.

(2) The types of curbing and work covered by these specifications are as follows:

- (a) Stone curb (Types A, B, C, D, E, sloped and economy).
- (b) Stone curb, granite (Types A, B, C, D and as indicated).
- (c) Stone curb, bridge (Types A, F1, G1, M, R1, R2, S, T1 and T2).
- (d) Conventionally formed or machine-formed concrete curb (Types AB, AC, BB, BC and as indicated).
- (e) Conventionally formed or machine-formed concrete curb and gutter (Types BB, BC, and as indicated).
- (f) Concrete curb, integral (Type A1).

C. Pedestrian ramps. All sidewalks and curbing hereafter constructed or reconstructed shall be designed and constructed to allow reasonable access to pedestrian crosswalks for physically handicapped persons. The design and construction of pedestrian ramps shall conform to the standards of the City Engineer.

CHAPTER 216: TEMPORARY STRUCTURES

Article I. General Provisions

It shall be unlawful for any person, firm, corporation or other legal entity to install/erect or cause to be installed/erected any temporary structure, tent, canopy, awning or other similar structure in the City of Saratoga Springs without first obtaining a permit where required by this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 217: STORAGE CONTAINERS

§ 217-3 License required; application.

A. Every person, firm, corporation, or legal entity who wishes to place a storage container at any location within the City of Saratoga Springs shall be required to obtain a license therefor from the Code Administrator in any of the following circumstances:

(1) When the container is manufactured and designed to be transported, serviced, and/or manipulated by motorized or mechanical apparatus, except when such container is designed exclusively for frequent curbside pickup as part of a residential use.

(2) When the container is placed in whole or in part on public property.

(3) When the container is placed on private property for more than three months. (Containers placed at locations for less than three months must be reported and registered with the Office of Code Administration.)

Local permits and approvals not required per PSL §130.

CHAPTER 220: TREES

§ 220-2 Permit required.

A. Except upon order of the Department of Public Works, it shall be unlawful for any person, firm or corporation or the officer or employee of a corporation without a written permit from the Department of Public Works to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the City of Saratoga Springs or cause, authorize or procure any person to remove, destroy, cut, break, climb or injure any such tree or shrub or portion thereof or to injure, misuse or remove or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place.

Local permits and approvals not required per PSL §130.

§ 220-5 Planting permits.

A. It shall be unlawful for any person, firm or corporation to plant or set out any tree or cause or authorize or procure any person to plant or set out any tree in or upon any part of any public highway or public place without first obtaining from the Department of Public Works a written permit so to do and without complying in all respects with the conditions set forth in such written permit and with the provisions of this chapter.

Local permits and approvals not required per PSL §130.

§ 225-19 Transportation of explosives.

A. No person shall operate a motor vehicle or tractor-trailer combination within the limits of the City of Saratoga Springs while transporting Class A or Class B explosives as defined by 49 CFR 173.50C in a quantity in excess of 25 pounds unless a written plan of the route is approved by and filed with the Department of Public Safety, with approved copies forwarded to the Police Department and Fire Department and one copy carried on the vehicle, and the Police and Fire Departments will be notified by telephone prior to each trip.

Local permits and approvals not required per PSL §130.

§ 225-22 Vehicle restrictions.

A. Trucks in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule XIV (§ 225-79), except for the pickup and delivery of materials on such streets.

§ 225-23 Temporary street closings.

A. The streets or parts of streets described in Schedule XV (§ 225-80), attached to and made a part this chapter, shall be closed to vehicular traffic on the days and during the hours indicated in said Schedule XV.

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

C. No person, corporation or other legal entity shall close any City street or part thereof without having first obtained a temporary street closing permit. Applications for such a permit shall be made writing to the Department of Public Works, and shall be reviewed and approved by the Department Public Works, the Department of Public Safety, and the Department of Accounts.

Local permits and approvals not required per PSL §130.

§ 225-24. General provisions.

D. Parking on crosswalks and in safety zones prohibited. No vehicle shall be parked on any crosswalk or within any safety zone.

E. Truck parking.

(1) No tractor, trailer, semitrailer or truck exceeding five tons registered gross weight or 35 feet in length shall be parked in front of any place of business except long enough to load or unload merchandise.

(2) No tractor, trailer, semitrailer or truck exceeding five tons registered gross weight or 35 feet in length shall be parked on the streets of any residential district, as defined by the Zoning Ordinance, except to pick up or deliver merchandise.

(3) No trailer, semitrailer, dumpster, refuse container or other like container which is transported by any truck or vehicle of any size shall be left on any street, road or public way without written permission from the Department of Public Safety. The Commissioner of Public Safety shall have the power to require such barricades, lighting and other safety measures as he deems necessary.

F. Tree belt/tree lawn. No vehicle shall be parked between the curbline and the lateral boundary line of the City right-of-way or sidewalk without written permission from the Commissioner of Public Works and a copy filed at the police station.

CHAPTER 240: ZONING (SITE PLAN REVIEW, ET AL.)

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF MILTON

Note that the Project as proposed will be located within the following types of districts:

Residential (R1)

Commercial Transition District (CT)

Chapter 85: Fire Prevention And Building Construction

§ 85-4 Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Local permits and approvals not required per PSL §130.

§ 85-5 Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.

Local permits and approvals not required per PSL §130.

§ 85-6 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by the Code Enforcement Officer, state the reason or reasons for issuance, and if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally, by certified mail, or by affixing a copy of the order to the premises or project under construction or repair in a visible location and by mailing a copy to the person holding the permit at the address given in the permit application (or such new address as such person shall have provided to the Town Building Department in writing) by regular US mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 85-15, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 85-7 Certificates of occupancy and certificates of compliance.

A. Certificates of occupancy or certificates of compliance required. A certificate of occupancy or a certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or a certificate of compliance.

Local permits and approvals not required per PSL §130.

§ 85-8 Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within the Town of Milton shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 85-10 Operating permits.

A. Operating permits required.

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

(a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;

(b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;

(c) Use of pyrotechnic devices in assembly occupancies;

(d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and

(e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of the Town of Milton.

(2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

Local permits and approvals not required per PSL §130.

§ 85-11 Firesafety and property maintenance inspections.

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

(1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.

(2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

(3) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) and (2) shall be performed at least once every 36 months.

B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the

Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary:

(1) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs firesafety and property maintenance inspections of such building or structure at least once every 12 months;

(2) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs firesafety and property maintenance inspections of such building or structure at least once every 12 months;

(3) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a multiple dwelling not included in Subsection A(1) or (2) of this section if OFPC performs firesafety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in Subsection A(3) of this section; and

(4) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a nonresidential building, structure, use or occupancy not included in Subsection A(1) or (2) of this section if OFPC performs firesafety and property maintenance inspections of such nonresidential building, structure, use or occupancy at intervals not exceeding the interval specified in Subsection A(3) of this section.

CHAPTER 88: FLOOD DAMAGE PREVENTION

§ 88-1 Findings.

The Town Board of the Town of Milton finds that the potential and/or actual damages from flooding and erosion may be a problem to the

residents of the Town of Milton 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.

§ 88-11 Purpose of floodplain development permit; 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 § 88-6, 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.

Local permits and approvals not required per PSL §130.

§ 88-14 General 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 § 88-6:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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.

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

(1) Within Zones A1 through A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) 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 (1) foot at any location; or

(b) The Town of Milton 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 Milton 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 Milton 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 § 88-6, 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 the occurrence of the base flood; or

(b) The Town of Milton 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 Milton 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 Milton for all costs related to the final map revisions.

§ 88-15 Standards for all structures.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Anchoring.

(1) 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) Enclosed areas.

(a) For enclosed areas below the lowest floor of a structure within Zones A1 through 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:

[1] 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 shall be provided; and

[2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that 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) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

(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.

§ 88-17 Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 88-14A, Subdivision proposals, and § 88-14B, Encroachments, and § 88-15, Standards for all structures.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Within Zones A1 through A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or

(2) Be floodproofed so that the structure is watertight below the base flood level 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 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 Subsection A(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 that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(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.

CHAPTER 127: PARKS AND RECREATION

§ 127-4 Prohibited activities.

The activities and uses enumerated in this section shall be absolutely prohibited on property under the jurisdiction, custody and control of the Town Board.

A. Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal or

other offensive matter or any abandoned property or material to be placed on or left in or on the property, except in receptacles provided for that purpose.

B. Injury to property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any or real or personal property, tree or other plant life.

C. Disorderly conduct. No person shall do any of the following:

(1) Disobey a lawful order of any officer or employee of the Town or the direction of any sign erected by or at the direction of the Town.

(2) Use abusive or obscene language or make an obscene gesture.

(3) Throw stones or other objects or missiles which may inflict bodily injury or damage to property.

(4) Obstruct vehicular or pedestrian traffic.

(5) Climb upon any wall, fence, structure or monument.

(6) Engage in or encourage fighting or violent or threatening behavior.

(7) Spit upon grounds or other surfaces.

(8) Throw away or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose.

(9) Make any unreasonable noise.

(10) Operate any wheeled vehicle, snowmobile or other equipment in such a manner as to endanger other persons or property or in such a manner so as to create an unreasonable noise or disturbance.

(11) Without lawful authority, disturb any lawful assembly or meeting of persons.

D. Property closed to the public. No person shall enter or remain upon any property or within any structure during such hours and seasonal or indefinite periods that such property or structure has been designated as closed by a sign or by an employee of the Town.

H. All-terrain vehicles. No person shall use or operate an all-terrain vehicle or other similar wheeled or air-cushioned vehicle designed or equipped to operate outside of highways.

§ 127-7 Use of motor vehicles.

Editor's Note: See also Ch. 169, Vehicles, Prohibition of, Art. I, Woods Hollow Nature Preserve and Burgess-Kimball Town Park. No person shall cause or permit a motor vehicle to enter or leave property under the jurisdiction of the Town of Milton except by designated routes. With the exception of emergency vehicles, no person shall cause or permit a motor vehicle to be stopped or parked other than within an authorized parking area provided by and designated by the Town of Milton.

CHAPTER 132: PROPERTY MAINTENANCE

§ 132-2 Construction standards.

No person shall undertake to construct any new building or structure in the Town of Milton without first meeting the requirements for a system or facilities for the separate disposal of waterborne sewage and domestic or trade wastes in accordance with applicable regulations of the Town of Milton and the New York State Department of Health.

Local permits and approvals not required per PSL §130.

CHAPTER 143: SEWERS AND WATER

§ 143-3 Prohibited discharge.

A. No person shall discharge or cause to be discharged any stormwater, surface water, roof runoff, groundwater, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water into any sanitary sewer. Basement drains and sump pumps shall not be connected to any sanitary sewer. The installation and operation of any garbage grinder rated at 3/4 horsepower or greater shall be subject to review and approval of the Town of Milton.

B. Waters or wastes containing certain contaminants hazardous or injurious to the sewers or the sewage treatment facilities are also excluded.

§ 143-4 Fees and permits.

A. No person shall uncover, make connections to or openings into, use, alter or disturb any public sewer or water line, or appurtenances thereof, without first obtaining a written permit from the Town of Milton.

There are three classes of building sewer permits: residential, commercial and industrial. The fees shall be as set from time to time by resolution of the Town Board and shall be on file in the Town offices.

Local permits and approvals not required per PSL §130.

§ 143-34 Excavation specifications.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Necessary arrangements shall be made by the owner with all persons, firms or corporations owning or using any poles, pipes, tracks or conduits, etc., affected by his construction to maintain and protect such facilities during construction. In the event that any existing gas pipes, water pipes, conduits, sewers, tile drains or poles are blocked or interfered with by the excavation required on his project, the owner shall maintain them in continuous operation and restore them to the same condition as they were prior to the start of construction.

B. Sidewalks and pavements must be in no case blocked or obstructed by excavated material, except with the approval of the Town of Milton and then only when adequate provisions have been made for a satisfactory temporary passage of pedestrians and vehicles. Adequate bridging and planked crossings must be provided and maintained across all open trenches for pedestrians and vehicles as ordered by the Town of Milton. Barriers, lights, flares and watchmen shall be provided and maintained by the owner at all trenches, excavations and embankments as required by the Town of Milton.

C. The excavating of the trench shall not advance more than 200 feet ahead of the completed pipe work except where it is necessary to drain wet ground. The width of trenches in which pipe is to be installed shall be such as to provide adequate space for workmen to place and joint the pipe properly and shall be in accordance with the following:

Maximum Trench Width 1 Foot Above Top of Pipe

Pipe Size (inches)	Trench Width (inches)
8 to 12	30
15 to 18	O.D. + 16
21 to 27	O.D. + 18

Maximum Trench Width 1 Foot Above Top of Pipe

Pipe Size (inches)	Trench Width (inches)
30 to 36	O.D. + 24

NOTE: O.D. is outside diameter of pipe barrel

D. The owner shall furnish, put in place and maintain such sheeting and bracing as may be required to support properly the sides and ends of excavations and to prevent injury to the structure built or to persons or property.

E. If at any time the Town of Milton orders, the owner shall install such additional sheeting and bracing as may be required by the State of New York Department of Labor, by adverse soil conditions or by the Town of Milton, but compliance with such orders or failure on the part of the Town of Milton to exercise its right to give such order shall in no way release the owner from liability for damage caused by weak or insufficient sheeting nor from his responsibility to protect the work and adjacent property. Voids appearing outside the sheeting shall be immediately and compactly filled with suitable material and to the satisfaction of the Town.

F. All sheeting and bracing shall be in accordance with the Industrial Code Rule No. 23 of the State of New York Department of Labor, Board of Standards and Appeals.

G. Trench bottoms shall be excavated to conform to the type of bedding specified for the project.

H. Where excavations are opened and, in the opinion of the Town of Milton, the materials in place are not adequate for structural stability of the completed work, the Town of Milton may order the owner to carry the excavation to an additional depth and furnish and place concrete cradles, sand or gravel refill and/or timber and piling foundations.

§ 143-35 Rock excavation; blasting.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Excavation and trenches in rock shall be carried to a depth of 1/4 the diameter of the pipe but in no case less than six inches below the pipe

bottom and shall be made by any acceptable method, including use of explosives.

B. Where blasting is necessary, it shall be done by men experienced in such work. All blasts shall be well covered and provisions made to protect pipes, conduits, sewers, structures, persons and property adjacent to the site of the work. Prior to blast, all persons in the vicinity, but no less than 300 feet, shall be given ample warning. Blasting will not be permitted between sunset and one hour after sunrise, except with special permission, nor within 25 feet of the completed work.

C. All handling and use of explosives shall be in accordance with Industrial Code Rule Nos. 23 and 30 of the New York Department of Labor, Board Standards and Appeals, and Article 16 of the New York State Labor Law.

D. The owner shall secure all permits required by law for blasting operations and any additional hazard insurance required.

CHAPTER 150: STORM SEWERS

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 150-6 Discharge prohibitions.

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 municipality 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, dechlorinated 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 a 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 or any other pollutant to the municipality's MS4, or allows such a connection to continue.

§ 150-8 Prohibition against activities contaminating stormwater.

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 § 150-2 (Definitions) of this article.

B. Such activities include failing individual sewage treatment systems as defined in § 150-7, improper management of pet or farm animal waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. 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.

§ 150-9 Requirement to prevent, control and reduce stormwater pollutants by use of best management practices.

A. Best management practices. Where the SMO has identified illicit discharges as defined in § 150-2 or activities contaminating stormwater as defined in § 150-8, the municipality 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 their 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 § 150-2 or an activity contaminating stormwater as defined in § 150-8 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. Individual sewage treatment systems: response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 150-2 of this article, the owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

(a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee;

(b) Avoid the use of septic tank additives;

(c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and

(d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

(2) Repair or replace individual sewage treatment systems as follows:

(a) In accordance with 10 NYCRR Appendix 75A to the maximum extent practicable.

(b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

[1] Relocating or extending an absorption area to a location not previously approved for such.

[2] Installation of a new subsurface treatment system at the same location.

[3] Use of alternate system or innovative system design or technology.

(c) 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.

§ 150-10 Suspension of access to MS4; illicit discharges in emergency situations.

A. 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 municipality's MS4 in violation of this article may have their 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 therefor. 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.

§ 150-11 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.

§ 150-12 Access and 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, at the facility's cost and expense, 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 its 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 is 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 law.

(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.

§ 150-13 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

CHAPTER 151. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 151-6 Construction inspection.

A. Erosion and sediment control inspection.

(1) The Town of Milton Stormwater Management Officer may require such inspections as necessary to determine compliance with L.L. No. 2-2006 Editor's Note: See this Ch. 151, and Zoning §§ 180-39.5 and 180-52D and Subdivision of Land §§ 154-9.1, 154-21C, 154-22K and 154-23C. and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of L.L. No. 2-2006 and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Milton enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:

- (a) Start of construction.
- (b) Installation of sediment and erosion control measures.
- (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 shall then provide suggested corrective actions to be taken to remedy the violations, which actions must be approved by the Stormwater Management Office prior to their commencement. 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 Stormwater Management Officer.

B. Stormwater management practice inspections. The Town of Milton Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional or engineer acceptable to the Town.

C. 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; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; 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 control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

D. Submission of reports. The Town of Milton Stormwater Management Officer may require additional monitoring and reporting from entities subject to L.L. No. 2-2006 as are necessary to determine compliance with L.L. No. 2-2006.

E. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Milton or its agent the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection C.

§ 151-7 Performance guarantee.

A. 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 Milton in its approval of the stormwater pollution prevention plan, the Town of Milton shall 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 Milton as the beneficiary. The security shall be in an amount to be determined by the Town of Milton 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 Milton, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) 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 of Milton. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

CHAPTER 167. VEHICLES, ABANDONED AND/OR UNREGISTERED

§ 167-3 Prohibited acts.

A. It shall be unlawful for any person to park, store, place or otherwise deposit any abandoned, unregistered or uninsured motor vehicle, or parts thereof, in, on or upon any premises, whether public or private, within the boundaries of the Town of Milton, exclusive of the Village of Ballston Spa. It shall be unlawful to park, store, place or otherwise deposit any recreational vehicle, or parts thereof, upon any premises, whether public or private, within the boundaries of the Town of Milton, exclusive of the Village of Ballston Spa, except as in compliance with § 167-4K of this chapter.

B. It shall be unlawful for any person to suffer or permit the parking, storage, placing or otherwise depositing of any abandoned, unregistered or uninsured motor vehicle, or parts thereof, in, on or upon any premises, whether public or private, within the boundaries of the Town of Milton, exclusive of the Village of Ballston Spa. It shall be unlawful for any person to suffer or permit the parking, storage, placing or otherwise depositing of any recreational vehicle, or parts thereof, upon any premises, whether public or private, within the boundaries of the Town of Milton, exclusive of the Village of Ballston Spa, except as in compliance with § 167-4K of this chapter.

CHAPTER 168. VEHICLES AND TRAFFIC

§ 168-1 Prohibited parking.

Except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or official traffic control device or as a result of an emergency situation, no person

shall stop, stand or park vehicles from November 1 through April 1 on any and all Town roads or closer than four feet to the edge of the pavement.

CHAPTER 169. VEHICLES, PROHIBITION OF

§ 169-1 Vehicles prohibited.

It shall be unlawful for any person or persons owning or operating any motorized vehicle on the Woods Hollow Nature Preserve or Burgess-Kimball Town Park except as provided herein.

§ 169-2 Vehicles in designated parking areas.

Licensed motor vehicles may be parked in areas so designated in the Woods Hollow Nature Preserve or Burgess-Kimball Town Park.

§ 169-8 Findings and intent.

A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Milton. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to the public health and safety because of the possibility that they may be set in motion by passersby, including children.

B. In order to protect and preserve the public health, safety and welfare, the Town of Milton hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 169-10 Prohibited acts; report of violations.

A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.

B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or EQUIPMENT SHALL IMMEDIATELY REPORT THE CIRCUMSTANCES TO THE POLICE.

CHAPTER 180. ZONING

Local permits and approvals not required per PSL §130.

§ 180-9 Applicability of district regulations.

Except as hereinafter otherwise provided:

A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, reconstructed or enlarged for any purpose except in conformance with the regulations herein specified for the district in which it is located.

B. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building.

C. No yard or lot existing at the time of the passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet the minimum requirements established by this chapter, with such lots established in full accordance with the requirements of Chapter, Subdivision of Land.

D. No loading space required for one building or use shall be included as meeting, in whole or in part, the off-street parking or loading space required for another building or use, except as otherwise provided for in this chapter.

E. No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this chapter.

F. Within each district, the regulations set forth by this chapter shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land.

§ 180-22 Wetlands, floodplains, steep slopes and streams.

A. In all districts, the buildable area and all minimum front, side and rear yard requirements must be satisfied by measurement wholly on unconstrained land.

Local permits and approvals not required per PSL §130.

B. Unconstrained land shall not include areas within a designated wetland, as delineated by the New York State Department of Environmental Conservation (including the required one-hundred-foot buffer) or the National Wetlands Inventory prepared by the United States Fish and

Wildlife Service, or which lies under water or which is on slopes in excess of 15% or which is within the one-hundred-year floodplain or is included in the delineated Stream Corridor Overlay (SCO) District. In determining the locations of wetlands, the Planning Board may require that the wetlands be flagged during an on-site wetland delineation by a professional engineer, surveyor or a wetland biologist.

C. The provisions of Chapter 88, Flood Damage Prevention, are hereby incorporated by reference to be made a part of this section.

§ 180-24 General performance standards.

No use shall be permitted that does not conform to the following standards of use, occupancy and operation, in addition to all relevant provisions or other local, state and federal laws, rules or regulations.

A. Noise.

(1) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category stated below when measured at or within the property boundary of the receiving land use:

Receiving Land Use Category	Sound Level Limit (dBa)
Residential zones (R1, R2, MU, H1 and H2)	55
Commercial zones (TC, CT, and A)	62

(2) For any source of sound which emits a pure tone, a discrete tone or an impulsive sound, the maximum sound limits set forth above shall be reduced by five dBa.

B. Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential or agricultural premises shall be disseminated beyond the boundaries or the lot where such use is located.

C. Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated. Special efforts shall be required, such as the planting of vegetation and the installation of light shields, to alleviate the impact of objectionable or offensive light and glare produced by exterior sources on neighboring residential properties or public thoroughfares.

D. Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, common or private sewage disposal system, stream or into the ground, except in strict conformance with the standards approved by the New York State Departments of Health and Environmental Conservation or other duly empowered agency.

E. Radioactivity or electromagnetic disturbance. No activities shall be permitted which emit dangerous radioactivity beyond the building in which such activity is located or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

F. Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protection Association (NFPA) Code, shall be fully observed.

G. Maintenance of developed lots. All open portions of any developed lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grasses or other planted ground cover or by paving with asphalt, concrete, washed stone or other suitable material. Required yard areas shall be planned and maintained in such a manner as to provide an inoffensive setting which is consistent with the general use of the area.

H. Commercial vehicles.

(1) Vehicles exceeding 9,000 pounds loaded or unloaded shall not be kept in any residential district unless the vehicle is stored in a fully enclosed building which meets the other provisions of this chapter.

(2) Vehicles designed for the transport or storage of flammable materials, explosive materials or pesticides, including chemical fertilizers, shall not be kept on residential lots longer than necessary for the delivery or application of the commercial service.

I. All excavation undertaken for any reason must employ best management practices to prevent stormwater runoff.

§ 180-25 Off-street parking and loading standards.

In all districts, at the time any new building or structure is erected or any existing building or structure is subject to a substantial alteration or a

change in use, off-street parking and loading space shall be provided in accordance with the minimum standards set forth below.

A. In the Town Center (TC) District, the Town finds that large and highly visible parking areas will interfere with pedestrian accessibility and reduce the quality of life. The Town also finds that excessive parking requirements can prevent desirable enterprises from locating in the Town Center where the provision of the off-street parking required by a code based on type and square footage a businesses will hinder the goals of the Town's Comprehensive Plan or contradict the Town of Milton Town Center Design Guidelines. However, the Town also recognizes that inadequate parking can diminish quality of life by creating traffic congestion, safety hazards and inconvenience. In order to balance the need for adequate parking with the need to minimize harm resulting from requiring excessive parking within the Town Center, the off-street parking requirements for nonresidential uses shall be established by the Planning Board on a case-by-case basis in the course of reviewing applications for site plan and special permit approvals. The number and layout of parking spaces shall be based on the need to protect public safety and convenience while incorporating the guidelines provided by the Town of Milton Town Center Design Guidelines. Since businesses vary widely in their need for off-street parking, it is most appropriate to establish parking requirements based on the specific operational characteristics of the proposed use. In determining the parking requirements for any proposed use in the Town Center, the Board shall also consider:

- (1) The maximum number of persons who would be driving to the use as employees, customers, clients, members, students or other users at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated peak demand.
- (2) The size of the structure(s) and the site.
- (3) The scenic or historic sensitivity of the site.
- (4) The availability of safely usable on-street parking.
- (5) The availability of off-site off-street parking within 400 feet that is open to the public, owned or controlled by the applicant or available on a shared-use basis, provided that the applicant dedicates needed off-site land for public parking or demonstrates a deeded right to shared use.
- (6) The availability and practicality of off-site off-street parking provided by a shuttle service or other public transportation.
- (7) Standards used in generally accepted traffic engineering and planning manuals; however, such standards shall be used as a

guide only and should be viewed as likely to require excessive numbers of parking spaces.

B. Required number of off-street parking spaces in all other districts except the Town Center.

(1) The minimum number of off-street parking spaces stated below shall be required in addition to one off-street parking space for each company vehicle associated with commercial, business or light industrial uses.

...

(2) For uses not specifically listed, the requirement shall be the same as for the most similar use listed, as determined by the Planning Board at the time of special permit and/or site plan reviews as provided for in Articles VII and VIII, respectively, of this chapter.

(3) In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant, to the satisfaction of the Planning Board, that staggered hours of use would permit reduction of this requirement.

C. Design standards for off-street parking spaces.

(1) Areas which may be considered as meeting off-street parking space requirements may include a garage, carport or other properly developed areas available for parking but shall not include a public street.

(2) No parking area shall encroach on any portion of a required front yard or within 25 feet of any public right-of-way, whichever shall be the less restrictive. Open parking may, however, encroach on a required side or rear yard to within five feet of a property line, except that if parking associated with a nonresidential use is abutting an existing residential use or a residential district, a minimum 15 feet of separation shall be maintained.

(3) In any residential district, required parking spaces shall be fully provided in the side or rear yard of the same lot and shall not encroach on any required front yards.

(4) In all districts, each parking space provided shall be at least nine feet wide and 18 feet in length. Each space shall have direct and usable driveway access to a street and adequate maneuvering

area between spaces in accordance with proper site engineering standards, including the following:

(a) Parallel curb parking: end-to-end measurement of 24 feet with twelve-foot aisle width for one-directional flow and twenty-four-foot aisle width for two-directional flow.

(b) Thirty-degree parking: thirteen-foot aisle width for one-directional flow and twenty-six-foot aisle for two-directional flow.

(c) Forty-five degree parking: sixteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.

(d) Sixty-degree parking: twenty-one-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.

(e) Perpendicular parking: twenty-six-foot aisle width for one-directional and two-directional flow.

(5) All parking areas shall be suitably drained, graded, surfaced and maintained. Except for one- or two-family dwellings, parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article VIII of this chapter, with particular consideration given to the number of vehicles accommodated and the proposed intensity and season(s) of use. All paved parking areas shall be suitably marked to indicate individual parking spaces, maneuvering areas, entrances and exits.

D. Required off-street loading berths. Off-street loading which is designed logically, conveniently located for bulk pickups and deliveries, scaled to anticipated delivery vehicles and accessible to said vehicles when required off-street parking spaces are filled shall be considered for all commercial and light industrial uses and provided as deemed necessary by the Planning Board during site plan review in accordance with Article VIII of this chapter.

§ 180-26 Signs.

Purpose and intent. The purpose of this section is to promote and protect the public health, welfare and safety by regulating signs of all types within the Town. It is recognized that signs serve a vital; communicative function by allowing residents and visitors to readily ascertain the availability and function of facilities that serve their needs. It is the purpose of this code to optimize the communicative value of signs within the landscape by providing an orderly and equitable means for their establishment, protect

property values while establishing an attractive economic and business climate, prevent confusion with regard to traffic safety and preserve the scenic and natural beauty of the community.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. General standards: No sign permitted, temporary or directional, shall be erected, relocated or maintained in any zoning district except in accordance with the provisions stated herein:

(1) At all times, sign(s) must be maintained in a proper state of repair in full compliance with New York State Uniform Fire Prevention and Building Code, Electrical Code and reasonable property maintenance standards. When any sign becomes insecure or is deemed unsafe by the Code Enforcement Official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this chapter, the owner thereof shall upon written notice forthwith and in any case not more than 10 days make such sign conform to the provisions of this chapter, or shall remove it. If within 10 days the order is not complied with, the Code Enforcement Official may remove or cause such sign to be removed at the expense of the owner and/or user of the sign.

(2) No signs shall attempt or appear to regulate, warn or direct highway traffic or to imitate or resemble official traffic signs, signals or devices.

(3) No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

(4) No sign shall project over property lines or be located within public right-of-way. Signs projecting over walkways must be at a minimum clearance of 10 feet from grade. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to clearance limitations imposed by the Town.

(5) Animated signs are permitted in CT, TC and A Zones only. Changeable signs are permitted in CT, TC and A Zones as well as for permitted on-residential uses located in R1, R2, H1, H2 and MU Zones.

(6) Any sign legally existing at the time of the passage of this chapter that does not conform in use location, height or size with the regulations shall be considered a nonconforming use any may

continue in such status until such time as it is either abandoned or removed by its owner or agent. Any structural changes to the sign(s) will require compliance with § 180-68 of this code.

(7) Temporary signs, unless otherwise regulated by specific provisions of this chapter, shall be subject to the following regulations:

(a) Except for those temporary signs whose time of display is specifically addressed elsewhere in this chapter, no temporary sign or banner shall be permitted to be displayed for a period on excess of 90 days in any one period of 365.

(b) Except for those temporary signs whose size is specifically addressed elsewhere in this chapter, the size of any temporary sign shall not exceed the size permitted for any permanent sign of like configuration or type in a given zone.

(c) Any temporary sign which is electrically energized or that contains any electrical device must conform to the same requirements that relate tot permanent electric signs under this chapter.

B. Exempt signs (requiring no permit):

(1) Historical markers, tablets, statues, memorial signs and plaques, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six square feet.

(2) Flags and insignia of any government.

(3) On-premises directional signs for the convenience of the general public, identifying parking areas, fire zones, entrances and exits and similar signs, not exceeding four square feet in face area and no more than six feet in height above finished grade. Wall-mounted directories of building tenants not to exceed six square feet.

(4) Nonilluminated warning, private drive, posted or no trespassing signs not exceeding two square feet per face.

(5) Address numbers: for structures in residential districts, a sign no to exceed 1 1/2 square feet in area mounted on the house or mailbox. For structures in a nonresidential district, a sign

identifying only the street name and number not exceeding four square feet when placed on a building or 1 1/2 square feet when placed on a mailbox.

(6) The following temporary signs are permitted without application for and issuance of a permit:

(a) Construction signs, limited to one unlighted sign not to exceed 32 square feet in surface area and identifying the parties involved in the construction on the premises, but not including the advertisement of any product. Such signs shall be removed prior to the issuance of a certificate of occupancy.

(b) Event signs, not exceeding 32 square feet in surface area, displayed on private property and limited to one such event sign per premises. Event signs, including political signs, may announce a campaign, drive or event of a political, civic, philanthropic, educational or religious organization and are to be removed within five days after the event.

(c) Real estate signs, located on the premises for sale or lease, not exceeding four square feet per side in a residential zone or 10 square feet per side in any commercial zone. All such signs shall be removed immediately upon sale or lease of the property.

C. Permitted signs. Upon filing of an application and payment of the required sign permit fee, in accordance with a schedule established and reviewed annually by the Town Board, and the issuance of a sign permit by the Code Enforcement Official the following signs shall be permitted in accordance with the identified standards related to number, size and location:

(1) For permitted home occupations in all districts, a single sign not exceeding four square feet in total surface area and identifying the occupation conducted on the premises. Unless attached to the principal structure, no such sign shall be located closer than 10 feet to the front property line nor closer than 20 feet to any other property line.

(2) For nonresidential uses within the R1, R2 and MU Districts, where the speed limit is less than 45 mph a single freestanding sign not exceeding 12 square feet in surface area per side is allowed per street frontage and shall not extend into the front right-of-way. A second freestanding sign is allowed when a parcel has two street

frontages and a second entrance, in which case a freestanding sign may be located at the second entrance. Where the speed limit is over 45 mph, a single freestanding sign not exceeding 20 square feet in surface area is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case a freestanding sign may be located at the second entrance. Freestanding signs shall not exceed 10 feet in height above finished grade and cannot be closer than 20 feet to any side property line and shall not extend into the front right-of-way. One wall sign not exceeding 10% of the area of the facade upon which it is placed up to a maximum of 20 square feet is also allowed per street frontage. Within a business complex (shopping center, strip mall or other) each tenant or owner is allowed a wall sign not exceeding 10% of the facade separately leased or owned, up to a maximum of 20 square feet.

(3) For nonresidential uses within the TC, CT and A Districts, where the speed limit is less than 45 mph, one freestanding sign, not exceeding 40 square feet is allowed per street frontage and shall not extend into the front right-of-way. A second freestanding sign is allowed when a parcel has two street frontages and second entrance, in which case a freestanding sign may be located at the second entrance. In locations where the speed limit is 45 mph or greater, one freestanding sign not exceeding 75 square feet is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case freestanding signs may be located at the second entrance. Freestanding signs shall not exceed 20 feet in height above finished grade and cannot be closer than 20 feet to any side property line and shall not extend into the front right-of-way. One wall sign not exceeding 15% of the area of the facade upon which it is placed or a maximum of 150 square feet shall be allowed per street frontage. Within a business complex (shopping center, strip mall or other) each tenant or owner is allowed a wall sign not exceeding 15% of the facade separately leased or owned, up to a maximum of 150 square feet.

(4) For nonresidential uses within H1 and H2 Districts, where the speed limit is less than 45 mph, one freestanding sign, not exceeding 20 square feet, is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case a freestanding sign may be located at the second entrance. In locations where the speed limit is 45 mph or greater, one freestanding sign not exceeding 32 square feet is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case a freestanding sign may be located at the

second entrance. Freestanding signs shall not exceed 15 feet in height from finished grade and be no closer than 20 feet to any side property line and shall not extend into the front right-of-way. One wall sign not exceeding 15% of the FACADE on which it is placed or a maximum of 100 square feet shall be allowed per street frontage. Within a business complex (shopping center, strip mall or other) each tenant or owner is allowed a wall sign not exceeding 15% of the facade up to a maximum of 100 square feet.

(5) Canopy signs and awning signs are considered as part of the square footage limitations for wall signs in a given zone. A business may have both a wall sign and an awning/canopy sign but the total sign area may not exceed the allowable size for the wall. Text on awnings or canopies shall be limited to legal name and/or primary service or product.

(6) Off-premises signs. Businesses and public destinations relating to, but isolated from primary routes of travel shall be permitted a maximum of two directional signs as a special permit use, subject to the provisions of Article VII of this chapter, the issuance of a sign permit and the following additional requirements. Specifications for these "trailblazer" wayfinding signs are designed to conform to the NYS Department of Transportation standards of signs used on NYS highways for the same purpose and are available from the Building Department. Installation of these signs in the public right-of-way requires approval from the governing state, county or Town highway official.

(a) In locations with more than one approved "trailblazer" directional sign, all such signs shall be affixed to a common standard so as to present a neat and orderly appearance.

(b) No other off-premises signs are permitted.

D. Temporary signs. Signs which advertise or display short-term message (i.e., GRAND OPENING, UNDER NEW MANAGEMENT, HOLIDAY SALE) are permitted to be displayed for a period of up to 12 consecutive calendar days with the following provisions:

(1) All regulations as listed in the general standards section shall also apply to temporary signs. No temporary sign shall be larger than the dimension allowed for a permanent sign of the same type, in a given zone.

(2) The following temporary signs are prohibited:

(a) A-frame style or sandwich boards signs.

(b) Signs mounted on trailers or other portable devices.

(3) Types of temporary signs allowed:

(a) Temporary wall signs.

(b) Temporary freestanding signs.

§ 180-27 Fences and walls.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. In the R1, R2, TC, MU, CT, H1 and H2 Districts, fences and walls shall not exceed six feet in height when erected in a required side or rear yard nor exceed four feet in height when erected within 25 feet of the front lot line or highway right-of-way, except agricultural fencing which may be eight feet in height.

B. In the Airport (A) District, fences and walls shall not exceed eight feet in height, except that on a residential district boundary line such fences or walls shall be limited to six feet in height.

C. In any district, all such fences and walls shall additionally conform to the requirements of § 180-16B as it pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety.

D. The use of barb wire shall be prohibited in all districts, except for agriculture uses and where deemed permitted necessary for security or public safety.

§ 180-28 Excavation as part of site preparation.

Except as provided in § 180-42L, Mining, nothing contained herein shall prohibit the excavation of sand, gravel, shale, topsoil or similar material from a lot preparatory to construction of a building for which a building permit has been issued or to move such material from one part of a premises to another part of the same premises when such excavation or removal is clearly incidental to the approved building construction and/or site development and necessary for improving the property for a use permitted in the zoning district in which the property is located. No such material may, however, be sold for export from the site. Provision shall be made to restore an effective cover crop to any area of land from which topsoil has been removed or covered within the first growing season following the start of such operation.

§ 180-36 Required screening for nonresidential uses.

Any enclosed or unenclosed commercial or light industrial use permitted by this chapter shall be provided with a fence, screen and/or landscaping sufficient to obscure objectionable aspects of such use from view from adjoining properties or public rights-of-way.

A. Any use which is not conducted within a completely enclosed building, including but not limited to storage yards, contractors' yards and parking lots, and which use abuts, is adjacent to or located within a residential zoning district or fronts a public right-of-way shall be obscured from view from such residential zoning districts and public rights-of-way in an effective manner.

B. Adequate plans for the installation of required fences, screens and landscaping shall be reviewed by the Town Planning Board in accordance with the provisions of Articles VII and VIII of this chapter, with it specifically provided that the retention and enhancement of existing vegetation, the introduction of substantial new vegetation and the introduction of earthen berming shall be considered the preferred means to satisfy these screening requirements.

C. Any required fences, screens and landscaping installed in accordance with this chapter shall be maintained in good order to achieve the objectives stated herein. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a chargeable violation of this chapter.

§ 180-39.5 Stormwater control.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

B. Stormwater pollution prevention plans.

(1) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed or approved until the appropriate board or designated officer in the Town has received a satisfactory, complete, and acceptable stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

(2) Contents of stormwater pollution prevention plans.

(a) All SWPPPs shall provide the following background information and erosion and sediment controls:

[1] Background information about the scope of the project, including location, type and size of project.

[2] 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; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s).

[3] Description of the soil(s) present at the site.

[4] Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York standards and specifications for erosion and sediment control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

[5] Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.

[6] 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.

[7] 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 closeout.

[8] A site map/construction drawing(s) specifying location(s), size(s), and length(s) of each erosion and sediment control practice.

[9] Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.

[10] Temporary practices that will be converted to permanent control measures.

[11] Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.

[12] Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.

[13] Name(s) of the receiving water(s).

[14] Delineation of SWPPP implementation responsibilities for each part of the site.

[15] Description of structural practices designed 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.

[16] Any existing data that describes the stormwater runoff at the site.

(b) Land development activities as defined in Subsection A of this and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection B(2)(c) below as applicable.

[1] Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

[2] Condition B: Stormwater runoff from land development activities disturbing five or more acres.

[3] Condition C: Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(c) SWPP requirements for Condition A, B and C:

[1] All information in Subsection B(2)(a) of this section;

[2] Description of each post-construction stormwater management practice;

[3] Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;

[4] Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

[5] Comparison of post-development stormwater runoff conditions with pre-development conditions;

[6] Dimensions, material specifications and installation details for each post-construction stormwater management practice;

[7] Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;

[8] Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

[9] Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Subsection D of this section.

(3) Plan certification. The SWPP shall be prepared by a landscape architect or professional engineer, acceptable to the Town, and

must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements of this chapter.

(4) Other environmental permits. The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

(5) Contractor certification.

Local permits and approvals not required per PSL §130.

(a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date 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 Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

(b) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

(c) The certification statement(s) shall become part of the SWPPP for the land development activity.

(6) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

C. Performance and design criteria for stormwater management and erosion and sediment control. All land development activities shall be subject to the following performance and design criteria:

(1) Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to

meet the standards imposed by L.L. No: 2-2006: Editor's Note: L.L. No. 2-2006 consists of Ch. 151, Stormwater Management and Erosion and Sediment Control, Subdivision of Land §§ 154-9.1, 154-21C, 154-22K and 154-23C, and Zoning §§ 180-39.5 and 180-52D.

(a) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").

(b) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").

(2) Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

D. Maintenance and repair of stormwater facilities.

(1) Maintenance during construction.

(a) The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced 50%.

(b) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

(2) Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a

maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Milton to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by Town Engineer and by the legal counsel for the Town.

(3) Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with L.L. No. 2-2006 Editor's Note: L.L. No. 2-2006 consists of Ch. 151, Stormwater Management and Erosion and Sediment Control, Subdivision of Land §§ 154-9.1, 154-21C, 154-22K and 154-23C, and Zoning §§ 180-39.5 and 180-52D, shall be operated and maintained to achieve the goals of L.L. No. 2-2006. Proper operation and maintenance also includes as a minimum, the following:

- (a) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of L.L. No. 2-2006.
- (b) Written procedures for operation and maintenance and training new maintenance personnel.
- (c) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Subsection C(2) of this section.

(4) Maintenance agreements. The Town of Milton shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of Chapter 151 entitled Sample Stormwater Control Facility Maintenance Agreement. The Town of Milton, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article VII. Special Permit Uses

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF BALLSTON

Note that the Project as proposed will be located within the following types of districts:

Rural
Industrial
Mixed Use Centers
Ballston Lake Waterfront

Chapter 62: Fire Prevention and Building Construction

§ 62-2 Building permits.

No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, except a nonresidential farm building, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes, nor install heating equipment without having applied and obtained a permit from the Building Inspector. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Uniform Code. A nonresidential farm building only includes buildings and property which meet the requirements for an agriculture assessment and the eligibility requirements as defined in the Assessor's Manual Section 305: "In any case where a building permit or use requires site plan review, the Building Inspector shall refer the site plan to the Planning Board for review before issuing a building permit. Site plan review shall be required before the issuance of a building permit for any building proposed to be placed on any new or existing commercial site."

Local permits and approvals not required per PSL §130.

§ 62-3 Accessibility to premises.

A driveway over 500 feet in length must be accessible and able to hold a fifty-thousand-pound, thirty-foot-long vehicle, as determined by a licensed engineer, with facilities for turning around to be available within 100 feet of any structure. A driveway over 500 feet in length must have a minimum width of 12 feet and a minimum vertical clearance of 15 feet. A driveway must be maintained free of all obstructions, such as trees, brush, posts, gates, etc. A pullover, 10 feet in width, shall be provided every 200 feet or as determined by the Planning Board.

§ 62-5 Inspections.

- A. Work for which a building permit has been issued under this article 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, heating, ventilating and air conditioning. It shall be the

responsibility of the owner, applicant or his or her agent to inform the Building Inspector that the work is ready for inspection and to schedule such inspection.

Local permits and approvals not required per PSL §130.

§ 62-9 Rules and regulations adopted.

The Town of Ballston is committed to the administration and enforcement of the Uniform Code revision of 19 NYCRR Part 1203 as follows:

- A. Part 1203 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is repealed.
- B. Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Part 1203 to read as follows:

19 NYCRR Part PART 1203.3(c) Stop work orders. Stop work orders shall be used to halt work that is determined to be contrary to provisions of the Uniform Code, or is being conducted in a dangerous or unsafe manner, or is being performed without obtaining a required permit. A stop work order shall state the reason for its issuance and the conditions which must be satisfied before work will be permitted to resume.

CHAPTER 68: Flood Damage Prevention

§ 68-11 Purpose of floodplain development permit; 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 § 68-6, 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.

Local permits and approvals not required per PSL §130.

§ 68-13 Powers and duties of local administrator.

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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 § 68-8 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 chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 68-8 of this chapter.

Local permits and approvals not required per PSL §130.

§ 68-14 General 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 § 68-6:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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.
- (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 Ballston 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 Ballston 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 Ballston 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 § 68-6, 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 the occurrence of the base flood; or
 - (b) The Town of Ballston 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 Ballston 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 Ballston for all costs related to the final map revisions.

§ 68-15 Standards for all structures.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

- 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 is 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.

- (a) Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - [1] 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 shall be provided.
 - [2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
- (b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that 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) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.
- (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.

§ 68-17 Nonresidential structures.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 68-14A, Subdivision proposals, and § 68-14B, Encroachments, and § 68-15, Standards for all structures.

- A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below the base flood level 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 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 Subsection A(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 that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(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 is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

CHAPTER 80: MACHINERY AND EQUIPMENT

§ 80-1 Findings and intent.

- A. Large vehicles, machines and equipment left idling or idling and unattended are a threat to the health, safety and welfare of the citizens of the Town of Ballston. Machines, equipment and vehicles of this nature include, but are not limited to, locomotives, tractor-trailer trucks and earth-moving equipment. When left idling for extended periods, these devices create a nuisance to Town residents in the form of excess noise and harmful exhaust fumes, and they also create an even greater danger to

the public health and safety because of the possibility that they may be set in motion by passersby, including children.

- B. In order to protect and preserve the public health, safety and welfare, the Town of Ballston hereby restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended.

§ 80-3 Idling and unattended large machinery or equipment.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than two hours or to remain idling and unattended for more than 1/2 hour.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to a law enforcement officer.

CHAPTER 91: STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 91-2 Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitats for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;

- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 91-4 Applicability.

This chapter shall be applicable to the following activities occurring within either the MS-4 regions of the Town of Ballston, as established by the New York State Department of Environmental Conservation (a map of the area is on file in the Building Department), or the Watershed Protection Overlay District as established by Article XA of Chapter 138 of the Code of the Town of Ballston.

- A. Land development and land redevelopment projects meeting the following criteria shall not be granted a site development permit for land-disturbing activity without preparation of a stormwater pollution prevention plan that includes postconstruction stormwater management controls:
 - (1) All land development and land redevelopment projects within the Watershed Protection Overlay District where land disturbance is over one acre and there is an increase in impervious area or altering of hydrology, except for those projects outlined in § 91-4B(3) and (4).
 - (2) Land development disturbing more than one acre not associated with a single-family residential development.
 - (3) Land development disturbing greater than five acres associated with a single-family residential development.
 - (4) Single-family residential subdivisions that involve soil disturbance of between one and five acres of land with greater than 25% impervious cover at total site build-out.

- (5) All land development and land redevelopment projects which propose to connect to a Town-owned drainage system or propose to convey a stormwater management facility to the Town at the completion of the project.
 - (6) Projects that involve soil disturbances of more than five acres for construction of a barn or other agricultural building and structural practices as defined in Table II in the "Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State" that include the construction or reconstruction of impervious area.
- B. Land development and land redevelopment projects meeting the following criteria shall not be granted a site development permit for land-disturbing activity without preparation of a Stormwater Pollution Prevention Plan that only includes erosion and sediment controls:
 - (1) Single-family residential development disturbing greater than one acre but not more than five acres, with 25% or less impervious cover at total site build-out.
 - (2) All land development and land redevelopment projects within the Ballston Lake Waterfront District disturbing greater than 1,000 square feet.
 - (3) Construction of a barn or other agricultural building, silo, stock yard or pen disturbing greater than one acre but less than five acres.
 - (4) All other construction activities involving soil disturbance greater than one acre of land, as defined in NYS SPDES Permit GP-0-08-001, Appendix B, Table I.
- C. In addition, the Town of Ballston Building Department, at its discretion, may forward a land development or land redevelopment project not covered under Subsection A and B of this section to the Planning Board for site plan approval if it is determined by the Town Engineer and/or Town Building Inspector that the project may adversely affect drainage conditions or downstream properties. Upon such referral, the need to develop a stormwater pollution prevention plan or stormwater management report shall be determined by the Planning Board.

Local permits and approvals not required per PSL §130.

§ 91-6 Application requirements.

- A. Each application shall bear the name(s) and address(es) of the owner and developer of the site, and any consulting firm retained by the applicant together with the name of the applicant's principal contact at said firm, and shall be accompanied by a filing fee.
- B. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the

erosion and sediment control plan, and that construction or grading activities are taking place under the direction of a licensed/certified professional.

- C. Each application shall include a copy of the stormwater management report and/or stormwater pollution prevention plan, as required in § 91-4 hereof.
- D. Each application where the disturbance for the project exceeds one acre shall include a copy of the notice of intent (NOI) submitted to the NYSDEC requesting coverage under SPDES General Permit GP-0-08-001.

Local permits and approvals not required per PSL §130.

§ 91-8 Stormwater pollution prevention plan.

- A. The SWPPP shall be prepared in full conformance with the latest version of the New York State Department of Environmental Conservation Stormwater Management Design Manual, the New York Standards and Specifications for Erosion and Sediment Control and GP-0-08-001.
- B. The SWPPP shall be prepared by a qualified professional as defined in GP-0-08-001 and must be signed by the qualified professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.
- C. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date 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 Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
 - (1) The certification must include the name and title of the person providing the signature; address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - (2) The certification statement(s) shall become part of the SWPPP for the land development activity.

Local permits and approvals not required per PSL §130.

- D. The following components shall be included in stormwater pollution prevention plans regardless of project size:

- (1) Background information about the scope of the project, including location, type and size of the project;
- (2) Site map and 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; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
- (3) The site map should be at a scale no smaller than one inch equals 100 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet);
- (4) An erosion and sediment control plan stamped by a qualified professional as defined in GP-0-08-001;
- (5) Description of the soil(s) present at the site;
- (6) Name(s) of the receiving water(s);
- (7) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with SPDES Permit GP-0-08-001, not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP by the Town of Ballston;
- (8) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- (9) 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;
- (10) 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;
- (11) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- (12) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- (13) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

- (14) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (15) Description of structural practices designed 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; and any existing data that describes the stormwater runoff at the site.
- E. The following components shall also be included in stormwater pollution prevention plans that include postconstruction stormwater management practices [Note: Many of the components listed below are also required to be included in the stormwater management report.]:
- (1) Description of the inspections to be performed by a qualified inspector in accordance with GP-0-08-001;
 - (2) Description of each postconstruction stormwater management practice;
 - (3) Temporary practices that will be converted to permanent control measures;
 - (4) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;
 - (5) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 - (6) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions for the applicable design storms;
 - (7) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
 - (8) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
 - (9) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be described with a legal description on the plan and the easement must be filed in the County Clerk's office and shall remain in effect with transfer of title to the property;
 - (10) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article II, § 91-4, of this chapter.
- F. Design requirements. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the New York Standards for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction the Stormwater Management Officer.

G. Erosion and sediment control.

- (1) Clearing and grading shall be performed with the erosion and sediment control techniques set forth in the most recent version of the New York Standards and Specifications for Erosion and Sediment Control to prevent sedimentation of downstream features and properties:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

I. Watershed Protection Overlay District.

- (1) For single-family residential developments in the Watershed Protection Overlay District disturbing greater than one acre but less than five acres, and having 25% or less impervious cover at full build-out, a stormwater pollution prevention plan and stormwater management report shall be prepared. The stormwater pollution prevention plan shall include all required elements previously outlined in Chapter 91. The stormwater management report shall include the following:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

J. Maintenance easements and/or district dedications.

- (1) Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer shall execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater maintenance facility. The easement shall provide for access to the facility at reasonable times for periodic inspections by the Town of Ballston to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The maintenance easement agreement and easement shall be recorded by the applicant at the applicant's expense at the Saratoga County Clerk's office after review and approval by the Attorney for the Town of Ballston. Said agreements and easements shall be created at the applicant's expense. A title insurance policy sufficient to cover the interest of the Town in the easement shall also be procured for the benefit of the Town of Ballston at the applicant's expense and insure the Town. All required releases of liens will be taken care of by the applicant.
- (2) If a maintenance district is to be created, then title to the land to be dedicated to the district must be clear and marketable before dedication and all expenses of dedication will be paid by the applicant. If the facility is landlocked, then a corridor from a street will be dedicated unless

impractical based upon the location, in which case an easement will be created and conveyed to the district.

K. Inspections.

- (1) The Stormwater Management Officer or designated agent shall make periodic inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the SWPPP as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Stormwater Management Officer shall be maintained at the site during the progress of the work.

Local permits and approvals not required per PSL §130.

§ 91-10. Stop-work orders.

The Stormwater Management Officer may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to immediately cease all land development activities, except those activities that address the violations leading up to the stop-work order. The stop-work order shall be in effect until the Town of Ballston 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 civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this chapter.

CHAPTER 92: STORM SEWERS: ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 92-6 Discharge and connection prohibitions; exemptions.

- 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 §92-6A. 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 chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: waterline 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, dechlorinated 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 chapter.
- (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 a 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 chapter if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 92-7 Activities contaminating stormwater.

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 § 92-2, Definitions, of this chapter.

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.

§ 92-8 Use of best management practices.

Where the SMO has identified illicit discharges as defined in § 92-2 or activities contaminating stormwater as defined in § 92-7, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

- A. 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.
- B. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in § 92-2 or an activity contaminating stormwater as defined in § 92-7, 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.
- C. 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.

§ 92-9 Suspension of access to MS4; illicit discharges in emergency situations.

- A. 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 municipality's MS4 in violation of this chapter 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 therefor. 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.

§ 92-10 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.

§ 92-11 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 chapter, 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 chapter.
- B. Access to facilities.
 - (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. 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 chapter.
 - (3) The municipality shall have the right to set up on any facility subject to this chapter 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 chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its 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 chapter are a violation of this chapter. A person who is the operator of a facility subject to this chapter 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 chapter.
 - (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 chapter, 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 chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 92-12 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

CHAPTER 96: SOLID WASTE

§ 96-7 Prohibited acts.

- A. No person shall deposit, throw, cast, lay or suffer or permit any person to deposit, throw, cast or lay any waste, litter, rubbish, refuse, garbage, debris, discarded objects, materials and/or matter of any type on any street or public place in the town.
- B. No person shall abandon or discard or cause or suffer any other person to abandon or discard any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes, cartons, yard supplies, household appliances, automobiles or parts thereof, machinery or equipment, rubbish, refuse or garbage, in any street, avenue, highway or public place in the town.
- C. No person, being the owner, driver or manager of any automobile or other vehicle, and no owner of any receptacle, shall deposit, scatter, blow, drop, spill or permit to be deposited, scattered, blown, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or material, shavings, rubbish, litter, waste materials, household appliances, automobiles or parts thereof, machinery, refuse or garbage therefrom upon any street, avenue, highway or public place in the town.

CHAPTER 125: VEHICLES AND TRAFFIC

§ 125-2 No parking certain times on certain streets.

- A. No parking shall be permitted on Saturdays, Sundays and holidays on the north side of Outlet Road between Lake Road and westerly to the Delaware Hudson Railroad tracks.
- B. No parking shall be permitted on Saturdays, Sundays and holidays on either side of Lake Road from the Outlet Road for a distance of one mile south of said Outlet Road.
- C. No parking shall be permitted from 8:00 a.m. to 1:00 p.m. on Sundays on either side of Buell Avenue from Williams Street to Charles Street, on the south side of Edward street from Buell Avenue to Midline Road.
- D. No-parking signs shall be posted on both sides of Lawmar Lane from Lakehill Road through the "s" curve.

§ 125-7 Weight limits established.

- A. Trucks, commercial vehicles, tractors, tractor-trailer combinations having a gross vehicle weight in excess of 10,000 pounds are excluded from traveling on Mourningkill Drive in the Town of Ballston, Saratoga County, and State of New York.
- B. The Town of Ballston establishes a ten-ton weight limit on Ballston Avenue.

§ 125-8 No parking in winter months.

No person shall stop, stand or park any vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal, during the period November 1 through April 1, on the pavement or shoulder of any and all town roads or streets.

CHAPTER 138: ZONING

Local permits and approvals not required per PSL §130.

§ 138-14 Environmental regulations.

The following restrictions shall also be subject to applicable New York State and/or federal regulations that apply to industrial districts. No facility will be allowed that shall:

- A. Cause the emission of excessive smoke, fumes, gas, dust or other atmospheric pollutant beyond the boundaries of the user's lot; and, for the purpose of this

subsection, smoke shall be deemed excessive when its shade or appearance is darker than Number 2 on Ringelmann's scale for grading density of smoke.

- B. Cause noise audible beyond the boundaries of the user's lot.
- C. Discharge any waste material into any sanitary disposal system or sewage system, except as permitted by the public health authorities of the municipality controlling such sewerage system and as permitted by the Town of Ballston with respect to any town-owned or -operated sewerage system.
- D. Store or stock any waste material on the premises of the user, other than that used in day-to-day operations.
- E. Cause any adverse effect on town water sources, including groundwater supplies and Ballston Lake.
- F. Protection of water sources and water quality shall be given the highest priority by the Zoning Board of Appeals or Planning Board in considering the regulations of this article and any site plan review.
- G. Create an adverse effect on the environment, as defined by New York State Environmental Quality Review Act Editor's Note: See Article 8 of the Environmental Conservation Law. and its supplemental regulations. Specific attention shall be given by the Zoning Board of Appeals and Planning Board to wetland areas located in the boundaries of the industrial district, and all New York State regulations regarding the protection of such wetland areas shall be strictly complied with by all industrial district owners or developers.
- H. Violate any of the provisions of Article XII, Activity Standards for Annoying and Injurious Substances, Conditions and Operations, of this chapter.

§ 138-15 Facility and site requirements.

- A. All users shall attractively landscape the unoccupied or unused portions of the premises with lawn, trees, shrubs or other plant material with due consideration to the natural growth and the nature and condition of the terrain.
- B. There shall be a minimum lot size of 40,000 square feet or six times the total square footage (outside dimensions) of the building or buildings on the site, whichever is greater.
- C. All building setbacks shall be a minimum of 100 feet from the front property line on all state or county roadways. All other building setbacks shall be 50 feet from the front property line for lots fronting on any municipal or private interior roads located within this Industrial Zone. All rear and side yard depths shall be not less than 30 feet from the property lines, except for residential buffer zones as required

in Subsection E of this section. No structures or uses associated with the principal use of the property (i.e., parking) shall be permitted within the required yard areas.

- D. Off-street parking regulations shall be governed by Article XV, Off-Street Parking and Loading.
- E. Where an industrial facility or use adjoins an existing residential property boundary line, a buffer strip along the property boundary of at least 100 feet in depth and landscaping shall be provided. A one-hundred-foot buffer strip must also be provided along the boundary line of any residential district.
- F. All users shall comply with such additional conditions and requirements as may be required by the Planning Board, including Planning Board regulations concerning maximum height of structures, security fencing and other such site requirements necessary to meet any of the standards hereinafter set forth.
- G. The Zoning Board of Appeals may waive any of the requirements contained in the article where it finds that such requirements will impose an undue or unreasonable hardship or inconvenience and where such waiver will not adversely affect the surrounding area.
- H. Access to the Industrial Zone shall be by Route 50, Route 67 and Underpass Road only.

§ 138-17 Construction standards.

All construction within the Industrial Zone shall conform to the applicable standards of the New York State Uniform Fire Prevention and Building Code. All building plans and site plans for construction within the Industrial Zone shall be approved by a New York State licensed design professional, as such professional is defined by § 7208 of the New York State Education Law.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 138-18 Permit requirements and administration.

- A. Construction shall begin within one year from final approval and issuance of all required permits. The developer or his or her successors and assigns shall be solely and exclusively responsible for obtaining any permits required to commence development of the land as authorized by this chapter.
- B. Nothing in this chapter shall be construed to satisfy the obligations of any person to obtain any governmental approval or permit from any governmental agency other than the Town of Ballston for activities proposed with the Industrial Zone.

Local permits and approvals not required per PSL §130.

§ 138-19 Developer to provide roads and utilities.

The access roads and all water, sewage and stormwater control facilities shall be installed at no cost or expense to the town. Roads to be dedicated to the Town of Ballston will be built in accordance with town highway specifications.

§ 138-20 Use and change of use.

Any use of any of the land or buildings in the district shall be approved by the Planning Board of the Town of Ballston or its agent. Any change in use must comply with the regulations established by this article. "Change in use" shall include any use of the land or buildings for any purpose other than that for which approval has previously been given.

Local permits and approvals not required per PSL §130.

§ 138-27.4 Applicability.

- A. The Watershed Protection Overlay District is superimposed over the basic zoning districts as set forth on the Zoning Map of the Town of Ballston, which is on file in the office of the Town Clerk. Editor's Note: The official version of the Zoning Map is on file in the office of the Town Clerk or is available through eCode360. A copy of the map may be included in a pocket at the end of this volume. Proposed land uses in the Ballston Lake Overlay District are subject to the requirements set forth in this section, in addition to those requirements and standards ordinarily applicable to the underlying districts. In case of conflict, the more restrictive regulation requirements shall apply.

Local permits and approvals not required per PSL §130.

- C. Illicit discharges into, and illicit connections into, the municipal separate storm sewer system ("MS4") shall be governed by Chapter 92 of the Ballston Town Code. This portion of the Code, and any amendments to it, are intended to apply to the Watershed Protection Overlay District and the MS4.

§ 138-27.6 Prohibited practices. The following practices shall be specifically prohibited within the Ballston Lake Overlay District:

- A. Disposal of hazardous material or solid waste;
...

§ 138-27.7 Review and approval.

- A. For any application for development within the Watershed Protection Overlay District that requires site plan approval or subdivision approval by the Town of Ballston Planning Board, in the underlying zoning district, the applicant shall include the following information, in addition to the site plan or subdivision approval requirements of the underlying district. The applicant shall review Chapter 91, Stormwater Management and Erosion and Sediment Control, for specific design requirements within the Watershed Protection Overlay District.

Local permits and approvals not required per PSL §130.

§ 138-27.9 Industrial uses.

Industrial uses shall be permitted in the Watershed Protection Overlay District in conformance with the underlying zoning district. All industrial uses within the Ballston Lake Overlay District shall provide supporting documentation to the Town of Ballston Stormwater Management Officer that the use conforms to the requirements of the New York State Department of Environmental Conservation (NYSDEC) under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, Permit No. GP-0-06-002, and any subsequent revisions. The applicant shall submit the following documents:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

- A. Copy of certificate of no exposure or notice of intent or termination (NOIT) form;
- B. Acknowledgement of permit coverage under GP-0-06-002, and copies of all required sampling results, annual certification reports, the project's stormwater pollution prevention plan (SWPPP) and performance standards established by NYSDEC;
- C. Acknowledgement of permit coverage under an individual SPDES permit by NYSDEC and all supporting documentation required by NYSDEC under that permit.

§ 138-42 Vibration. No vibration shall be discernible at the lot lines or beyond.

§ 138-43 Smoke. No emission of visible gray smoke of a shade equal to or darker than Number 2 on the Ringelmann Chart, measured at the point of emission, shall be permitted.

§ 138-44 Odors. No offensive odor shall be noticeable at the lot line or beyond.

§ 138-45 Fly ash; dust. No emission which can cause any damage to health, animals or vegetables or other forms of property or any excessive soiling shall be permitted.

- § 138-46 Glare. No direct or sky-reflected glare shall be visible at the lot line or beyond.
- § 138-47 Liquid or solid wastes. No discharge into any present or future disposal system, public or private, or streams, or into the ground, of any materials of such nature or temperature as to contaminate groundwater supply or any natural body of water shall be permitted.
- § 138-49 Noise. No continuous hum, intermittent noise or noise with any noticeable shrillness of a volume of more than 50 decibels, measured at lot lines, shall be permitted.
- § 138-50 Fire and explosion hazard. No process or storage of materials in such manner as to create undue hazard by reason of fire explosion shall be permitted.
- § 138-52 Electrical interference. Electrical operations shall not create disturbances to radio and television reception in the vicinity.
- § 138-54 Visibility at intersections.
- A. On any corner lot, no obstruction higher than 2 1/2 feet above the center line of the street elevation shall be permitted to be planted, placed, erected, or maintained within the triangular area formed by the intersecting pavement lines, or their projections, where corners are rounded, and a straight line joining the pavement lines at points 50 feet distant from their point of intersection.
- B. The minimum clear vision zone distance shall be 25 feet from the edge of the pavement at an intersection.

§ 138-55 Distracting lights.

No artificial lights or reflecting device shall be located or displayed where such lights or devices interfere with or compete for attention with traffic signals or divert the attention of operators of motor vehicles or otherwise create traffic hazards.

§ 138-56 Off-street parking.

A. Intent.

- (1) Off-street parking spaces shall be required for all structures and uses constructed, altered, or rebuilt after the effective date of this chapter, except that parking spaces shall not be required for structures in existence on the effective date hereof that are rebuilt or repaired as a result of damage or destruction by causes beyond the control of the owner or

lessee. This exception shall not permit the rebuilding or repair of a building having a greater number of stories or square feet of ground space than the building damaged or destroyed unless provision is made for off-street parking as provided in this chapter. All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Zoning Board of Appeals may issue special permits for parking spaces to be on any lot within 500 feet of the building, if it determines that it is impractical to provide parking on the same lot with the building.

- (2) Off-street parking space shall be provided for all dwellings. No portion of the right-of-way of an existing or proposed street or highway shall be used for parking space(s) for a residential use unless it is part of a proposed development in the Mixed Use or Business Highway 1 and 2 Districts where on-street parking is encouraged on internal roads and secondary streets. A parking space may be fully enclosed (as a garage), covered (as a carport) or open. For any buildings having more than one use, parking space(s) shall be required for each use.
- (3) The number, size and dimensions of parking spaces suitable for use by the physically handicapped shall comply with the requirements set forth in the New York State Uniform Fire Prevention and Building Code. Each area reserved for handicapped off-street parking shall consist of at least 320 square feet, with a minimum width of 16 feet. Spaces in a lot shall have a minimum clear width of eight feet zero inches and an adjoining access aisle having a minimum clear width of eight feet zero inches. Two accessible parking spaces are permitted to share a common access aisle.

§ 138-102 Applicability.

Site plan review and approval is required for certain uses as indicated on the use tables set forth at the end of this chapter or where site plan approval is required as part of the criteria for a special permit. In such cases, the site plan approval must be obtained prior to the issuance of a building permit for construction.

Local permits and approvals not required per PSL §130.

§ 138-115 Outdoor storage containers.

The use of outdoor storage containers, other than a shed or outbuilding or refuse receptacle, shall be prohibited for a period of greater than four weeks if such storage container can be seen from neighboring properties or frontage roads except where such containers are present during ongoing construction activities under a valid building permit.

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Note that the Project as proposed will be located within the following types of districts:

Hamlet Mixed Use (~300 ft)

Agricultural Residential (~5,000 ft)

Conservation Residential (~6,000 ft)

CHAPTER 73: BUILDING AND CONSTRUCTION AND FIRE PREVENTION

§ 73-14 Transportation of hazardous materials or explosives.

Transporting of explosives, blasting agents, hazardous chemicals or other materials and other dangerous articles must comply with Title 49 of the Code of Federal Regulations and § 380 of the New York State Vehicle and Traffic Law. Editor's Note: Section 380 of the Vehicle and Traffic Law was repealed by L. 1987, c. 186. For current provisions, see § 14-f of the Transportation Law.

§ 73-20 Permits.

A. A permit shall constitute permission to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

Local permits and approvals not required per PSL §130.

E. Permits are required for the following:

- (4) To erect a tent canopy or membrane structure per Chapter 24 of the Fire Code of New York State.
- (5) The storage of explosives, ammunition and blasting agents per Chapter 33 of the Fire Code of New York State.

- (10) Operating permits as described in § 208-107.2 of the Town Code.

Local permits and approvals not required per PSL §130.

§ 73-26 Stop-work orders.

Legal stop orders issued under the authority contained in § 208-107 of Chapter 208, Zoning, as amended, can only be rescinded or removed by the Building Inspector. Any removal of a legally posted stop order by unauthorized personnel shall be considered to be an offense and punishable as provided in § 208-111 of Chapter 208, Zoning, as amended.

CHAPTER 86: CONSTRUCTION AND DESIGN STANDARDS

§ 86-7 Storm drainage

B. Stormwater management and erosion and sediment control.

(4) Applicability.

(a) Subsections B, C and D shall be applicable to all land development activities as defined in Subsection C(1).

(b) The Town of Clifton Park shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:

[1] Review the plans;

[2] Upon approval by the Town Board/Planning Board of the Town of Clifton Park, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

- [3] Accept the certification of a licensed professional that the plan conform to the requirements of Subsections B, C and D.

Local permits and approvals not required per PSL §130.

- (c) All land development activities subject to review and approval by the Town Board/Planning Board of the Town of Clifton Park under regulations shall be reviewed subject to the standards contained in Subsections B, C and D.

Local permits and approvals not required per PSL §130.

- (d) All land development activities not subject to review as stated in Subsection C(4)(c) shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of Subsections B, C and D.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

C. Stormwater control.

(2) Stormwater pollution prevention plans.

- (a) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in Subsections B, C and D.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

(d) Contractor certification.

- [1] Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date 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 Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Local permits and approvals not required per PSL §130.

- (e) Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Clifton Park the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection D(1)(c). prj

Local permits and approvals not required per PSL §130.

(2) Performance guarantee.

- (a) 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 Clifton Park in its approval of the stormwater pollution prevention plan, the Town of Clifton Park 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 Clifton Park as the beneficiary. The security shall be in an amount to be determined by the Town of Clifton Park 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 Clifton Park, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) 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 of Clifton Park. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

Local permits and approvals not required per PSL §130.

- (b) 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 Clifton Park 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 and sediment control facilities, the Town of Clifton Park may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

Local permits and approvals not required per PSL §130.

§ 86-10 Trees.

A. Intent.

- (1) The Town of Clifton Park desires to protect its environment and preserve its character and determines that trees are an important natural resource. In order to ensure this intent, the town desires to keep clearing of trees to a minimum. Therefore, the only trees that can be removed from a construction site are those necessary for approved construction to be completed. In addition, the town wishes to preserve those trees determined to be of historical significance. Trees so designated to be preserved must be marked and protected to avoid injury during construction.
- (2) If the ground level of the property is altered causing additional filling, tree wells or other landscaping techniques shall be employed to ensure the protection of the trees.
- (3) The applicant shall be required to plant two new trees per living unit on the street side of new construction sites. This may be waived if the site is wooded.

Local permits and approvals not required per PSL §130.

§ 86-12 General construction practices.

- A. General. These construction standards shall govern all construction indicated in final submission of subdivisions and site plans with the town, both on private land and on public land. Construction not covered by these standards shall be in accordance with recognized good practice such as that contained in the State of New York's Department of Transportation Specifications or recommendations of manufacturers' associations. All such methods not covered by these standards require approval of the town before construction begins.

Local permits and approvals not required per PSL §130.

§ 86-14 Storm drainage system.

General.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

- A. The construction of storm drainage facilities shall be controlled by these standards and all other applicable town standards.
- B. All catch basin frames shall be set or adjusted to be level with road grades. All grates shall be bicycle safe. All pipe ends daylighted to grade shall have end sections with riprap aprons. **[Amended 4-6-1998 by L.L. No. 2-1998** Editor's Note: This local law also repealed former Subsection B, concerning corrugated metal pipe, and relettered former Subsections C through E as B through D, respectively.]
- C. Appropriate erosion control methods shall be utilized to avoid siltation of the storm system prior to establishment of lawns.
- D. See §§ 86-17, 86-7 and 208-6 for permit and inspection requirements.
- E. Temporary erosion and sediment control measures shall be constructed prior to beginning any other land disturbances.
- F. Except as noted below, stabilization measures shall be initiated as soon as practicable in portions of the site where soil disturbance activities have temporarily or permanently ceased but in no case more than 21 days after soil disturbance activity in that portion of the site has ceased.
- G. Where soil disturbance or construction activity will resume on a portion of the site within 21 days from when activities ceased, then stabilization measures do not have to be initiated on that portion of the site until activities will cease for more than 21 days.

H. Water quality controls. Soil disturbance and construction activities shall adhere to the following minimum requirements relative to waterbodies (i.e., surface waters, including rivers, streams and other drainage channels, lakes, reservoirs and wetlands):

- (1) There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions.
- (2) There shall be no suspended colloidal and settleable solids that will cause deposition or impair the waters for their best usages.
- (3) There shall be no residue from oil and floating substances, visible oil film, globules or grease.

§ 86-17 Pipeline construction.

A. A permit issued by the Department of Building and Development is required for construction of any utility pipeline outside of an approved subdivision within the town. All pipeline construction including appurtenances must be inspected by the Department prior to backfilling.

Local permits and approvals not required per PSL §130.

§ 86-18 Plain and reinforced concrete.

A. General. Concrete used in any type of construction shall meet the strength and durability requirements of these standards as determined by testing procedures specified herein. Materials used shall meet the requirements of these standards and shall be approved by the Board for the intended use.

Local permits and approvals not required per PSL §130.

§ 86-19 Cable and conduit.

- A. General. Underground cable for telephone and/or electric service shall be installed in conformance with requirements listed herein and other sound installation practices.
- B. Sequence of construction. Installation of cable and conduit shall be subsequent to right-of-way grading but prior to any paving operations. Grading shall be within six inches of proposed final grade.
- C. Conduit. Rigid conduit shall be placed under all roadways prior to the installation of the cable. Conduit of appropriate size shall conform to the National Electric Code. Conduit installation is to conform to excavation and backfilling items under Section 206, New York State Department of Transportation Specifications, with the sand backfill to be at least six inches below and six inches above the conduit.
- D. Identification. To protect from inadvertent cuts into any cable, any buried cable shall have placed approximately one foot above such cable a continuous ribbon of brightly colored, nonreactive plastic.
- E. Documentation. The developer shall indicate all cable and conduit locations on the as-built drawings when submitted to the town.

§ 86-20 General construction.

- A. Plain and reinforced concrete. Approved materials are:

Material	Standard
Portland cement	NYSDOT 701-01
Air-entraining admixtures	NYSDOT 711-08
Aggregates	NYSDOT 703
Water	NYSDOT 712-01
Bar reinforcement for cement concrete	NYSDOT 709-01
Welded steel wire fabric for concrete	NYSDOT 709-02
Reinforcement	ASTM A185

B. Guard railing. Approved materials are:

Material

3-cable railing
Posts

Standard

NYSDOT 710-22
NYSDOT 710-22,
ASTM 36 and
ASTMA123

C. Topsoil and seeding. Approved materials are:

Material

Topsoil
Seed

Standard

NYSDOT 713-01
NYSDOT 713-04

Local permits and approvals not required per PSL §130.

CHAPTER 119: FLOOD DAMAGE PREVENTION

§ 119-11 Floodplain development permit.

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 insuring 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 § 119-6 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.

Local permits and approvals not required per PSL §130.

§ 119-18 Certificate of compliance.

A. In areas of special flood hazard, as determined by documents enumerated in § 119-6 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.

Local permits and approvals not required per PSL §130.

§ 119-20 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 herein.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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 applicant 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 Clifton Park 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 Clifton Park 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 § 119-6 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 applicant 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 Clifton Park 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 Clifton Park for all costs related to the final map revisions.

§ 119-21 Anchoring of structures.

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.

§ 119-22 Construction materials and methods.

A. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

B. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

C. Parking and storage areas.

- (1) 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.
- (2) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

§ 119-23 Utilities.

- A. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

- B. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- C. 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.
- D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

CHAPTER 124: FRESHWATER WETLANDS AND STREAM PROTECTION

§ 124-5 Activities which require review by the ECC.

- A. Stream disturbance.
 - (1) Except as provided in Subsection A(2) of this section, no person or local public corporation may change or disturb any stream, its bed or banks nor remove from its bed or banks sand, gravel or other material without a permit issued from the Town of Clifton Park.

Local permits and approvals not required per PSL §130.

CHAPTER 145: MACHINERY AND EQUIPMENT, IDLING OF

§ 145-3 Idling and unattended large machinery or equipment prohibited.

- A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.
- B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the

event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

CHAPTER 149: NOISE

§ 149-5 Unreasonable noise prohibited.

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction between the hours of 10:00 p.m. and 7:00 a.m. except as otherwise provided herein. The standards to be considered in determining whether an unreasonable noise exists include, but are not limited to, the following:

- A. The volume of the noise;
- B. The frequency of the noise;
- C. The periodicity of the noise;
- D. Whether the noise is unusual and incongruous with the surrounding environment;
- E. The volume and frequency of the ambient noise, if any;
- F. The proximity of the noise source to any residential, educational, medical, religious or judicial facility;
- G. The use, nature and character of the zoning district of the immediate area where the noise source exists;
- H. The time of day or night the noise occurs; and
- I. The duration of the noise.

§ 149-6 Specific acts considered to be unreasonable noise.

In addition to the general prohibitions set forth in § 149-5 hereof, any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

- A. No person shall operate or use or cause to be operated any loudspeaker, public-address system or similar amplification device at a sound level in excess of 50 dBA when measured at or within the real property line of the receiving property between the hours of 10:00 p.m. and 7:00 a.m., except when used in connection with a public emergency by officers of the Security Force, a Police Department, Fire Department or of any municipal entity.

- B. Using or operating any sound reproduction device in excess of 50 dBA when measured at or within the real property line of the receiving property or within the real property line of the receiving property between the hours of 10:00 p.m. and 7:00 a.m. for commercial or business advertising purposes or for the purposes of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation in front or outside any building, place or premises, or through any aperture of such building, place or premises, abutting on or adjacent to any public right-of-way, or in or upon any vehicle operated, standing or being in or on any public right-of-way, or from any stand, platform or other structure, or from any airplane or other device used for flying over the Town of Clifton Park, or on any public right-of-way. Nothing in this subsection is intended to prohibit sound emanating from sporting, hunting or public entertainment or other public events where such devices are used except as otherwise provided.

- C. No animal or bird owner or custodian shall permit his or her animal or bird to cause annoyance, alarm, or noise disturbance for more than 15 minutes' duration between the hours of 10:00 p.m. and 7:00 a.m., by repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property. Nothing herein shall be deemed to supersede the provisions of Chapter 92 of the Town Code,

except that only one complaint, from a single person, shall be required as the basis for enforcing the provisions of this Subsection C.

- D. The creation of any noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., including, but not limited to, shouting, yelling, calling, or hooting so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensibilities.
- E. Self-contained, portable, hand-held music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such manner as to be plainly audible at a distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 7:00 a.m.
- F. No person shall cause or permit the creation of any noise disturbance between the hours of 10:00 p.m. and 7:00 a.m. by means of any device or otherwise on any sidewalk, street or public place adjacent to any school, court, house of worship, public library or adjacent to any hospital or nursing home so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities.
- G. No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. which creates sound in excess of 50 dBA when measured at or within the residential real property line of the receiving property.
- H. No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of imminent danger between the hours of 10:00 p.m. and 7:00 a.m. where such sound is plainly audible across a residential property line.
- I. No person shall operate or permit to be operated any tools or equipment used in construction, drilling, excavations or demolition work, between the hours of 10:00 p.m. and 7:00 a.m., where such sound is plainly audible across a residential property line, except the provisions of this section shall not apply to emergency work.

§ 149-7 Maximum permissible continuous sound levels.

In addition to the general prohibitions set forth in § 149-5 hereof and those specific prohibitions set forth in § 149-6 hereof, the following general prohibitions regarding continuous sound levels shall apply in determining unreasonable noise:

- A. No person shall make, cause, allow, or permit the operation of any source of sound in any public space or right-of-way in such a manner as to create a sound level that exceeds 50 dBA for more than five minutes' duration between the hours of 10:00 p.m. and 7:00 a.m. when measured at or within the real property line of the receiving property, except as provided in Subsection B.
- B. When measuring sound within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the receiving room.

§ 149-8 Motor vehicles.

- A. Motor vehicle sound level limits and equipment shall be in compliance with the provisions of any state or federal law, including but not limited to §§ 386 and 375 of the New York State Vehicle and Traffic Law.
- B. No person shall operate a motor vehicle in such a manner as to cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., such as by, but not limited to, spinning or squealing the tires of such vehicle.
- C. No person shall allow noise from an automobile alarm to continue in excess of five minutes' duration after it has been activated.
- D. From 10:00 p.m. to 7:00 a.m. no sound reproductive device level in or from a motor vehicle shall exceed 50 dBA as measured from the nearest curb or edge of the roadway or be plainly audible more than 25 feet in any direction from the motor vehicle from which the sound emanates.

CHAPTER 208: ZONING

§ 208-96 Temporary uses and structures.

Temporary permits may be issued by the Building Inspector for a period not exceeding one year for nonconforming uses incident to housing and construction projects, including such structures and uses as the storage of building materials and machinery, the processing of building materials and a real estate office located on the tract being offered for sale, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. Such permits may be renewed upon application to the Building Inspector for additional periods not exceeding one year each upon proof that progress on construction projects is continuous and diligent.

Local permits and approvals not required per PSL §130.

§ 208-107 Building permits; powers and duties of Building Inspector.

A. Building permits required.

- (1) Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure, or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Local permits and approvals not required per PSL §130.

B. Applicability.

- (1) In all cases where this chapter requires a special use permit and/or site plan approval by the Planning Board, no building permit shall be issued by the Building Inspector

except upon approval of and in conformity with a site plan approved by the Planning Board. Receipt of an approved site plan from the Planning Department or written correspondence from the Director of Planning authorizing the release of the building permit for a project is required prior to the issuance of a permit. An approved site plan shall be required prior to any field inspections by the Building Inspector. Generally, a site plan approval is required for all uses of land, new construction or expansion of existing uses for other than one- and two-family dwelling units and uses accessory thereto. This includes, but is not limited to, all Planned Unit Development Districts (except those containing only one- and two-family dwelling units which shall require subdivision approval), all applications for a soil disturbing activity (SDA), all changes of use in the Light Industrial District as required by § 208-66E of this chapter and all other telecommunication towers as required by § 208-95B of this chapter.

Local permits and approvals not required per PSL §130.

SCHENECTADY COUNTY

CODE OF THE
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Note that the Project as proposed will be located within the following types of districts:

Suburban Residential (~10,000 ft)

Research/Development/Technology (~3,000 ft)

General Business (~750 ft)

Multi-Family Residential (~750 ft)

Riverfront Commercial (~2,000 ft)

Land Conservation (~8,000 ft)

CHAPTER 97: BLASTING

§ 97-3 License required.

A. It shall be unlawful to engage in blasting operations or in any other activity in which explosives are used in the Town of Glenville without having secured a license therefor and having fully complied with the provisions of this chapter. It is the intention of this provision that explosives shall not be stored within the Town of Glenville.

Local permits and approvals not required per PSL §130.

CHAPTER 101: BUILDING CONSTRUCTION AND FIRE PREVENTION

§ 101-4 Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Local permits and approvals not required per PSL §130.

§ 101-6 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy

Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

§ 101-7 Certificates of occupancy/certificates of compliance.

A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

Local permits and approvals not required per PSL §130.

CHAPTER 151: FLOOD DAMAGE PREVENTION

§ 151-8 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...

Local permits and approvals not required per PSL §130.

G. Certificate of compliance.

(1) In areas of special flood hazard, as determined by documents enumerated in § 151-6, 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.

Local permits and approvals not required per PSL §130.

§ 151-15 Standards for all structures.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

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) Enclosed areas.

(a) For enclosed areas below the lowest floor of a structure within Zones A 1 -A30, AE or AH and also Zone A, if base flood elevation data is 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:

[1] 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 shall be provided.

[2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that 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 or 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 be elevated to or above the base flood elevation 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.

§ 151-17 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 § 151-14A, Subdivision proposals, and § 151-14B, Encroachments, and § 151-15, Standards for all structures:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Within Zones AI-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, 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 level 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 Subsection A(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 that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(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 is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

CHAPTER 217: SEWERS

§ 217-3 Use of public sewers; connection required.

B. It shall be unlawful to discharge to any natural outlet within the boundaries of any sewer district, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article or state law.

§ 217-6 Regulations for use of public sewers.

A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, foundation drainage, subsurface drainage or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times. This discharge shall only be allowed if approved in writing by the Town Commissioner of Public Works or designee and State Health Department.

Local permits and approvals not required per PSL §130.

§ 221-2 Sidewalk placement; landscaping.

A. Sidewalks to be provided for public access shall preferably be contained within the street right-of-way. If it is not possible for the sidewalk to be contained within the right-of-way, the Town shall secure easements from the relevant property

owners for public access. Easement width shall be based on site conditions and will be determined by the Town of Glenville.

CHAPTER 232: SOLID WASTE

§ 232-5 Requirements for vehicles.

A. All garbage and rubbish transported, brought and/or carried through the Town of Glenville shall be contained securely and battened down within or upon the vehicles transporting the same.

All commercial vehicles used in the transportation of rubbish shall be equipped with proper tarpaulin or other type of enclosing cover, and all trucks transporting garbage, with or without rubbish, shall have watertight metal containers, which shall be kept clean when not in use. If garbage is not in watertight containers, the body of this vehicle itself must be reasonably tight. Vehicles must be kept in reasonably good mechanical and body condition. They must be kept as sanitary as the nature of the use permits, The vehicles must bear the name of the operator in letters at least six inches high

§ 232-11 Exceptions. [Added 6-21-1989 by L.L. No. 2-198913]

C. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the depositing of clean fill upon land in the Town of Glenville for the purpose of reclaiming land to enable it to be used for construction of buildings or for the construction of septic systems.

CHAPTER 235: STORM SEWERS

§ 235-10 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.

Local permits and approvals not required per PSL §130.

§ 235-12 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

CHAPTER 255: VEHICLES AND TRAFFIC

§ 255-6 Parking, standing and stopping; penalty.

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

B. Parking of vehicles prohibited. **[Amended 3-15-2000 by L.L. No. 1-2000]**

(1) Parking is prohibited on all Town roads in the Town of Glenville between the hours of 3:00 a.m. and 6:00 a.m., commencing on November 15 of each year and continuing until the first day of April of each succeeding year. **[Amended 12-7-2005 by L.L. No. 5-2005]**

§ 255-7 Truck exclusions.

A. General weight exclusions.

(1) All trucks, tractors, tractor-trailers and commercial vehicles with a maximum gross

weight of vehicle and load capacity in excess of four tons are hereby excluded from the following highways within this Town:

Name of Street	Location
Alplaus Avenue	Between its intersection with Bruce Drive and the Schenectady County-Saratoga County line

Bruce Drive [Added 9-17-2003
by L.L. No. 7-2003] Between its intersection with Alplaus Avenue and its intersection with Glenridge Road

(2) The regulations established in this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles and combinations are otherwise excluded.

B. Exclusion for when frost is leaving the ground. [Added 3-17-1999 by L.L. No. 1-1999]

(1) Pursuant to the authority found in § 1660, Subdivision 11, of the New York State Vehicle and Traffic Law, and finding that Town highways would be materially damaged by the operation of vehicles with a gross weight of over four tons on them when the frost is leaving the ground, vehicles with a gross weight of over four tons are hereby excluded from all Town highways in the Town of Glenville when the frost is leaving the ground.

(2) This exclusion shall take effect each year on the erection of signs on the highways from which such vehicles are excluded and upon the publication of a notice of the exclusion in the Town's official newspaper. The exclusion shall remain in effect until the removal of the signs as directed by the Town Board.

(3) Upon a showing duly made to the Town Supervisor or Deputy Supervisor that the specific operation of a truck or other vehicle otherwise prohibited from the use of Town highways by Subsection B(1) herein, for a limited purpose and for a limited period of time, will not adversely affect the public health, safety and welfare, and not cause damage to the road, the Town Clerk may issue a special permit on application therefor. The permit shall list the owner and/or operator of the permitted vehicle, the vehicle license number and the period for which the special permit is granted. Such permit shall be prominently displayed and affixed to such vehicle and shall be open to inspection by any police officer. If, however, damage is done to a Town highway, any damage caused by the permitted vehicle shall be the joint and several responsibility of the vehicle owner and driver.

(4) Should any portion, section or paragraph of this Subsection B be declared invalid or unenforceable for any reason, the remainder of said Subsection B shall remain in effect as though such portion, section or paragraph were not present.

CHAPTER 270: ZONING

ARTICLE III

Yard Regulations, Height Restrictions and Accessory Uses

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

ARTICLE VII

Intermunicipal Watershed Rules and Regulations

§ 270-39 Specific regulations by zone.

A. Zone I, Wellhead Protection. Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this subsection, all regulations and provisions applicable to Zones II, III and IV shall also apply to Zone I. In addition:

(1) All land uses and development activities, other than those directly connected with the pumping and treatment of public water supplies, are prohibited, except for existing single-family residences and existing transportation corridors, to which the relevant restrictions of these regulations shall apply.

ARTICLE VIII Supplemental Regulations

§ 270-49 Grading & Site Preparation.

B. Applicability.

(1) The provisions of this section apply to all land alterations, including grading, cutting, filling, removal of trees or removal of any vegetation that is presently stabilizing soil on slopes or along water bodies, and building construction in which one acre or more of land is to be altered.

(2) These provisions are applicable, regardless of whether or not planning or zoning approval is required, or a building permit is necessary.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

D. General standards.

(1) Cuts, fills, grading, excavation, vegetation disturbance, utility installation, and building construction shall be substantially confined to the designated building envelope, utility easements, and driveway and parking footprint.

(2) Disturbed areas shall be restored as natural-appearing landforms, and shall blend in with the terrain of adjacent undisturbed land. Abrupt, angular transitions and linear slopes shall be avoided.

(3) As necessary, cuts and fills shall be supported by retaining walls, made of stone, wood, or other materials that blend with the natural landscape.

(4) Disturbed areas shall be contoured so that they can be revegetated using native species. No land areas shall be left open or unstabilized.

(5) Development shall preserve existing vegetation that aids the screening of the buildings and structures, softens its appearance, and reduces the potential for erosion and sedimentation from development.

(6) Grading shall not significantly alter natural drainage patterns.

(7) Any properties to be altered must be managed such that stormwater runoff following grading, filling, vegetation removal, etc. does not exceed runoff from predevelopment conditions.

(8) No soil shall be allowed to leave the construction site through surface erosion.

(9) Topsoil stripped from the site shall be stockpiled for future use or revegetation. Stockpiles must be located at least 100 feet from any stream, wetland, surface water body, or drainage ditch.

E. Standards in areas of steep slopes (15% or greater). Land disturbance in areas of steep slopes must comply with the standards outlined above in Subsection D, in addition to the provisions outlined in Subsection E(1) and (2) below:

(1) In areas where slopes fall between 15% and 30%, site disturbance shall not exceed 25% of the total area within this range of slopes.

(2) In areas where slopes exceed 30%, site disturbance is not permitted within this range of slopes.

(3) Any proposed disturbance on slopes that exceed 15% cannot occur until a geologic and engineering analysis has been prepared by an appropriately licensed professional. The analysis must demonstrate the following:

(a) The slope area's ground surface and subsurface are not prone to instability or failure.

(b) The proposed land disturbance will not cause greater instability or increase the potential for slope failure.

(c) The proposed land disturbance will not increase erosion that removes underlying support or surface material.

(d) The proposed land disturbance will not increase the hazard to adjoining properties or structures.

§ 270-52 Fences.

A. General.

(1) Fences are permitted anywhere on a lot or parcel of land, provided the finished or ornamental side of the fence faces away from the lot on which it is located.

(2) Fences are to be located entirely within the owner's property.

(3) Fences will be maintained in good condition and will not be allowed to become dilapidated or deteriorate to a condition where they become a hazard to human health, or to the point where they negatively impact the character of the neighborhood.

D. Commercial, industrial and utility-type uses.

(1) Fences will not exceed 12 feet in height.

(2) Barbed wire and similar types of fencing used for security purposes are only permitted on the upper portion of the fence, above eight feet in height.

(3) If the fence is topped with barbed wire or a similar type of security fence, the top portion, if angled, will not intrude into or over neighboring properties.

(4) Electric fences are prohibited.

§ 270-63 Temporary/mobile trailers for commercial use.

A. Purpose. The placement and usage of trailers for temporary or permanent retail, office, restaurant, and other commercial uses can and does degrade the visual quality of commercial properties. Further, the haphazard siting of trailers can negatively impact on-site traffic circulation, off-street parking, green space, landscaping, etc. Consequently, the purpose of this section is to ensure that trailers are only used on a temporary basis, and that they are situated and sized so as to minimize aesthetic and site impacts.

B. Duration of use. Only one trailer can be used on any given commercial property, and then only for a maximum of six months in any consecutive five-year period.

C. Size in relation to the principal structure. The trailer's footprint (lot coverage) may not exceed 1/3 the footprint of the principal structure which it serves.

D. Location and setbacks. Trailers may only be located in side or rear yards. Further, the trailer must comply with the side and rear yard setbacks prescribed for the principal building in the zoning district in which it is located.

E. Maintenance of landscaping and trees. Trailers shall be located in such a way as to not necessitate the cutting down or removal of any trees or the removal or relocation of any landscaping vegetation (i.e., shrubs, flowers, hedges, trees, etc.). Trailers should not be located within the dripline of trees over 10 inches in diameter at breast height (D1314).

§ 270-64 Preservation of Mohawk Riverfront.

A. General. The Town of Glenville Comprehensive Plan calls for additional access to and usage of the Mohawk River by the public. It is recognized, however,

that the Mohawk Riverfront is a sensitive resource worthy of preservation. And while certain types of development are permitted within some of the zoning districts that abut the Mohawk River, it is important that vegetation along the riverfront be preserved to the extent practicable.

B. Vegetation and tree retention within 100 feet of the top of the riverbank.

(1) No more than 30% of this hundred-foot-deep strip shall be clear-cut on any one property.

(2) In the remaining 70% length of this strip, the only cutting and clearing allowed is for the purpose of removing dead trees and vegetation, or trees that may pose a threat to human health, or for the installation of foot paths or bicycle paths, not to exceed 15 feet in width.

(3) No clear-cut shall be wider than 100 feet.

(4) Clear cutting is not allowed on slopes that exceed 10%.

§ 270-65 Performance standards.

A. Compliance required. All uses of lands or buildings in the Town of Glenville shall comply with the performance standards as described in this section.

D. Certain nuisances prohibited, No use shall be established or operated in a manner so as to create hazards, vibration, glare or air, water or ground pollution, or nuisance elements in excess of the limits established under this section.

E. Determination of nuisance elements. The determination of any nuisance shall be made at:

(1) The interior of the property for fire, explosion and other safety hazards.

(2) The property lines of the use creating noise, vibration, glare, dust, electrical disturbance and safety hazards.

(3) Anywhere in the Town of Glenville for elements involving radioactivity, air, water and ground pollution.

G. Electrical disturbance. No electrical disturbance which adversely affects the operation of any equipment on any other property shall be permitted.

I. Noise. No use shall operate in violation of Article XIV of this chapter.

J. Vibration. No vibration shall be permitted which is detectable without an instrument at the property line.

K. Glare. Glare, whether direct or reflected, whether from floodlights or high-temperature processes such as welding or combustion, shall be confined to the

property in which it is generated. Temporary glare customarily associated with motor vehicles is exempt from this provision.

L. Odor, No emission of any malodorous matter shall be permitted so as to be detected outside the property line of the lot on which the facility is located. Any facility which may involve the emission of any odor shall be equipped with a secondary safeguard system, so that control will be maintained if the primary system should fail. Agricultural activities are exempt from this provision, provided such odors are typical of agricultural operations and not unique to any particular farm or agricultural site.

M. Other forms of air pollution. No emission of toxic gases or other forms of air pollution shall be permitted which can cause any damage to human or animal health, vegetation or other properties or which may cause any excessive soiling beyond the property line.

ARTICLE IX Sign Control

§ 270-67 Permits and exemptions.

Except as noted herein, no person will erect, alter or relocate any sign without first obtaining a permit from the Town Building Department.

Local permits and approvals not required per PSL §130.

ARTICLE X Off-Street Parking and Loading

§ 270-73 Off-street parking. A. General requirements.

(1) The provisions outlined herein apply to all land uses, with the exception of single-family dwellings.

(2) Minimum and maximum parking space requirements for specific uses are identified in Schedule A of this chapter.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

ARTICLE XI Stormwater Management and Erosion Control [Amended 6-20-2007 by L.L. No. 4-2007]

§ 270-78 Stormwater pollution prevention plan required; redevelopment projects; alternative practices; exemptions.

Except as otherwise provided herein, no person shall commence or perform any land development activity as defined in § 270-79 herein without the review and

approval of a stormwater pollution prevention plan (SWPPP) by the responsible board and/or the Stormwater Management Officer.

Local permits and approvals not required per PSL §130.

ARTICLE XIII

Property Maintenance

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 270-92 Permitted noises.

The following noises and sounds are allowed, and are therefore not subject to the prohibitions of this article:

D. Sounds created by public utilities in carrying out their operations.

ARTICLE XVI

Site Plan Review

§ 270-103 Empowerment of Planning and Zoning Commission.

The Planning and Zoning Commission is hereby empowered to review, approve, approve with modifications, or disapprove all site plan applications made pursuant to this article.

Local permits and approvals not required per PSL §130.

LOCAL LAW NO. 4 OF 2008

Amending Chapter 270 of the Zoning Law

Section 3 Definitions

Section 9 Accessory Uses and Structures

Section 15 SR Suburban Residential Districts;

Section 45 Home Occupations;

Article XVI Site Plan Review

**CODE OF THE
CITY OF SCHENECTADY**

Note that the Project as proposed will be located within the following types of districts:

M-1 Light Manufacturing/Warehousing
M-2 Manufacturing/Warehousing
C-3 Waterfront Mixed Use
C-4 Downtown

CHAPTER 138: BUILDING PLUMBING AND ELECTRICAL STANDARDS

§ 138-11 Permits required. [Amended 1-3-1983 by Ord. No. 82-109]

No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure or in preparation for construction any excavation which will change the natural drainage courses or watercourses or the removal of any topsoil, trees or groves or the alteration of any similar irreplaceable assets of the proposed site of construction or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature as determined by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 138-12 Flood hazard control. [Added 2-19-1974 by Res. No. 10653]

A. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure; use construction materials and utility equipment that are resistant to flood damage; and use construction methods and practices that will minimize flood damage.

Local permits and approvals not required per PSL §130.

§ 138-23 Stop orders.

Whenever the Building Inspector has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances or regulations or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction and sending a copy of the same by registered mail.

CHAPTER 148: STORMWATER MANAGEMENT

§ 148-4 Applicability; exempt activities.

A. Except as otherwise provided herein, no person shall commence or perform any land development activity as defined in § 148-5 herein without the review and approval of a stormwater pollution prevention plan (SWPPP) by the responsible board and/or the Stormwater Management Officer.

Local permits and approvals not required per PSL §130.

§ 148-6 Review and approval.

A. No application for land development activity that will disturb one or more acres shall be approved until the responsible board, municipal official and/or department has received, reviewed and determined a stormwater pollution prevention plan (SWPPP) has been prepared in accordance with the specifications contained herein.

Local permits and approvals not required per PSL §130.

§ 148-29 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.

Local permits and approvals not required per PSL §130.

§ 148-31 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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.

CHAPTER 151: EXCAVATIONS

§ 151-3 Permit required; application.

Excavations regulated by this article shall not be commenced until a permit therefor has been obtained from the City Engineer. Applications for permits shall be in such form as may be prescribed by the City Engineer and shall be accompanied by a plot plan on which is indicated the location of the plot, the exact location of the proposed excavation and the area and depth of the excavation.

Local permits and approvals not required per PSL §130.

§ 151-8 Permit required.

It shall be unlawful for any person to dig up or into or tunnel under or undermine or cut or in any way destroy the pavement of any public street in the City without first having obtained a written permit from the City Engineer.

Local permits and approvals not required per PSL §130.

§ 152-1 Permits required to possess, use and handle.

No person shall have, keep, sell, use, give away or transport any guncotton, blasting powder, dynamite, nitroglycerine or any substance, composition or mixture of any article having the properties of such a character that, alone or in combination with other substances or compounds, may decompose and generate sufficient heat, gas or pressure, or all of them, to produce rapid flaming combustion or administer a destructive blow to the surrounding persons or things within the limits of the city, except after obtaining a permit from the Mayor.

Local permits and approvals not required per PSL §130.

§ 152-2 Permit required to manufacture or transport.

No guncotton, blasting power, dynamite, nitroglycerine or other dangerous explosive material shall be manufactured within the limits of the city, nor shall any such explosives or explosive materials be transported through the streets of the city except upon obtaining a permit from the Mayor as hereinafter prescribed.

Local permits and approvals not required per PSL §130.

CHAPTER 157: FLOOD HAZARD CONTROL

§ 157-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 157-6. Application for a development 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.

Local permits and approvals not required per PSL §130.

In all areas of special flood hazard, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation a professional engineer's or architect's certification is required.

(2) All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate the infiltration of floodwaters.

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. D.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions, greater than either 50 lots or five acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 157-12A(3). This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 157-12B or 157-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 157-12B, the requirements of § 157-15, Floodways, shall apply.

157-14 Specific standards.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A.(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, 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.

(a) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

[1] 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.

[2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

[3] Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(b) If the structure is to be floodproofed:

[1] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

[2] A licensed professional engineer or licensed land surveyor shall certify the specific elevation, in relation to mean sea level, to which the structure is floodproofed.

B. The local administrator shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 157-12B or two feet above the highest adjacent grade where no elevation data is available.

(1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following 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.

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(c) Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.

157-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways. (See definition, § 157-4.) The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 157-6 and 157-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

CHAPTER 182: NOISE

§ 182-3 Unnecessary or unreasonable noise.

A. The creation of any unreasonably loud, disturbing and 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 or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm.

§ 182-4 Unnecessary noises enumerated.

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, unreasonable or unusual noise, or to permit any other so to do, which disturbs the peace or quiet within the geographical boundaries of the City of Schenectady, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. For the purposes of this chapter, it shall be presumed that the owner, tenant, person or persons in possession or control, and the occupants of the particular premises, are, jointly or severally, permitting such noise. Prohibited noises may arise from the following activities, but the following list shall not be deemed to be exclusive:

§ 182-4.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.

§ 182-4.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.

§ 182-4.D 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.

§ 182-4.E 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 or public safety and then only with a permit from the City Engineer, which permit may be renewed for a period of three days or less while the emergency continues.

§ 182-4.G Loading, unloading.

The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

§ 182-4.M 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; or

(2) At any other time if said noise is unnecessary or unreasonable under the circumstances.

§ 182-5 Standards for unreasonable noise.

The standards which may be considered in determining whether a violation of this chapter exists may include, but not be limited to, the following:

A. The level or volume of the noise; it shall be presumed that an eighty-decibel reading on a noise meter is excessive and a violation of this chapter, and §

375-47(a) of the New York State Vehicle and Traffic Law as it applies to automobiles is incorporated by reference into this section.

B. The time of day or night the noise occurs.

C. The duration of the noise.

D. Whether the noise is recurrent, intermittent or constant.

E. Whether the making of noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons.

F. Whether reasonable methods are available for deadening or muffling the noise.

G. The proximity of the noise to residential property or property customarily used by persons for sleeping.

CHAPTER 201: POLES AND WIRES

§ 201-3 Acceptance of provisions.

No telegraph, telephone or electric line shall be erected or maintained until the owner thereof shall file with the Mayor a written agreement accepting and promising to abide by and perform all the conditions and provisions of this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 223: SIGNS

§ 223-4 Exceptions.

(B) For the purposes of this chapter, the following signs may be erected and maintained without a permit or fee, provided that such signs comply with the general requirements of this chapter:

§ 223-4 (B) 12: One sign, not exceeding six square feet in area in the residential districts nor 25 square feet in nonresidential districts, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. Signs shall be removed immediately upon issuance of a certificate of occupancy or completion of the project, whichever first occurs.

§ 223-7 On-premises signs.

A. In all residential districts, nonresidential uses permitted as of right, or by special use shall be permitted:

- (1) Six square feet of signage, except those signs which are specifically regulated by § 223-4B, Exceptions.
- (2) A height of six feet.
- (3) No internally lit sign.

Local permits and approvals not required per PSL §130.

B. Business and commercial districts. In the zoning districts designated as D, E, EO, F, G, GP and H in Chapter 264, the City of Schenectady Zoning Ordinance, and mapped pursuant thereto, no signs shall be erected or maintained except as follows:

Local permits and approvals not required per PSL §130.

CHAPTER 228: STREET AND SIDEWALKS

§ 228-6 Obstructions in streets: permission required.

No person shall leave, place or deposit in any of the streets in this City any building materials or any obstructions to the free use thereof without the written permission of the City Engineer.

Local permits and approvals not required per PSL §130.

§ 228-10 Encroaching structures and articles.

C. Fees. For any revocable permit granted as an exception to the provisions of §§ 228-1 to 228-10 for any fixture, structure or thing in the public right-of-way, there shall be paid to the City a fee of \$100, which shall be tendered to the City at the time of application for said revocable permit. For the issuance of any contractor's work permit for operations to take place in the public way there shall be paid a fee of \$500 per permit.

D.

Local permits and approvals not required per PSL §130.

§ 228-24 Plans required to alter sidewalks, curbs or driveways. [Amended 6-2-1986 by L.L. No. 3-1986; 11-3-1997 by Ord. No. 96-36]

A. Prior to the making of or altering or repair or replacement of any sidewalk, curb, driveway or other structure within a street or other public space, the owner or occupant of the abutting land shall submit to the Department of Public Works plans, in duplicate, showing all the work it is desired to do. The plans shall have all details in conformity with the requirements herein and such other requirements as, in the opinion of the Commissioner of Public Works or the Assistant City Engineer, are necessary

B. When the owner or occupant submitting the plans shall agree to execute all the work according to the requirements and has paid the permit fee of \$50 the Department of Public Works shall issue a permit to proceed, which may be revoked at any time when the work is being carried on not in accordance with the terms of the permit or to the dissatisfaction of the Commissioner of Public Works or the Assistant City Engineer...

Local permits and approvals not required per PSL §130.

CHAPTER 240: TRAILER CAMPS

§ 240-1 Unlawful parking.

It shall be unlawful within the limits of the city for any person to park any trailer on any street, alley or highway or other public place or on any tract of land owned by any person, occupied or unoccupied, within the city, except in a trailer camp or except as provided in this chapter.

CHAPTER 243: TREES AND SHRUBS

§ 243-7 Permit required.

It shall be unlawful and it is hereby prohibited for any person other than the Superintendent of Parks or his duly authorized agent or deputy to cut, trim, prune, spray, brace, plant, move, remove or replace any tree in any public street or public park until a written permit to do so shall have been first obtained from the Superintendent of Parks.

Local permits and approvals not required per PSL §130.

§ 243-9 Public utilities.

Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of New York and any constituted public agency authorized to provide and providing utility service shall be given a permit

from the Superintendent, valid for one year from the date of issuance, permitting such person to trim, brace, remove or perform such other acts with respect to trees growing adjacent to the public streets of the city, or which grow upon private property to the extent that they encroach upon such public streets, as may be necessary to comply with the safety regulations of said Commission and as may be necessary to maintain the safe operation of its business.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 248: VEHICLES AND TRAFFIC

§ 248-85 Exclusions. [Amended 6-2-1986 by L.L. No. 3-1986; 7-17-1995 by Ord. No. 95-21]

All trucks, tractors and tractor trailer combinations in excess of the indicated maximum gross weights are hereby excluded from the streets and highways, or parts thereof, listed below. This section shall not be construed to prevent delivery or pickup of merchandise or other property along the excluded streets.

§ 248-87 Night parking.

A. It shall be unlawful to park a truck or commercial vehicle in excess of four tons' gross weight on any City street between the hours of 3:00 a.m. and 6:00 a.m. for more than 20 minutes.

B. No bus or commercial vehicle exceeding one ton in capacity and/or which has at least a six-wheel base shall be parked or stored between the hours of 12:00 a.m. through 6:00 a.m., inclusive, in any street in any residential district.
[Added 4-7-1986 by Ord. No. 86-30]

CHAPTER 255: WATER

§ 255-27 Laying pipes with other utilities.

In no case shall a service pipe be permitted to be laid in the same trench with a sewer, gas, steam, electrical or other conduit.

§ 255-39 Supply to builders.

A. Water will be furnished to builders or contractors as such for construction purposes, only upon application to the Department of Water and Wastewater for and receipt of a permit thereof in writing.

Local permits and approvals not required per PSL §130.

§ 255-40 Temporary lines.

On all streets where no water mains are laid, permission may be granted by the Department of Water and Wastewater to extend a temporary line to serve such premises from a street having water, with the understanding that the Department of Water and Wastewater shall stand no expense of installing or be responsible in any way for any damage resulting from such installation. It is further agreed that, if City water mains are laid in streets having such temporary lines, the owner or owners must disconnect these lines by shutting off the corporation cock at the main and making new connections on the City main, at no expense to the Department of Water and Wastewater.

Local permits and approvals not required per PSL §130.

CHAPTER 256: WATERSHED

§ 256-7 Zone I, Wellhead Protection Zone.

A. 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.

F. No filling, excavation or dredging, other than those activities specifically referred to in § 256-6C above, 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 Public Health Law, § 1100 and 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.

Local permits and approvals not required per PSL §130.

CHAPTER 264: ZONING

§ 264-25 Definitions

UTILITY - An essential service, such as sanitary or storm sewer, water supply, gas, electricity or telephone services, including the transmission of said service, but excluding administrative functions related to this service.

§ 264-25 Exempted uses.

The following utility uses are exempt from the provisions of this chapter: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment, but not including substations located on or above the surface of the ground for the distribution to consumers of telephone, cable television or other communications, electricity or gas.

CODE OF THE
TOWN OF ROTTERDAM

Note that the Project as proposed will be located within the following types of districts:

[REPLACE WITH INFO FROM TRC]

CHAPTER 116: ENVIRONMENTAL QUALITY REVIEW

§116-3 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.

Local permits and approvals not required per PSL §130.

CHAPTER 121: EXCAVATIONS AND OPEN WELLS

§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.

CHAPTER 130: FIRE AND FIRE PREVENTION

§130-8 Inspection of public places
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 and Building Code to the Building Inspector/Code Enforcement Officer of the Town of Rotterdam.

CHAPTER 134: **FLOOD DAMAGE PREVENTION** [NOT SURE IF SHOULD BE INCLUDED because I don't know if going through a "special flood hazard area"]

§134-5 Applicability
This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Rotterdam of the State of New York.

- §134-11 Development permit required.
A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 134-6.

Local permits and approvals not required per PSL §130.

- §134-11(F) Stop-work orders.
(1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 134-8 of this chapter.
(2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 134-8 of this chapter.

- §134-13 General standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- §134-15 Floodways.

Located within areas of special flood hazard are areas designated as "floodways." (See definition in § 134-4.) The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 134-6 and 134-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 154: HOUSING AND BUILDING STANDARDS

§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.

Local permits and approvals not required per PSL §130.

§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 of 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.

CHAPTER 188: NOISE

§188-3 Unnecessary or unreasonable noise.

A. The creation of any unreasonably loud, disturbing or unnecessary noise is prohibited.

§188-4 Unnecessary Noises Enumerated

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.

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.

CHAPTER 265: PROPERTY MAINTENANCE

§265-4 Duty to Maintain Property

No person owning, leasing, renting, occupying, being in possession of, or having charge of any property in the Town, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other Town ordinance, any of the following conditions:

- A. Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;
- B. Attractive nuisances dangerous to children, including, but not limited to, abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

§265-6 Commercial/industrial buildings and property.

- A. Commercial buildings and properties shall at all times be maintained in compliance with the provisions of this chapter regarding open spaces, buildings or structures and littering.
- B. No outside storage or accumulation of garbage, crates, pallets, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, pallets, rubbish, refuse or debris shall be kept inside the building or buildings on the premises, or in a screened enclosure, and shall be collected and removed from the premises on no less than a weekly basis unless prior approval is granted by the Planning Commission. All property owners have until June 1, 2002, to comply with this section and will be subject to site plan review. Fees for site plan review on existing business property will be waived until June 1, 2002, if the intention is to come into compliance with this section.

Local permits and approvals not required per PSL §130.

- D. The maintenance of all fences and planting areas installed on the premises shall be the responsibility of the owner of the property. Such

maintenance shall include, but not be limited to, the removal and/or replacement of trees and shrubs which may die and/or otherwise be destroyed and the removal and/or replacement of fences which may fall into disrepair. Additionally, lawns and those grassy areas which are viewed by customers and passing motorists shall be maintained in a neat manner and cut at a height not to exceed four inches.

F. All signage and lighting systems shall be maintained in a completely operable, clean and safe condition.

§265-7 Open areas and parking spaces.

A. Surface and subsurface water (with the exception of regulated freshwater wetlands or other bodies of water protected by either local, state or federal law) shall be appropriately managed to protect buildings and structures. Gutters, culverts, catch basins, drain inlets, stormwater sewers or other appropriate drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage feature shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

B. Fences and other minor construction shall be maintained in a safe and usable manner.

C. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under all weather conditions. Any holes or other hazards that may exist shall be filled, and necessary repairs or replacements carried out.

§265-9 Littering; appliances; receptacles.

A. All properties, whether improved or vacant, shall be maintained free of litter; provided, however, that this chapter shall not prohibit the storage of litter in authorized private receptacles for collection.

D. Dumpsters and similar large receptacles shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing to hide the dumpster/receptacle from public view.

§265-10 Maintenance of construction sites.

During the development, improvement or construction of any site for any purpose, the owner and applicant, as identified on the building permit application, shall take appropriate measures to ensure the following:

A. Dust, blowing sand, dirt, and sediment shall be controlled so as not to pose a nuisance, health, or safety risk to motorists or neighboring property owners.

B. Erosion and siltation shall be confined to the site being developed. Neighboring properties and roadways shall not be impacted by erosion, blowing sand, dirt, or siltation as a result of construction activities.

C. Construction debris/litter shall be confined on the site so as not to impact neighboring properties and roadways.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 266: VEHICLES AND PARKING

§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).

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).

§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.

§266-27 Parking of Certain Vehicles

B. Parking of commercial vehicles.

(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.

CHAPTER 270: ZONING

§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.

Local permits and approvals not required per PSL §130.

§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.

Local permits and approvals not required per PSL §130.

§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.

Local permits and approvals not required per PSL §130.

ALBANY COUNTY

CODE OF THE
TOWN OF GUILDERLAND

Note that the Project as proposed will be located within the following type of district:

Rural-3

CHAPTER 113: ALARMS

§113-4 License required; installation of alarms; fees; penalties.

C. Prior to installation of any emergency alarm in the Town of Guilderland, an application shall be submitted to and approved by the Chief of Police of the Town of Guilderland or his designee. A one-time fee as set by resolution of the Town Board from time to time shall accompany the application.

Local permits and approvals not required per PSL §130.

D. Each and every subscriber or dealer shall furnish the Police Department of the Town of Guilderland with sufficient information to allow completion of the Emergency Card For Premises Which Has an Alarm System.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with this provision.

CHAPTER 140: BUILDING PERMITS

§140-1 When required.

No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit therefor from the Building Department for each such building or structure; however, no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

Local permits and approvals not required per PSL §130.

§ 140-8 When required.

A. No building erected after January 27, 1962, shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued therefor by the Chief Building Inspector and Zoning Coordinator.

Local permits and approvals not required per PSL §130.

CHAPTER 171: FIRE PREVENTION AND BUILDING CONSTRUCTION

§171-3 Prohibited acts.

It shall be unlawful for any person or persons to:

Pile or accumulate combustible materials, rubbish, woods, brush or waste material within A. 25 feet of any building or property line

CHAPTER 177: FLOOD DAMAGE PREVENTION

§177-11 Establishment of development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 177-6. Application for a development 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.

Local permits and approvals not required per PSL §130.

§177-13 General standards.

In all areas of special flood hazard, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
- (2) All 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.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazard set forth in § 177-12A(3), Permit review. This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 177-12B or 177-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 177-12B the requirements of § 177-15, Floodways, shall apply.

§177-14(B-C) Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 177-6, Basis for establishing areas of special flood hazard, and § 177-12B, Use of other base flood and floodway data, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level 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.

(1) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following 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 shall be provided.

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(2) If the structure is to be floodproofed:

(a) A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight, with walls substantially impermeable to the passage of water and with structural components having

the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

(3) The local administrator shall maintain on record a copy of all such certificates noted in this section.

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 177-12B or two feet above the highest adjacent grade where no elevation data is available.

(1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor (including basement) elevated to at least two feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following 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 shall be provided.

(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

(c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 177-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 177-4). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway

data is available for a particular site as provided by §§ 177-6 and 177-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Local permits and approvals not required per PSL §130.

CHAPTER 181: FRESHWATER WETLANDS

§181-4 Permit required; exceptions.

A. Except as provided in Subsection B of this section, no person shall conduct a regulated activity on any freshwater wetland or adjacent area unless such person has first obtained a permit pursuant to this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 193: KEY BOXES

§193-2 (A) Key box required; exemptions.

A. All buildings located within the Town of Guilderland having an automatic fire alarm system or a fire sprinkler system shall be equipped with a key box.

§ 193-3 Type and location.

A. The key box shall be of UL type approved by the Town of Guilderland Fire Prevention and Inspection Department and the chief fire official.

B. The key box shall be located in a location approved by the Town of Guilderland Fire Prevention and Inspection Department, within unobstructed view of the main entry and shall be mounted six feet above grade.

§ 193-4 Contents.

The key box shall contain the following:

A. Keys to locked points of egress, interior and exterior.

B. Keys to locked mechanical and sprinkler riser rooms.

C. Keys to locked electrical rooms.

D. Keys to elevator controls and fire alarm control panels.

E. Keys to other areas as directed by the Town of Guilderland Fire Prevention and Inspection Department.

F. Access codes to digital keypads.

G. Hazardous materials information, including material safety data sheets for materials located within the building.

H. Other pertinent data as directed by the Town of Guilderland Fire Prevention and Inspection Department or the chief fire official.

CHAPTER 205: NOISE

§205-5 Unreasonable noise prohibited.

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction except as otherwise provided herein. The standards to be considered in determining whether an unreasonable noise exists include, but are not limited to, the following:

A. The volume of the noise;

B. The frequency of the noise;

C. Whether the noise is unusual and incongruous with the surrounding environment;

D. The volume and frequency of the ambient noise, if any;

E. The proximity of the noise source to any residential, educational, medical, religious or judicial facility;

F. The use, nature and character of the zoning district of the immediate area where the noise source exists;

G. The time of day or night the noise occurs; and

H. The duration of the noise.

§205-6(D-H) Specific acts considered to be unreasonable noise.

In addition to the general prohibition set forth in § 205-5 hereof, any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

D. Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, bales, cans, drums, refuse or similar objects or the pumped loading or unloading of materials in liquid, gaseous, powder or pellet form between the hours of 10:00 p.m and 7:00 a.m. the following day when the sound therefrom creates a noise disturbance across a residential real property line.

E. Motor vehicles:

(1) Operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period of longer than five minutes in any sixty-minute period while the vehicle is stationary for reasons other than traffic congestion or emergency work on a public right-of-way or public space within 150 feet of a residential area;

(2) Operating or permitting the operation of any motor vehicle so out of repair or in such a condition as to create a noise disturbance or that is otherwise not in compliance with the provisions of any state or federal law, including but not limited to §§ 375 and 386 of the New York State Vehicle and Traffic Law;

(3) Spinning or squealing the tires of any motor vehicle; or

(4) Allowing noise from a motor vehicle alarm to continue in excess of 15 minutes' duration after it has been activated.

F. Construction, repair and demolition: operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 6:00 p.m. and 7:00 a.m. the following day or at any time on weekends or legal holidays. Such operation does not constitute a violation if the tool or equipment is used in an emergency situation or if the tool or equipment is equipped with a functioning muffler or if the operator is issued a variance pursuant to Article VI of this chapter.

G. Sound devices on public transportation: operating, playing or permitting the operation or playing of any radio, phonograph, tape player, compact disc player, television receiver or similar device on or in any method of public transportation in such a manner that the sound from such device is audible to any other person.

H. Miscellaneous sound producers: creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, yell, shout, bell, musical instrument, tool, engine, etc.

CHAPTER 225: SEWERS

§ 225-11 Permit required for work.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Department of Sanitation.

Local permits and approvals not required per PSL §130.

§ 225-19 Storm sewers.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet after the discharger has obtained approvals and permits from federal and state agencies.

Local permits and approvals not required per PSL §130.

§ 225-23 Industrial discharges; permit required.

A. It shall be unlawful for any person to discharge directly or indirectly into public sewers or into any private sewer sewage combined with industrial wastes or other wastes, industrial wastes or other wastes the characteristics of which, at the point of discharge, exceed the concentration limits prescribed for normal sewage under Article I herein, or fall within the categories prohibited under Article V herein, except under the issuance of a permit therefor by the Superintendent and upon such terms and conditions as may be established by the Superintendent in the issuance of such a permit.

Local permits and approvals not required per PSL §130.

CHAPTER 227: SIDEWALKS

§ 227-2 Required sidewalk locations.

Sidewalks shall be required on both sides of all state and county roads wherever properties abutting such roads have access to municipal water lines, except such roads abutting agricultural zoned property, and shall be required on any other Town road, or part thereof, by resolution of the Town Board after a public hearing, or by provision of state law.

B. On all roads other than those enumerated in § 227-2A, the Planning Board and the Zoning Board of Appeals are authorized, in their discretion, to require the installation of sidewalks, bike paths, or other pedestrian facilities as a condition of approval for property under review. The

Planning Board and the Zoning Board of Appeals shall consider sidewalks, bike paths, or other pedestrian facilities as a condition of approval for property under review when said property is in proximity to schools, parks, businesses, religious institutions, existing neighborhoods, undeveloped land zoned for residential or commercial construction, existing sidewalks, or roads with the potential for high traffic volumes.

Local permits and approvals not required per PSL §130.

CHAPTER 236: SOLID WASTE.

§ 236-4 Accumulation and storage.

No rubbish or garbage shall be accumulated or stored on any premises within the Town, other than premises established or provided as public dumping grounds under this article, except as follows:

F. Any recyclable item or items shall be separated and segregated from garbage, rubbish and refuse and placed in proper containers for recycling and deposit at a municipal landfill or transfer facility.

G. Commercial haulers shall keep separate and segregate from garbage, rubbish and refuse any and all recyclable item or items left for collection pursuant to Subsection E and F of this section and properly deposit such item or items at a municipal landfill or transfer facility for recycling.

§ 236-5 Manner of collecting and disposing of refuse.

A. Rubbish and garbage shall be collected in vehicles properly and adequately equipped to contain and carry the materials collected without effluent therefrom spilling into public streets, highways or other places.

B. No rubbish or garbage collected within the Town shall be delivered, dumped or offered for disposal on any land or at any location, site or area in the Town or on any land or at any location, site or area outside of the Town except upon premises established, operated or maintained by the Town as a public dump, subject to all rules, regulations and restrictions governing the use of such premises as are herein prescribed, and upon premises the use of which has been authorized for sanitary landfill dumping under this article.

F. Trees; sewage. No person shall deposit or cause to be deposited upon Town sanitary landfill premises any trees or logs having a diameter in excess of four inches unless the trees or logs shall be cut into lengths of not more than four feet, nor shall any person deposit or cause to be deposited upon such premises the contents of any sewage disposal facility or the contents of any septic tank or any septic tank effluence.

§ 236-18 Separation required.

Every household, business and institution within the Town shall separate recyclable materials from other nonrecyclable waste regardless of whether such recyclables and waste are disposed of at the Town's transfer station or disposed of at a solid waste facility by a private hauler.

CHAPTER 239: SPRINKLER SYSTEMS

§ 239-3(A)(7,8) New buildings required to have sprinkler systems.

A. All classifications of buildings listed below, which are constructed after the effective date of this chapter within an approved Town of Guilderland water district, shall be required to have approved sprinkler systems installed and operational:

(7) Industrial buildings.

(8) Storage buildings.

See Section 239-7 below.

§ 239-5 Building permit.

No building permit shall be issued for the construction of any new building, structure or portion nor for the reconstruction, remodeling or enlargement of any existing building described in § 239-4 hereof required to have an approved sprinkler system pursuant to this chapter unless an approved sprinkler system is included in the plans for such construction submitted for the building permit.

Local permits and approvals not required per PSL §130.

§ 239-6 Certificate of occupancy.

No certificate of occupancy shall be issued for occupancy or use of any building structure, or portion thereof, required to have an approved sprinkler system unless such system is installed, inspected, tested and approved to the satisfaction of the Town of Guilderland Building Inspector.

Local permits and approvals not required per PSL §130.

§ 239-7 Exception.

Notwithstanding the terms of this chapter, sprinklers shall not be required to be installed in spaces where the discharge of water would be hazardous. In such places, other fire-extinguishing equipment approved by the New

York Board of Fire Underwriters, National Fire Protection Association or other nationally recognized approval organization and by the Town of Guilderland Building Inspector shall be required.

CHAPTER 241: STORMWATER MANAGEMENT

§ 241-3 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.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 241-5 Discharge prohibitions.

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) below. 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 DEC or the Town 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, dechlorinated 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 DEC, 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's MS4 or allows such a connection to continue.

§ 241-6 Prohibition against activities contaminating stormwater.

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 Town's MS4 SPDES permit.

(2) Cause or contribute to the Town being subject to the special conditions, as defined in § 241-2, Definitions, of this article.

B. Such activities include improper management of pet waste or any other activity that causes or contributes to violations of the Town's MS4 SPDES permit authorization.

C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the Town'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 Town's MS4 SPDES permit authorization.

§ 241-7 Prevention, control and reduction of stormwater pollutants by use of best management practices.

Best management practices. Where the SMO has identified illicit discharges, as defined in § 241-2 of this article, or activities contaminating stormwater, as defined in § 241-6 of this article, the Town may require implementation of BMPs to control those illicit discharges and activities.

A. The owner or operator of a commercial or industrial establishment shall provide, at his own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.

B. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge, as defined in § 241-2 of this article, or an activity contaminating stormwater, as defined in § 241-6 of this article, 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.

C. 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.

§ 241-8 Suspension of access to MS4; illicit discharges in emergency situations.

A. 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 a person, 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 any person.

B. Suspension due to the detection of illicit discharge. Any person discharging to the Town's MS4 in violation of this article may have its 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 therefor. 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.

§ 241-9 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 Town prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

§ 241-10 Access and 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 Town 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 Town 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 its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) An unreasonable delay in allowing the Town access to a facility subject to this article is 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 Town 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.

§ 241-11 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 Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business days of the telephone 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.

§ 241-22 Applicability.

A. This article shall be applicable to all real property within the Town.

B. All land development activities subject to subdivision, site plan review and/or special use permits shall be reviewed subject to the standards contained in this article. In this instance, the SWPPP shall be submitted along with the subdivision, site plan application and or special use permit.

Local permits and approvals not required per PSL §130.

C. All land development activities not subject to subdivision, site plan review and/or a special use permit shall be required to submit an SWPPP to the SMO, who shall review the SWPPP for compliance with the requirements of this article.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 241-24 Stormwater pollution prevention plans.

A. SWPPP requirement. No approval of a land development activity shall be issued until an SWPPP has been accepted in accordance with the specifications in this article. A grading permit shall be issued along with the approved SWPPP.

Local permits and approvals not required per PSL §130.

E. Contractor certification.

(1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or SMP installation shall sign and date 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 Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Local permits and approvals not required per PSL §130.

§ 241-25 Performance and design criteria.

Every soil disturbance shall meet the criteria set forth in the New York Standards for Erosion and Sediment Control, and all land development activities shall be subject to all of the following performance and design criteria:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Technical standards. For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. SMPs that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:

(1) The Erosion Control Manual;

(2) The Design Manual; and

(3) The Town Standard Format for Stormwater Management Plans and Reports, a copy of which is annexed hereto as Appendix C. Editor's Note: Appendix C is on file in the Town offices.

B. Equivalence to technical standards. Where SMPs are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in the Design Manual [see Subsection A(2) above], and the SWPPP shall be prepared by a landscape architect, CPESC, soil scientist or professional engineer.

C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

D. Permitting process; additional standards.

(1) Applications shall be made on forms prescribed by the Town, which shall be accompanied by the required fee, if any, established by the Town Board.

(2) The SMO or other Town designee shall review the application and act to approve, approve with modification, or deny the requested SWPPP.

(3) In the event that the submittal is denied, the applicant may have the decision reviewed by the Town Planning Board.

(4) The smallest practical area of land shall be exposed at any one time during the project.

(5) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(6) To protect areas in excess of one acre exposed for a period over two weeks during development, the following controls shall be applied:

(a) Temporary vegetation, mulch, geotextiles, and/or emulsion shall be provided as needed to prevent soil erosion. Application of these materials shall be by approved equipment;

(b) On areas that will be exposed for short periods of time (daily) where weather conditions are conducive to airborne soil particles, a construction

fence shall be installed, as directed by the SMO;
and

(c) On areas such as temporary roadways, when dry conditions prevail, the contractor shall be required to apply water or take other measures as required to prevent dust during daily construction activities.

(7) Sediment basins, debris basins, silting basins, silt fencing, or silt traps shall be installed and maintained to remove sediment from runoff waters on lands undergoing development.

(8) Permanent final vegetation and structures shall be installed as soon as practical in the development.

(9) The development plan should be fitted to the type of topography and soils so as to create the least erosion potentials.

(10) Wherever feasible, natural vegetation should be retained and protected.

(11) In areas of proposed fill, all existing vegetation and other organic material, including the root mat, shall be removed prior to placement of fill. The material shall be disposed of in an appropriate off-site facility or processed for reuse on site in a manner that will not be conducive to adverse effects of decomposition, such as the production of odors or of concentrations of noxious or explosive gases or the creation of unstable subsurface conditions. The proposed method of on-site processing and reuse shall be specified in the permit application and may require certification by a licensed professional engineer as a safe and effective means of disposal.

(12) No vegetation or other waste materials shall be buried on the site unless otherwise approved by the Town in accordance with Chapter 236 of the Town Code. Editor's Note: See Ch. 236, Solid Waste.

(13) All fill placed on the site shall be as free of organic material as is practicable.

E. Deposit; performance of site work; inspection.

(1) To ensure that the site work is performed in accordance with the controls of this article, before obtaining approval the applicant shall deposit with the Town a cash escrow as set forth in the fee schedule adopted by the Town Board by separate resolution.

(2) Said site work shall be performed and completed in accordance with the approved plan and schedule of vegetation removal and disposal, grading, construction operation and erosion control methods on file with the SMO or other designated party at the time of issuance of the approval.

(3) Upon completion of the site work set forth in the plan, the applicant will request the SMO or TDE to inspect the work; upon approval of the site work, the SMO or TDE will direct the Town to release all of the applicant's money deposited pursuant to Subsection E(1) above.

(4) Upon the failure of the applicant to perform the site work in accordance with the site plan submitted as aforesaid, the Town and/or its agents shall be permitted to enter upon the premises and complete the necessary site work and charge the cost of the site work to the funds on deposit with the Town pursuant to Subsection E(1) above, and the Town shall be authorized to pay any charge or charges approved by the SMO or TDE without further approval of the applicant. If the Town should undertake completion of any site work upon the applicant's failure to do so, any sums remaining on deposit with the Town after completion of said site work shall be returned to the applicant.

§ 241-26 Maintenance, inspection and repair of stormwater facilities.

A. Maintenance and inspection during construction.

(1) The Town, or its designee, shall have the power to make necessary inspections. The Town may employ, at its discretion, a Construction Inspector to act as its agent for the purpose of assuring satisfactory completion of permit requirements. The inspection provided may include, but not necessarily be limited to, all grading, drainage, stormwater management systems and erosion control measures and may include soil testing as necessary to determine compliance with the provisions of this article and the conditions of the approval.

(2) The Town, or its designee, will determine an amount sufficient to defray the costs of such inspection. The applicant shall deposit said amount of moneys with the Town in an escrow account prior to the issuance of the approval. The Town shall be authorized to pay the costs of inspection by its Construction Inspector from the moneys on deposit in said account and shall return to the applicant any such moneys, including interest, on balance in the account at the time of completion of the permitted site work, provided that all inspection costs have been paid. If the moneys on deposit prove to

be insufficient for the costs of required inspections, the Town shall require that the applicant deposit additional moneys in an amount sufficient to satisfy the costs of such additional inspections as may be required.

(3) The applicant or developer of the land development activity or his representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(4) For land development activities meeting any of the conditions set forth in § 241-24C(1) above (project activity of between one and five acres of land during course of job, exclusive of one-family residences and construction activities at agricultural properties; stormwater runoff from land development activities disturbing five or more acres; or stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water or a TMDL-designated watershed), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site logbook.

B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town to ensure that the stormwater management facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement shall be recorded by the grantor in the office of the Albany County Clerk after approval by the Town Attorney.

Local permits and approvals not required per PSL §130.

C. Maintenance after construction. The owner or operator of permanent SMPs installed in accordance with this article shall ensure they are operated and maintained to achieve the goals of this legislation. Proper operation and maintenance also includes, as a minimum, the following:

(1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this article.

(2) Written procedures for operation and maintenance and training new maintenance personnel.

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with the water quality standards set forth in § 241-25C.

D. Maintenance agreements. The Town shall approve a formal maintenance agreement for stormwater management facilities which are going to be privately owned after construction. The agreement shall be binding on all subsequent landowners and recorded in the office of the Albany County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of a sample Stormwater Control Facility Maintenance Agreement, a copy of which is annexed hereto as Appendix E. Editor's Note: Appendix E is on file in the Town's offices. The Town, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Local permits and approvals not required per PSL §130.

I. Stop-work orders. The Town may issue a stop-work order for violations of this article. Persons receiving a stop-work order shall be required to halt all work of any nature on the site, including on any structures located thereon, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town confirms that the project is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this article.

CHAPTER 243 STREETS

§ 243-12 Application for approval of plans.

All applications for approval of plans shall be made in accordance with Chapter 247, Subdivision of Land, and Chapter 280, Zoning.

Local permits and approvals not required per PSL §130.

§ 243-33 Utilities.

Telephone, gas, CATV and power cable conduits shall be installed as shown on the typical street cross-section detail and as approved by the Town Superintendent of Highways after consultation with the Superintendent of Water and Wastewater. The installation of these utilities shall be in accordance with specifications approved by the agencies governing these utilities and at no expense to the Town of Guilderland.

Local permits and approvals not required per PSL §130.

CHAPTER 267: VEHICLES AND TRAFFIC

§ 267-11 Winter parking prohibition.

The parking of motor vehicles upon the Town streets, roads, and highways of the Town of Guilderland between the hours of 2:00 a.m. and 7:00 a.m. during the months of November, December, January, February and March of each year is prohibited.

CHAPTER 272: WATER

§ 272-2 Application for service.

A. All applications for the use of water in the Town of Guilderland (hereafter referred to as the "Town"), must be made, in writing, on a form provided by the Department of Water and Sanitation (hereafter referred to as the "Department"). On acceptance by the Department, the application shall constitute a contract between the Town and the applicant obligating the applicant to pay the Town its established rates and to comply with the rules and regulations.

B. Applications of contractors, builders and others for temporary service will be accepted, written permits will be issued and temporary water service will be supplied providing it does not interfere with use of water for general purposes, and that the use of water from any hydrant shall be strictly in accordance with § 272-7B of this chapter. Customers requiring temporary service shall reimburse the Department for its expense in connection with providing the necessary temporary service connection, and a deposit specified by the Department may be required.

C. No agreement will be entered into by the Department with any applicant for water service until all charges due from the applicant for water or services at any premises now or heretofore owned or occupied by him which are in arrears shall have been paid.

D. Acceptance and/or approval of the water service application of any new applicant or the providing of increased service to any existing water user:

requiring water for other than normal domestic purposes; requiring daily quantities of water which, in the opinion of the Department, are excessive as to total daily quantity or rate of use during any portion of the day; whose requirements for water, in the opinion of the Department, will in any way limit the ability of the particular water supply and distribution system to provide satisfactory water service to all then-existing water users, shall be subject to the review and approval of the Department. Where necessary, in the opinion of the Department, the applicant shall provide at his own expense such water conservation, storage or flow-limiting facilities or such other devices necessary to obtain the approval of the Department. The Department reserves the right to refuse or limit service to any new applicant or existing water user if the foregoing requirements are not met to the Department's satisfaction.

Local permits and approvals not required per PSL §130.

§ 272-4 Installation of services.

B. Openings in public ways.

(1) Whenever a property owner, contractor or subdivision developer has to open a trench on any Town road, he must obtain from the Town Highway Superintendent a road-cutting permit.

Local permits and approvals not required per PSL §130.

§ 280-24.1 Rural 3 District.

D. Special uses.

(1) The following uses and their accessory uses are permitted when authorized in accordance with § 280-52, Special use permit review procedures:

(n) Public and private utility substations and uses, excluding power plants or repair yards, maintenance or storage facilities or uses of a similar nature.

E. Dimensional requirements. The following dimensional requirements shall be observed for the Rural 3 District. Note: all applications to the Town required to adhere to § 280-28.1, Conservation subdivision, shall refer to the dimensional requirements within that section.

(1) Minimum required (nonconservation subdivision*):

(a) Lot area: three acres (130,680 square feet).

(b) Lot width: 200 feet at the building line.

(c) Front setback: 50 feet.

(d) Side setback: 50 feet.

(e) Rear setback: 100 feet.

(f) Maximum lot coverage: 30%.

(2) Any building housing livestock or any noxious commodity shall be no nearer than 100 feet to any lot line; except when abutting any other district, then the distance shall be no nearer than 200 feet.

(3) Building height. The maximum building height shall be 2 1/2 stories or 35 feet, whichever is the lesser, except as provided in § 280-32A.

* Note: All subdivision applications required to conform to § 280-28.1, Conservation subdivision, must adhere to the bulk and area table set forth within that section.

F. Agricultural uses. All ordinary, customary and usual agricultural activities are permitted in agricultural zones, including the erection in connection with and reasonably necessary to the conduct of such activities, which activities shall include the processing, packaging, warehousing and storage of agricultural products; provided, however, that the erection and maintenance of slaughterhouses, rendering plants, fertilizer plants and canneries is expressly prohibited; and further provided that the keeping of swine and disposal of offal and garbage shall be in accordance with Chapter 120, Animals, Article I, Keeping Swine. The enclosed storage of manure or areas for storage of dead fowl, animal or other odor- or dust-producing substance or use shall not be permitted within 100 feet of a property line or 125 feet of a public street right-of-way. Stables and buildings for the housing of fowl or farm animals shall not be located in the required front setback nor within 100 feet of a property line.

G. Off-street parking and loading requirements. Off-street parking and loading areas shall be provided as listed in § 280-25.

H. Signs. Signs are permitted as listed in § 280-26.

I. Fences, hedges and screen plantings. Fences, hedges and screen plantings are permitted or, alternatively, shall be required as listed in § 280-27.

J. Special access and setback requirements. Access control and setback measurements shall be provided as listed in § 280-29.

K. Accessory structures. Accessory structures shall be permitted as listed in § 280-34.

L. Easements. Easements shall be granted as required in § 280-30.

§ 280-25 Off-street parking and loading requirements.

(2) No building or other permit shall be issued until plans and evidence are presented, reviewed and approved or conditionally approved by the Planning Board and or the Zoning Board of Appeals to show the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter.

Local permits and approvals not required per PSL §130.

F. Use of parking facilities.

(1) Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only and shall not be used for storage of vehicles, equipment, materials or for the parking of vehicles used in conducting the business or use.

(2) Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property other than in completely enclosed buildings. However, one boat or one travel trailer may be stored in the rear yard if it has a current license.

(3) In all residential districts, external storage of commercial vehicles, industrial equipment and materials is prohibited. In such districts, external parking of commercial vehicles between the hours of 10:00 p.m. and 6:00 a.m. is prohibited except when such parking is incidental and reasonably necessary to the performance of service at the time of such parking.

G. Parking in front yards.

(1) Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single- or two-family dwelling where such parking may be permitted on a driveway.

(2) In all districts, except industrial districts and light industrial districts, off-street parking spaces on corner lots shall be set back from one side street line a distance of not less than 20 feet.

§ 280-26 Signs.

Procedures for sign permits.

(1) After the effective date of this chapter and except as otherwise herein provided, no person shall erect, enlarge, change colors, cover or structurally alter any sign without first obtaining a permit therefor from the Zoning Board of Appeals.

Local permits and approvals not required per PSL §130.

§ 280-27 Fences, hedges and screen plantings.

Fences, hedges and screen plantings shall be permitted, or alternatively, shall be required as provided in this section.

Local permits and approvals not required per PSL §130.

§ 280-29 Special access and setback requirements.

A. Access control. No building permit or other permit shall be issued or subdivision of land allowed until the provisions and regulations of this section have been met.

(3) Nonresidential districts. All multiple-family residential development and all nonresidential development must maintain a minimum of 400 feet between access points. Adjacent property owners within these districts will be required to give mutual access easements for vehicular traffic across their properties to permit vehicles to get to limited points of access to and from public highways. No building permit or occupancy permit shall be issued until proof of agreement is made available. No access point serving these areas shall be closer than 100 feet to an intersection. A deceleration and/or acceleration lane may be required as deemed necessary by appropriate state, county or Town officials to permit proper traffic flow into and out of the access point.

Local permits and approvals not required per PSL §130.

(4) In the case of undeveloped areas, the first property to develop shall provide the access point for any adjacent parcels through the procedure cited above in order to achieve the spacing requirements of this chapter. In partially developed areas, compliance with the

standards of this section shall be achieved where possible and at the discretion of the Planning Board or Zoning Board.

Local permits and approvals not required per PSL §130.

F. Steep slope and watercourse setback. No structure shall be erected within 100 feet of the water's edge of any body of water except man-made farm ponds not fed or drained by a running stream. No structure shall be erected or shall encroach upon any area lying between any stream or watercourse and a line running parallel thereto and located at grade level at the end of a line perpendicular thereto forming an angle of repose of 12° at the toe of the slope of such stream or watercourse, except that where such angle or repose is less than 12°, said parallel line shall be 100 feet from the toe of the slope of such stream or watercourse. No building, mobile dwelling or structure designed for human habitation shall be erected or placed within 30 feet of the line so determined.

§ 280-30 Easements.

A. Drainage easements and sedimentation controls. The following provisions regarding drainage easements and sedimentation controls shall apply to all new development:

(2) Temporary sedimentation or catch basins shall be required for all new construction during site preparation and construction in order to minimize sedimentation of nearby watercourses. The size and location of such sedimentation basins shall be based on recommendations of the Town Engineer or designated engineer. Seeding and cover planting shall be required at the earliest possible time during site preparation.

Local permits and approvals not required per PSL §130.

(3) Permanent retention or detention ponds may be required in larger developments by the Town Engineer or designated engineer to slow down the rate of stormwater runoff and prevent downstream flooding. The location, size and design of such ponds shall be based on recommendations of the Town Engineer or designated engineer.

Local permits and approvals not required per PSL §130.

B. Sidewalk and bikeway easements. New development shall provide the necessary easements and/or construct sidewalks or bikeways as specified by the Planning Board and/or Zoning Board of Appeals. In determining where such easements shall be provided, their site, and the manner in which sidewalks or bikeways shall be constructed, the Planning Board and/or Zoning Board of Appeals shall be guided by the Comprehensive

Plan of the Town of Guilderland, as well as any specific sidewalk or bikeway plans or policies adopted by the Town Board.

Local permits and approvals not required per PSL §130.

§ 280-35 Excavations and topsoil removal.

A. Conformance required. All excavation and appurtenant activities commenced henceforth shall be in conformity with the provisions of this chapter and shall be located only within areas specifically permitted according to the provisions of this section...

Local permits and approvals not required per PSL §130.

B. Application procedure and requirements. Before any excavation or appurtenant activities are commenced, the owner, agent or the owner or lessee of the premises shall file with the Zoning Board of Appeals an application for permit and a filing fee required by the Town in a resolution establishing such fees...

Local permits and approvals not required per PSL §130.

§ 280-37.3 Study area.

The Interim Development District shall comprise of the area bounded as follows: all lands west of the Consolidated Railroad line and all lands south of the Normanskill.

§ 280-37.5 Scope of regulations.

A. During the effective period of this article, the Planning Board, Zoning Board or Town Board shall not consider any application within the Interim Development District for concept, preliminary or final approval of a subdivision plat of three or more lots; site plan approvals; special use permits; use variances; or changes in zoning districts, regardless of the fact that an application has been submitted prior to the effective date of this article.

Local permits and approvals not required per PSL §130.

§ 280-43 Building permit required; expiration and extensions.

No structure shall be erected, altered, placed, moved or demolished, nor shall an excavation be made or footing or foundation be constructed therefor until a permit has been issued by the Chief Building Inspector and Zoning Coordinator, and such permit is prominently displayed upon the premises. This requirement applies equally to the construction or installation of underground structures, including sewage disposal systems.

Such permit shall expire 180 days after the issuance thereof unless construction shall have been commenced within said period, and it shall expire 12 months after date of issue. The Building Department may, for good cause, grant up to two six-month extensions of the above time period.

Local permits and approvals not required per PSL §130.

§ 280-45 Certificate of occupancy required.

Upon the completion of a structure legally erected or altered, as required by this chapter, a permit for the occupancy of the structure and the use designated in the building permit shall be issued within 10 days of a written request for inspection. No structure shall be occupied or the premises used until such permit is issued, and such certificate shall automatically become invalid upon any change in use of said premises.

Local permits and approvals not required per PSL §130.

§ 280-52 Special use permit review procedures.

B. Authorization to grant or deny special uses. The special uses listed in this chapter may be permitted, enlarged or otherwise altered upon authorization by the Zoning Board of Appeals. In permitting a special use or the modification of a special use, the Zoning Board may impose, in addition to those standards and requirements expressly specified by the law, any recommendation made by the Planning Board as part of its site plan review, and any additional conditions which the Board considers necessary to protect the best interests of the surrounding property, the neighborhood or the Town as a whole...

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF NEW SCOTLAND

Note that the Project as proposed will be located within the following types of districts:

Industrial
Commercial
Medium Density Residential
Residential Agricultural A

§ 89-5 Private landfilling; restrictions on use.

No person shall deposit or cause to be deposited on premises any clean fill, obtained from on or off the site, in excess of 100 cubic yards prior to the issuance of a special use permit by the Town of New Scotland Planning Board, except as required by other authorities having jurisdiction in regard to fill needed for the construction of sanitary waste or stormwater management facilities.

Local permits and approvals not required per PSL §130.

§ 155-13 Permit required to connect existing sewer main or sewer service lateral.

A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public lines thereof without a written permit from the Town. Failure to obtain a permit may result in a penalty as specified under §§ 155-16 and 155-17 of this chapter. Permits expire one year from date of issue.

Local permits and approvals not required per PSL §130.

§ 155-21 Drainage easements.

A. Drainage easements or rights-of-way shall be provided for all drainageways and structures within the development and, when required, downstream of the development.

Local permits and approvals not required per PSL §130.

§ 164-41 Stormwater management plan.

A stormwater management plan must be submitted prior to the Planning Board taking any action on any major subdivision and/or development of land specified elsewhere in the regulations and laws of the Town of New Scotland, New York. Said plan is to comply with the requirements outlined in Appendix A of this chapter, not attached; draft question as modeled after NYSDEC Division of Water, Technical and Operations Guidance Series 95.1.8.

Said plan must address the following issues:

- A. Flood control:
 - (1) Peak flow attenuation;
 - (2) One-hundred-year flood plans;
 - (3) Runoff conveyance systems.
- B. Water quality management:
 - (1) Control of "first flush";
 - (2) Control of thermal discharges;
 - (3) Hierarchy for managing stormwater quality.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 182: WATER USE

§ 182-4 Right of entry for purposes of inspection and testing.

The Superintendent of Highways, the Water Inspector, water meter reader and other duly authorized officials of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay. Denial of entry by the Town may result in termination of the water service.

§ 182-6 Entry on private property to observe compliance of facilities.

The Superintendent of Highways, the Water Inspector or other duly authorized officials of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of but not limited to inspections, observation, measurement, sampling, repair, and maintenance of any portion of the water service facilities lying within an easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 182-14 Classes of water permits; application fees; tapping fees; testing fees.

A. Three types of water permits will be issued. These will be for residential, nonresidential, and repair/reconnection. The owner or his agent shall make application on a special form furnished by the water district. The permit shall be supplemented by any plans, specifications and other information considered pertinent in the judgment of the Superintendent of Highways, the Town Engineer, the Water Inspector or other duly authorized officials of the Town.

Local permits and approvals not required per PSL §130.

§ 190-19 Additional requirements and standards.

The following additional requirements and standards shall apply to all commercial and industrial uses, except in the Commercial Hamlet Zones.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Additional requirements:

- (1) Maximum building coverage ratio: 0.50.
- (2) Maximum impervious surface ratio: 0.75.
- (3) Maximum building height: 35 feet.
- (4) Minimum usable open space ratio: 0.25.
- (5) Minimum distance between principal buildings on the same site: 15 feet.

B. Additional standards.

- (1) Any principal building may contain more than one principal use and/or organization provided that the total building coverage of the combined activities does not exceed the maximum building coverage ratio for the district.
- (2) All building walls facing any street or residential district line are to be suitably finished for aesthetic purposes as determined by the Planning Board. All buildings in small shopping or office plaza clusters are to be compatibly designed whether constructed all at one time or in stages over a period of time.
- (3) All areas not utilized for buildings, parking, loading, access and driveways, or pedestrian walkways are to be

maintained in good condition and suitable landscaped with trees, shrubs, ground covers, lawns, or simple plantings.

- (4) Parking is not allowed in the area between the principal building front face and the pavement edge of any street or road unless a fifty-five-foot setback is provided for any structure, and a five-foot landscaped strip is maintained between any parking meters and any property line abutting any street or road. This applies for commuter lots with two street faces. Parking is encouraged to locate within side yards where practical.
- (5) Front, side and rear setbacks m-e to be landscaped as may be required by the Planning board.
- (6) A minimum buffer area of 30 feet in width is to be maintained between any commercial structure and a residential district or an existing dwelling in use.
- (7) Parking lots and service areas are to be paved in accordance with the pavement requirements of this chapter.
- (8) Existing lots of record having 180 feet or less of frontage on a street will be limited to one point of vehicular access to the street to service all development on the lot including the division of the lot into additional lots.
- (9) Existing lots of record having more than 180 feet but less than 500 feet of frontage on a street will be limited to two points of vehicular access to the street to service all development on the lot.
- (10) Existing lots of record having 500 feet or more of frontage on a street will be limited to two points of vehicular access to the street for up to 1,000 feet of frontage, plus one additional point of access to the street for each additional 500 feet of frontage on the street or point thereof. These points of access shall service all development on the lot.
- (11) Prior to the division of all or any portion of any existing lot of record having a gross lot area of five acres or more or 500 or more feet of street frontage, the owner is required to file a master development plan (plan) with the Planning Board. The Planning Board will review the plan and determine its acceptability .

- (a) A plan is to be prepared in accordance with Article V of this chapter.
- (b) A plan should be conceptual in nature. It must identify major development opportunities and constraints associated with the site.
- (c) In addition to the requirements contained in Article V of this chapter, a plan shall show, in conceptual manner, natural drainage features, environmentally sensitive means, prime development means, and other significant man-made and natural features.

§ 190-21 Open space requirement.

Open space shall be required for any subdivision in compliance with Chapter 164, Subdivision of Land, of the Code of the Town of New Scotland . At least 10% of the mea of any commercial or industrial development in either the COM or IND Zone may be required to be retained in usable open space for common usage with appropriate landscaping. Open space shall not include parking areas or roadways .

§ 190-23 Off-street parking.

Off-street parking spaces shall be provided in accordance with the specifications III this section in any district whenever any new use is established or existing use is enlarged.

§ 190-24 Use of parking areas.

§ 190-25 Design of off-street parking facilities.

§ 190-26 Off-street loading for all commercial and industrial uses.

Off-street loading shall be spaced logically, conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, and shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

§ 190-27 Off-street loading design standards.

§ 190-26 Off-street loading for all commercial and industrial uses.

Off-street loading shall be spaced logically, conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, and shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

§ 190-27 Off-street loading design standards.

§ 190-28 Pavement requirements.

The following pavement design standards shall apply. Off-street parking areas and loading areas including access aisles, driveways and fire lanes are to be paved as outlined below. Alternate pavement methods of an equivalent quality may be permitted subject to approval by the Town Engineer:

- A. Areas of ingress and egress, loading and unloading areas, major interior driveways or access aisles and other areas likely to experience similar heavy traffic are to be paved not less than six inches of suitable subbase material in compliance with NYSDOT Standard Specification Type 4 equivalent gravel.
 - (1) Areas with poor soil conditions may require additional subbase material per Town Engineer's recommendation. Under extremely soft soil conditions, a soil stabilization fabric may also be deemed necessary and required after review by the Town Engineer.
 - (2) All areas of heavy duty pavement will be surfaced with a bituminous material unless an equivalent is approved by the Town Engineer. Bituminous surfacing is to consist of one inch of compacted Type 7 or 7F NYSDOT equivalent top course and a three-inch compacted Type 1 NYSDOT equivalent base course for a total bituminous material thickness of at least four inches. Should unsuitable subsurface soil conditions exist, additional bituminous base course may be required as per Town Engineer's recommendation.
- B. Parking stall areas likely to experience similar light traffic are to be paved not less than six inches of NYSDOT Type 4 equivalent gravel.
 - (1) Bituminous surfacing is to be used unless an equivalent is approved by the Town Engineer. Bituminous surfacing is to consist of one inch of compacted Type 7 or 7F NYSDOT

equivalent top course and a two inch compacted Type 3 or Type 1 NYSDOT equivalent binder or base course for a total compacted bituminous material thickness of at least three inches. Should unsuitable subsurface soil conditions exist, additional bituminous binder or base course may be required as per Town Engineer's recommendation.

- C. All parking areas, regardless of size and location, shall be suitably drained and maintained with slopes on paved surfaces established between 2% and 8% in parking stall areas and with driveway grades no greater than 12% grade.
- D. All off-street parking lots are to be adequately demarcated with painted lines or other markings to indicate traffic flow and parking spaces.
- E. Granite, concrete and/or precast concrete curbing is to be installed, as required, to adequately control stormwater runoff and to delineate and protect other site features including but not limited to sidewalks, ingress and egress locations, landscaped islands and planting beds, parking and loading areas, and at intersections with Town, county or state roads. The appropriateness of curbing shall be reviewed and approved by the Town Planning Board and/or its consultant.
 - (1) All concrete curbing will have a twenty-eight-day compressive strength of 4,000 psi. Expansion joints are to be provided at intervals not to exceed 20 feet and to be sealed. Curb vertical face exposure is to be at least six inches above the pavement surface.
 - (2) Granite curbing is to be constructed to show a vertical face above the pavement surface of at least six inches.

§ 190-29 Yard and height regulations.

- A. Coverage. In all districts, structures may not cover more than 30% of the lot except in COM or CH Districts, where commercial uses shall not cover more than 50% of the lot. All planned development projects and projects where clustering is applied, although individual lots may exceed this requirement, the overall project may not.
- B. Height regulations.

- (1) In the case of single-family dwelling, no building shall exceed two stories, with a maximum height of 35 feet.
- (2) In the case of a building other than a single-family dwelling, including commercial and industrial buildings, and/or structures, no part thereof shall exceed three stories with a maximum height of 45 feet, except church spires or belfries, windmills, solar panels, silos and smoke stacks. No such structure shall hinder solar access of any adjacent parcel of land.

C. Front yard setback. Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than fifty-foot right-of-way or where the right-of-way line is not known, the front yard requirement shall be measured from a point 25 feet from the center line of the existing roadway. Accessory structures. Maximum permitted height for unattached structure shall be 20 feet, except that the maximum permitted height may be increased up to 35 feet if lot size is three or more acres and front, side and rear setbacks are each at least 50 feet.

- (1) Maximum yard regulations.
 - (a) Unattached accessory structures in all districts. Accessory structures unattached to a principal structure may be erected provided such structures are not located within the front setback, or within five feet of any other property line.
 - (b) Attached accessory structures in all districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building.
 - (c) Nonresidential accessory structures. Nonresidential accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than 10 feet.

§ 190-31 Temporary construction structures.

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress.

Permits for temporary structures shall be issued for six-month periods by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 190-32 Signs.

Signs may be erected and maintained only when in compliance with the provisions of this and any and all other laws and regulations relating to the erection, alteration or maintenance of signs and similar devices. Flashing signs are prohibited in all districts.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 190-33 Exterior lighting.

Exterior lighting of buildings or grounds is permitted in all commercial and industrial districts only, provided such lighting be from shaded sources and be so located that beams are not directed toward any residential property or public highway.

§ 190-52 Site plan review.

The purpose of site plan review is to provide for the review and approval of development plans to ensure that land development occurs in harmony with surrounding uses, without causing adverse impacts to neighboring parcels, property values, public facilities, infrastructure or the natural environment.

A. Applicability.

- (1) Prior to approval of a building permit for any project to which this section applies, a site plan must be approved by the Planning Board and filed with the Town Clerk.

Local permits and approvals not required per PSL §130.

CODE OF THE
VILLAGE OF VOORHEESVILLE

Note that the Project as proposed will be located within the following types of districts:

Industrial
Business B
Residential C-1
Residential C-2

Zoning Law (Enacted April 25, 1984, amended 2006)

ARTICLE IV. PERMITTED USES

General Standards:

In all districts the following shall be objectionable if they can be distinguished beyond the limits of the property in which they are created in the following degree of intensity:

- Dust settles from the air, or floats through the air and can be distinctly seen;
- Vibration can be distinctly felt;
- Noxious fumes that can be plainly smelled or their presence detected by proper scientific apparatus.

Regulation of Wetlands

All proposals for subdivision, site development, building permits which have direct effect on wetlands shall be referred by the building inspector in the first instance to the Conservation Advisory Council. Conservation Advisory Council shall review all proposals and decide on special wetlands development permit.

Local permits and approvals not required per PSL §130.

Ground Water Protection Districts

Section 5: Permit and site plan review required.

Local permits and approvals not required per PSL §130.

Section 6. a. Prohibited Uses and activities

(11) Excavations which intersect the water table at its seasonal high level and which remain open for a period of time exceeding six (6) months over any two (2) year period.

Section 6: Soil mining shall be prohibited on any lot in any zone, except for excavation pursuant to a valid building permit issued for the same lot.

Local permits and approvals not required per PSL §130.

ARTICLE X. SIGNS

Signs in Commercial and Industrial Districts: Not more than three signs are allowed. The total sign area of all permitted signs on premises for permitted uses shall not exceed fifty (50) square feet. No sign shall be installed or placed without first obtaining a permit therefore from the Codes Enforcement Officer.

Local permits and approvals not required per PSL §130.

ARTICLE XI. FENCES

Within the limits of the front yard, no fence shall be more than four feet high, within the limits of the side yard, no fence shall be more than six feet height. In no case shall a fence be erected, enlarged or altered without a building permit. The finished side of the fence must face outward from the property.

Local permits and approvals not required per PSL §130.

ARTICLE XIII. TEMPORARY STRUCTURES

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for six-month periods. All temporary structures shall conform to the building code.

Local permits and approvals not required per PSL §130.

ARTICLE XVII. STORAGE OF MOBILE HOMES, BOATS, AND TRAILERS

No trailer shall be stored in the front yard in any district.

ARTICLE XVIII. SPECIAL USE PERMITS

The application shall be submitted to the Building Inspector who will decide whether the proposal conforms with the applicable standards.

Local permits and approvals not required per PSL §130.

ARTICLE XIX. SPECIAL REGULATIONS

Section 1: Site Plan Review.

C. Requirements for a site plan

Local permits and approvals not required per PSL §130.

Section 3: Essential Service Buildings

Buildings such as electric substations, switches, and auxiliary apparatus servicing a distribution area shall not be permitted in Residence A districts except as provided by special permit. They shall not be located on residential streets or highways. Adequate fencing, barriers, any other safety devices shall be landscaped.

Local permits and approvals not required per PSL §130.

ARTICLE XXIII. BUILDING PERMIT

Permit required: No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion of any structure without first obtaining a separate building permit from the building inspector. Application shall be made directly to the Building Inspector. All construction shall meet NY State Uniform Fire Prevention and Building Codes.

Local permits and approvals not required per PSL §130.

Stop Order: Whenever the building inspector has reasonable grounds to believe that the work on any building or structure is being prosecuted in violation of the building laws, he/she shall notify the owner or the agent of the property to suspend all work.

ARTICLE XXIX. ELECTRICAL INSPECTIONS

It shall be violation of this ordinance to install or alter electrical wiring on properties in the Village until an application has been filed with the New York Board of fire Underwriters.

Local permits and approvals not required per PSL §130.

ARTICLE XXXI. ESTABLISHMENT OF LAND CONSERVATION DISTRICT

Special Conservation District Conservation Permit Needed:

For Utility transmission lines: filling, grading, and the removal of vegetation must be kept to the minimum amount practicable. Construction must be kept to the shortest time. Such project must not interfere with the flood control function of the floodway. All construction materials shall be resistant to flood damage. All structures shall be floodproofed.

Local permits and approvals not required per PSL §130.

GENERAL PROVISIONS
(No Article Numbers assigned)

CONSTRUCTION OF DRIVEWAYS: No driveway, pathway or roadway entrance for vehicular or pedestrian traffic shall be constructed without first obtaining a permit for such work.

Local permits and approvals not required per PSL §130.

FLOOD DAMAGE PREVENTION (Enacted in 1997)

4.2. Development Permit

4.2-1 Permit needed: A floodplain development permit is needed for all construction of structures or other development in areas of special flood hazard in this community.

Local permits and approvals not required per PSL §130.

4.4 Duties and responsibilities of the Local Administrators

4.4 -6. Stop Work Orders: The Local Administrator shall issues a stop work order for any floodplain development found ongoing without a development permit.

5.2. Standards for all Structures:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

5.2-1 Anchoring

5.2-2 Construction Material and Methods

5.2.-3 Utilities:

(1) Machinery and equipment servicing a building must be elevated above the base flood level.

VEHICULAR WEIGHT LIMITS

Restricting of vehicle weights on Pine Street and Prospect Street: No vehicle or combination of vehicles exceeding five tons in gross weight shall be operated on these streets.

SEWER USE LAW, SEWER DISTRICT NO. 1

Section 801 – Industrial and Commercial Users Prohibited: No industrial and commercial users shall be permitted to discharge into the Publicly Owned Treatment Works (POTW).

TAXATION

Section 1. Imposition of a tax on the furnishing of utility services.

NOISE CONTROL LAW

Section 4. Prohibited Acts:

1. Motor Vehicles: Shall comply with the applicable maximum noise levels for the operation of motor vehicles.

4. Construction: The erection, including excavation, demolition, alteration of any building other than between 7.00 am and 9.00 pm, shall be prohibited except in cases of public safety or emergency.

STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL

SECTION 2. STORMWATER POLLUTION PREVENTION PLANS

2.1 Stormwater Pollution Prevention Plan Requirement: No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

Local permits and approvals not required per PSL §130.

SECTION 10. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

10.1. Submission of NOI to Village of Voorheesville.

(1) Any person subject to an industrial or construction activity SPEDES permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village of Voorheesville prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

SECTION 18. 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 ordinance 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.

TRAFFIC AND PARKING RESTRICTIONS

SECTION 3: PROHIBITION OF ALL-NIGHT PARKING

No vehicle shall be parked on any street within the Village limits from 12:00 AM to 6:00 AM, November 15th through April 15th.

CODE OF THE
TOWN OF BETHLEHEM

Note that the Project as proposed will be located within the following types of districts:

I, Heavy Industrial; and
RLI, Rural Light Industrial.

CHAPTER 35: ALARM SYSTEMS

§35-4(E, F) Installation permit.

(1) Prior to the installation by an alarm supplier, as defined in § 35-3 herein, of any emergency alarm in the Town of Bethlehem, a permit for such emergency alarm must be issued by the Town. Application for such permit shall be made to the Chief of Police of the Town of Bethlehem (the "Chief") or, if none, to the person designated as Acting Chief by the Town Board. Such application shall contain such information as is required by the regulations as promulgated and amended by the Chief.

Local permits and approvals not required per PSL §130.

CHAPTER 53: BUILDING CONSTRUCTION AND FIRE PREVENTION ADMINISTRATION

§53-4 Application for building permit.

A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Building Inspector for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

Local permits and approvals not required per PSL §130.

§53-11 Certificate of occupancy required.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.

B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued by the Building Inspector.

C. No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

CHAPTER 69: FLOOD DAMAGE PREVENTION

§69-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 69-6...

Local permits and approvals not required per PSL §130.

§69-13 General provisions for flood hazard reduction.

In all areas of special flood hazard, the following standards are required:

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, the use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

(2) All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate the infiltration of floodwaters.

(4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions, greater than either 50 lots or five acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazard set forth in § 69-12A(3). This may require the submission of additional technical data to assist in the

determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 69-12B or 69-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-foot at any point.

(3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 69-12B, the requirements of § 69-15, Floodways, shall apply.

§69-14(B) Specific provisions for flood hazard reduction.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

B. Nonresidential construction.

(1) New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar elevated to one-foot above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, 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.

(a) If the structure is to be elevated, fully enclosed areas below the base flood elevation shall be designed to automatically, without human intervention, allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

[1] A minimum of two openings having a total net area of not less than one square inch shall be required for every square foot of enclosed area subject to flooding.

[2] The bottom of all such openings shall be no higher than one-foot above the lowest adjacent finished grade.

[3] Openings may be equipped with louvers, valves, screens or other coverings or other devices, provided that they permit the automatic entry and exit of floodwaters.

(b) If the structure is to be floodproofed:

[1] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

[2] A licensed professional engineer or licensed land surveyor shall certify the specific elevation, in relation to mean sea level, to which the structure is floodproofed.

(2) The Building Inspector shall maintain on record a copy of all such certificates noted in this section.

§69-14(C) Specific provisions for flood hazard reduction.

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one-foot above the base flood elevation, as may be determined in § 69-12B, or two feet above the highest adjacent grade where no elevation data is available.

(1) New construction or substantial improvements of structures including manufactured homes shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent grade next to the proposed foundation of the structure.

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically, without human intervention, allow for the entry and exit of floodwaters for the

purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch shall be required for every square foot of enclosed area subject to flooding.
- (b) The bottom of all such openings shall be no higher than one-foot above the lowest adjacent finished grade.
- (c) Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.

§69-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 69-4B). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 69-6 and 69-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

CHAPTER 72: FRESHWATER WETLANDS

§72-3 Scope of regulations.

Within an officially designated wetland, any person proposing to conduct or cause to be conducted any of the activities specified below in Subsections A through E shall be required to file an application for a permit with the Town Clerk. These activities are subject to regulation whether or not they occur upon the wetland itself, if they impinge upon or otherwise affect the wetlands; provided, however, that no regulation shall apply to any area situated more than 100 feet from the boundary of such wetland or any such greater or lesser distance therefrom as determined by the Planning Board.

Local permits and approvals not required per PSL §130.

CHAPTER 91: SEWERS

§ 91-13 Permit required.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the district.

Local permits and approvals not required per PSL §130.

§91-43 Special arrangements for treatment.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the district and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the district for treatment subject to payment therefor by the industrial concern.

CHAPTER 97: SOLID WASTE

§97-2.1 Waste excavation material.

Waste excavation material of any kind shall not be discharged, disposed of, deposited or buried within the Town of Bethlehem unless said material is clean and uncontaminated by any hazardous or toxic substance and does not include solid waste or construction and demolition materials or debris. The discharge, disposal, depositing or burial of such waste excavation material within the Town shall require a permit and be performed in accordance with Chapter 98 of the Code of the Town of Bethlehem.

CHAPTER 98: STORMWATER MANAGEMENT

PART 1. Illicit Discharges, Activities and Connections to Separate Storm Sewer System

ARTICLE II PROHIBITED ACTIVITIES

§98-9 Prevention, control and reduction of stormwater pollutants by use of best management practices.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

Best management practices. Where the SMO has identified illicit discharges as defined in Article I, § 98-2, or activities contaminating stormwater as defined in Article II, § 98-8, the municipality may require

implementation of best management practices (BMPs) to control those illicit discharges and activities.

A. 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.

B. Any person responsible for a property or premises, which is or may be the source of an illicit discharge as defined in Article I, § 98-2, or an activity contaminating stormwater as defined in Article II, § 98-8, 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.

C. 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.

§98-11 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.

§98-13 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 telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone 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 onsite written record of the

discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

PART 2. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

ARTICLE V. GENERAL PROVISIONS

§98-24 Applicability.

A. This Part 2 shall be applicable to all land development activities as defined in this Part 2, Article VI, § 98-26.

B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may review the plans; engage the services of a licensed professional engineer or registered landscape architect to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or accept the certification of a licensed professional engineer or registered landscape architect that the plans conform to the requirements of this Part 2.

C. All land development activities subject to review and approval by the applicable board of the Town of Bethlehem under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this Part 2.

D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this Part 2.

Local permits and approvals not required per PSL §130.

ARTICLE VI. STORMWATER CONTROL

§98-27 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be approved until the appropriate board has accepted a stormwater pollution

prevention plan (SWPPP) prepared in accordance with the specifications in this Part 2.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

E. Contractor certification.

(1) Each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation identified in the SWPPP shall sign and date 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 stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Local permits and approvals not required per PSL §130.

CHAPTER 119: VEHICLES AND TRAFFIC.

§ 119-12 Vehicles over certain weights excluded.

Trucks, commercial vehicles, tractors and tractor-trailer combinations in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule IX (§ 119-35), except for the pickup and delivery of materials on such streets.

§ 119-14 Parking prohibited at all times.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule X (§ 119- 36), attached to and made a part of this chapter.

§ 119-15 No stopping.

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule XI (§119-37), attached to and made a part of this chapter.

§ 119-16 No standing.

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XII (§ 119-38), attached to and made a part of this chapter.

§ 119-17 Parking prohibited certain hours.

No person shall park a vehicle between the hours specified in Schedule XIII (§ 119-39) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIII, attached to and made a part of this chapter.

CHAPTER 128: ZONING

§ 128-9 Conformity required.

A. Uses. Following the effective date of this chapter, any use not identified in the Schedule of Uses, § 128-99 of this chapter, shall be deemed prohibited. No building or lot shall be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this chapter for the district in which such building or lot is located. Where permitted uses are identified by generic words or descriptions, the Zoning Board of Appeals shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Zoning Board of Appeals shall consider to what extent the proposed use is similar to the class of use indicated in the Schedule of Uses.

Local permits and approvals not required per PSL §130.

§128-47 Fences and freestanding walls.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Fences or freestanding walls not exceeding four feet in height may be erected anywhere on a lot, except as otherwise provided in this section.

B. Fences or freestanding walls in residential districts.

(1) Fences or freestanding walls not exceeding four feet in height may be erected in the front yard.

(2) Fences or freestanding walls greater than four feet in height but not more than six feet may be erected in the side and rear yards.

(3) For corner lots, fences or freestanding walls not exceeding six feet in height may be located in the front yard, opposite the side yard, as determined by the Building Inspector. Said fence or

freestanding wall shall have a minimum setback of 15 feet from the determined front yard property line.

(6) The use of dangerous materials such as crushed glass and razor wire is prohibited.

(a) Electric fencing and barbed wire are prohibited in residential districts, except when used for the following purposes:

[1] Confinement of livestock or other farm purposes where permitted.

[2] Enclosures of public utilities.

[3] Enclosures of properties or storage by commercial or industrial users.

(b) If barbed wire is used, it shall be canted in.

C. Fences or freestanding walls in the Heavy Industrial District, that abut a residential zoning district, shall not exceed eight feet in height, but may include an additional 18 inches of barbed wire at the top. If barbed wire is used it shall be canted in.

D. Fences in mixed-use and commercial districts.

(1) Fences or freestanding walls not exceeding four feet in height may be erected in the front yard.

(2) Fences or freestanding walls greater than four feet in height but not more than six feet may be erected in the side and rear yards.

F. Fences designed to be structurally supported by posts, cross members or rails on one side only shall be erected with the posts, cross members or rails on the fence owner's side, and the finished side of the fence shall face adjacent properties.

G. No minimum distance shall be required between a fence or freestanding wall and a lot line, unless otherwise specified in this chapter.

H. Fences and freestanding walls in any zoning district shall be maintained in a structurally sound condition.

J. No fence or freestanding wall shall be located in a municipal right-of-way.

§128-49 Grading, erosion and sediment control.

C. Regulated activities. The following activities shall require a grading, erosion and sediment control permit pursuant to this section:

(1) Land disturbance of 0.25 acre but less than one acre of land within the designated MS4 Phase II stormwater areas of the Town.

(2) Land disturbance of one acre or more shall comply with this section and Chapter 98 of the Code of the Town of Bethlehem.

(3) Land disturbance within 100 feet of the of the bank of the following streams or within the one-hundred-year flood zone of said streams:

(a) Normans Kill Creek.

(b) Vloman Kill Creek.

(c) Onesquethawa Creek.

(d) Phillipin Kill Creek.

(e) Dowers Kill Creek south of Route 32.

(f) As used herein "bank" refers to the location of the mean high water level.

(4) Excavation or filling which exceeds a total of 200 cubic yards of material per acre within any parcel or any contiguous parcels in any twelve-month period.

Local permits and approvals not required per PSL §130.

§128-52 Lighting.

A. General requirements.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

(1) No artificial lighting shall shine directly upon any neighboring residential property located in a residential district or be so established that it shall shine directly upon any residential property or shall shine directly on or into any room or rooms, porches or patios of any residential property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring residential properties or as to interfere with the physical comfort of the occupants of residential properties.

(3) Exterior lighting shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas, as determined by the Planning Board.

(4) Security lighting should use the lowest possible illumination to effectively allow surveillance.

D. Exterior lighting plan review.

(1) Where required by the Planning Board, an application for site plan approval shall include an exterior lighting plan depicting the number, location, mounting height, and type of proposed lighting fixture and level of illumination on the site.

Local permits and approvals not required per PSL §130.

§128-53 Lots bordering streams.

A. No building permit shall be issued for the construction or installation of any permitted or accessory use in any district within 100 feet of the bank of the following streams or within the one-hundred-year flood zone of said streams:

(1) Normans Kill Creek.

(2) Vloman Kill Creek.

(3) Onesquethaw Creek.

(4) Phillipin Kill Creek.

(5) Dowers Kill Creek south of Route 32.

Local permits and approvals not required per PSL §130.

§128-56

Off-street parking and loading.

D. Prohibited parking. In any commercial district, no vehicles, trailers, portable signs, or any device capable of being or designed to be towed by a vehicle shall be parked on a lawn or landscaped area in a front or side yard, unless specifically approved by the Planning Board, Town Board, or Zoning Board of Appeals. (Also see Subsection B of § [128-75](#), Junkyards, regarding the parking of unregistered vehicles.)

E. In all residential districts, not including the Rural District, no more than two commercial vehicles per dwelling unit may be parked overnight on a single lot, subject to the following:

(1) In no instance shall a commercial vehicle in excess of 23 feet in length or 8,000 pounds in curb weight be parked overnight on a single lot without first obtaining a special use permit.

(2) Parking and storage of boats, trailers and recreational vehicles in the front yard as defined in § [128-22](#) is prohibited.

F. In the General Commercial, Heavy Industrial and Rural Light Industrial Districts, off-street parking shall not be permitted within 10 feet of any property line providing highway frontage to the property. Such setback area shall be considered as a minimum; however, additional setback area may be required if determined to be necessary by the Planning Board and in accordance with § [128-71](#) of this chapter. In addition, such setback area shall be suitably landscaped in accordance with the requirements of § [128-71](#) of this chapter.

G. Except as otherwise provided, off-street parking areas as required for any use within the General Commercial, Heavy Industrial and Rural Light Industrial Districts shall be located no closer than 15 feet to any side or rear property line, except as may be approved by the Planning Board for the purpose of providing adjacent properties joint driveway access from the street, off-street access between properties and shared parking areas. Where such setback is reduced, the Board may require that a comparable amount of site area be added to other setback areas on the same site.

H. If the Planning Board finds that compliance with the off-street parking requirements herein would have an adverse impact upon the physical environment or visual character of the area, and if the Board also

finds that all of the parking required in the Schedule of Off-Street Parking will not be necessary for the anticipated use of the site, the Planning Board may reduce the amount of parking required to be constructed, provided that sufficient usable land is set aside to satisfy the parking requirements in the future should the need for such additional parking arise. The Planning Board shall, as a condition of any approval granted, retain the right to require the owner of the property to construct such additional parking whenever it finds that such parking is needed. If a proposed use is not listed in the Schedule of Off-Street Parking, the Planning Board shall use its discretion to determine the amount of parking to be required.

§128-59 Signs.

B. General regulations.

- (1) No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without first obtaining a permit issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

§128-62 Temporary shelters.

A. Vehicle, trailer or vessel serving as building. Any movable vehicle, trailer or dockside vessel that is used or occupied for the purpose of providing shelter to persons, animals or property shall be subject to the regulations contained in this chapter applicable to its particular use.

- (2) Commercial use. Any construction office trailer shall be identified in the applicable building permit issued by the Building Inspector and shall be removed from the premises prior to the issuance of a certificate of occupancy. Such trailer may have electric and heating capable of temporary connection to site utilities. Each construction office trailer shall be subject to the fee set forth in the current fee schedule adopted by the Town Board, which shall be due and payable at the time that an application for a certificate of occupancy is made.

Local permits and approvals not required per PSL §130.

- (3) Temporary storage.

- (a) Commercial trailers may be placed on any lot for the purpose of storage, accessory to any permitted commercial

use, provided that a permit is first obtained from the Building Inspector.

Local permits and approvals not required per PSL §130.

(b) Dockside vessels may be used for the purpose of storage, accessory to any permitted commercial or industrial use, provided that a permit is obtained from the Building Inspector.

Local permits and approvals not required per PSL §130.

(4) Permanent storage. Commercial trailers may be placed on any lot in the Rural, Heavy Industrial and Rural Light Industrial Districts for the purpose of permanent (i.e., greater than nine months) storage, accessory to any permitted nonresidential, nonagricultural use, provided that a permit is first obtained from the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 128-66 Driveway construction.

A. Driveways over 100 feet in length shall be constructed in accordance with Town specifications.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

- (1) Minimum width of driveway shall be 11 feet.
- (2) All turns in the driveway shall have turning radii, or widened width, to accommodate emergency vehicles.
- (3) Driveway grades shall not exceed 10%.
- (4) Construction of driveway shall be in accordance with Town Highway Specifications and accommodate emergency vehicle loadings for the soil conditions present. Asphalt surfacing is optional; however, the driveway must be paved from the edge of existing roadway pavement to the limits of the public road right-of-way.

(5) When necessary, adequately designed driveway culverts shall be installed in all driveways to accommodate local drainage patterns.

(6) A placard identifying the house number of the residence shall be installed, adjacent to the driveway, at the public road right-of-way line. The numerals shall not be less than four inches in size.

B. Driveways over 200 feet in length shall be constructed in accordance with Town specifications.

(1) Refer to specifications outlined in Subsection A for driveways over 100 feet.

(2) A water meter pit shall be installed by the property owner. It shall be located adjacent to and outside of the public road right-of-way. All water meters are radio read meters and are furnished and installed by the Town.

Special Use Permit Approval and Site Plan Approval

§ 128-68 Purpose; consistency required; applicability; exemptions.

B. Consistency requirement. Before approving any use that is subject to special use permit and/or site plan approval, the Planning Board must make a written finding that the proposed use is one that is allowed within the district in accordance with the Schedule of Uses, that it meets the special use permit performance standards and/or site plan approval criteria as specified herein, and that the site layout, site design and architectural appearance would, as determined by the Planning Board, enhance and be protective of the aesthetic, existing, historic and environmental features of the surrounding neighborhood...

Local permits and approvals not required per PSL §130.

§ 128-69 Special use permit review and approval.

A. Reviewing agency. Pursuant to Town Law § 274-b, Subdivision 2, the Planning Board is hereby empowered to review and approve, approve with modifications and/or conditions, or disapprove special use permit applications as provided in this chapter.

Local permits and approvals not required per PSL §130.

§128-71 Site plan review and approval.

A. Site plan application. An application for site plan approval shall be submitted to the Planning Board on forms provided by the Board for such purpose...

Local permits and approvals not required per PSL §130.

§ 128-81 Building Inspector.

A. This chapter shall be enforced by the Building Inspector.

B. No building shall hereafter be erected or structurally altered within the area covered by the Zoning Map until a permit authorizing the same shall have been issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 128-82 Building permits and certificates of occupancy.

A. Building permits. Building permits shall be required and issued pursuant to Chapter 53, Building Construction and Fire Prevention Administration, of the Town Code. No person shall alter or add to any existing structure, or construct a new structure or part thereof, nor change the use of any building, without a valid zoning and building permit as required by Chapter 53 and issued by the Building Inspector.

[Amended 10-8-2008 by L.L. No. 3-2008]

Local permits and approvals not required per PSL §130.

B. Certificates of occupancy. Certificates of occupancy shall be issued pursuant to Chapter 53, Building Construction and Fire Prevention Administration, of the Town Code. No person shall occupy or use any structure that has been issued for that structure or building where a valid building permit has been issued. Editor's Note: So in original. No certificate of occupancy or certificate of compliance will be issued until all required inspections are conducted by the Inspector or his assistants and any engineering reports or other required documentation has been provided to the Building Inspector for his or her approval.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF COEYMANS

Note that the Project as proposed will be located within the following types of districts:

I-3P Planned Industrial (~3,000 ft)

R-1 Single Family Residential (~2,500 ft)

CHAPTER 71: BUILDING CONSTRUCTION AND FIRE PREVENTION

§ 71-4 Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Local permits and approvals not required per PSL §130.

§ 71-6 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

§ 71-11 Firesafety and property maintenance inspections.

B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

CHAPTER 88: ENVIRONMENTAL QUALITY REVIEW

§ 88-2 Compliance required; exceptions.

No decision to carry out or approve an action other than an action listed in § 88-3B hereof or Section 617.12 of 6 NYCRR as a Type II action shall be made by the Environmental Conservation Board or any department, board, commission, officer or employee of the town until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 NYCRR; provided, however, that nothing herein shall be construed as prohibiting:

A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the town to approve, commence or engage in such action; or

B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until

all requirements of this chapter and Part 617 of Title 6 NYCRR have been fulfilled.

Local permits and approvals not required per PSL §130.

CHAPTER 93: FLOOD DAMAGE PREVENTION

§ 93-11 Establishment of development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 93-6. Application for a development 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.

Local permits and approvals not required per PSL §130.

§ 93-13 General standards.

In all areas of special flood hazard the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 138: SOLID WASTE

§ 138-4 Preparation of waste; general procedures.

A. All residential, nonresidential and commercial waste generators in the Town of Coeymans shall contract for waste removal services with a private waste collector registered and permitted by the town or shall demonstrate to the Recycling Coordinator an appropriate, legal, alternative method of disposal. These waste removal services shall include the separation of recyclables according to instructions issued by the Town Recycling Coordinator. This list of instructions will be approved by the Town Board by resolution and will take effect 30 days after the approval of the resolution unless otherwise specified in the resolution.

Local permits and approvals not required per PSL §130.

CHAPTER 96: FRESHWATER WETLANDS

§ 96-1 Regulatory authority

Pursuant to § 24-0501 of the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law), the Town of Coeymans shall fully undertake and exercise its regulatory authority with regard to activities subject to regulation under the Act in freshwater wetlands, as shown on the Freshwater Wetlands Map, as such map may from time to time be amended, filed by the Department of Environmental Conservation pursuant to the Act, and in all areas adjacent to any such freshwater wetland up to 100 feet from the boundary of such wetland. Such regulatory authority shall be undertaken and exercised in accordance with all of the procedures, concepts and definitions set forth in Article 24 of the New York Environmental Conservation Law and Title 23 of Article 71 of such law relating to the enforcement of Article 24, as such law may from time to time be amended, with the following exceptions, additions and modifications.

CHAPTER 102: GARBAGE AND GARBAGE RECEPTACLES

§ 102-5 Storage of garbage outside buildings.

No person shall place or deposit or permit or cause to be placed or deposited any garbage outside any building within the identified zones within the Town of Coeymans unless the garbage is properly and carefully contained within a covered metal, wooden or molded plastic receptacle or placed in an adequate solid enclosure, which receptacle or enclosure shall be capable of holding the contents thereof within the confines of said receptacle or enclosure so as to prevent the same from falling out, being

blown about or in any way removed from said receptacle or enclosure, except for transmittal to a proper place of disposal

CHAPTER 156: VEHICLES AND TRAFFIC

§ 156-5 Parking prohibited where indicated by signage.

No person shall park a motor vehicle, motorcycle, moped, trailer, vessel or item of motorized equipment along any town road or street where such parking is prohibited by an official Highway Department or Police Department sign, whether permanent or temporary.

§ 156-10 Local traffic only.

Effective upon the adoption of this article, Second Street shall be restricted to local traffic only; nonlocal through traffic is prohibited.

CHAPTER 165: ZONING

§ 165-10 Supplementary Regulations

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

Q. Signs and Billboards

1) Signs in residence districts. Signs in residence districts shall be limited to one nonilluminated nameplate, not exceeding 11/2 square feet in area, except for signs or bulletin boards of churches or educational institutions and signs advertising the premises for sale or rent which shall not exceed six square feet in area. Advertising signs shall be prohibited in all residence districts.

(2) Signs in nonresidence districts.

(c) Freestanding signs. Not more than one freestanding sign, with the area of one side of such sign not to exceed 150 square feet, shall be erected on any lot for each 10 acres of area and/or each 400 feet of street frontage, or fraction thereof, of such lot; hereinafter, no such signs shall encroach on any required front yard. Gasoline filling stations may erect not more than one standard sign within the required front yard for purposes of identification.

(d) Sign illumination. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.

(e) Moving or flashing signs. Moving or flashing signs or advertising devices shall be prohibited.

(f) Temporary signs. No temporary signs made of paper, cardboard, canvas or similar nonpermanent material, other than a sign advertising the sale or rental of the premises on which the same is situated, will be permitted on the outside of any building or on any lands.

(g) Directional signs. Nothing contained herein shall restrict the installation and placement of any fixed directional signs with an area not exceeding 10 square feet for the guidance of visitors.

(i) An application fee of \$25 shall be part of the application for a sign permit in nonresidence districts.

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.

(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.

WESTCHESTER COUNTY

CODE OF THE
COUNTY OF WESTCHESTER

CHAPTER 241 DEPARTMENT OF PUBLIC WORKS

§ 241.141 Exceptions

1. Nothing contained in this article shall be deemed to apply in any way to:
 - a. Any agency of the federal government or of the State of New York;
 - b. Any part of the Hudson River.

CHAPTER 277 BOARDS AND COMMISSIONS

§. 277.702 License required; exceptions

4. The provisions of this article shall not apply to persons:
 - d. Who work exclusively with public service companies or municipal plants authorized to generate or sell electricity, in connection with the erection, construction, maintenance or repair of lines and facilities for the generation, transmission and distribution of electricity from the source of supply to the service connection on the premises where used.

CHAPTER 694. CRITICAL ENVIRONMENTAL AREAS

§ 694.11 Scope

Pursuant to Title 6 of the New York Code of Rules and Regulations, Section 617.4(h), the following areas, which shall be further described and shown in the "Westchester County Critical Environmental Area Map," to be developed, maintained and kept by the Westchester County Department of Planning, are hereby designated as critical environmental areas:

- E. Long Island Sound, its islands and underwater land and all shorelands within the cultural boundaries of its shoreline as depicted in the July 1989 report of the Westchester County Environmental Management Council on Critical Environmental Area Designations;
- F. All County and state parklands, as designated by the Westchester County Department of Planning's Major Open Space Map, as amended and revised;

L. The Hudson River, its islands and underwater land and all shorelands within the cultural boundaries of its shoreline as depicted in the September 1989 report of the Westchester County Department of Planning;

CHAPTER 712 COUNTY-OWNED PROPERTY, USE OF

§ 712.21 Territorial scope

These ordinances, rules and regulations shall apply to all parts or portions of any County-owned property as hereinbefore defined and shall govern the use of, parking on and traffic in and through the same by all persons.

§ 712.121 Construction work

No person shall perform construction work of any kind or work incidental thereto without a permit.

Local permits and approvals not required per PSL §130.

§ 712.271 Overhead wires

No person shall attach or string any electric, telephone, telegraph, aerial or other wire, guy rope or other object or adjust or carry the same into or over any part of County-owned property except under a permit.

Local permits and approvals not required per PSL §130.

§ 712.475 Operation of motor vehicle; idling of engine restricted

1. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

§ 712.511 Obstructing traffic

No person shall cause or permit a vehicle to obstruct traffic on any drive or to stop such vehicle thereon except in compliance with traffic direction signs or traffic control signals or the directions of a Westchester County parkway policeman, special Westchester County parkway policeman or when traffic makes such stopping necessary. No person shall drive a vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic except when such reduced speed is

necessary for safe operation, mechanical breakdown, or in compliance with directions of a parkway policeman or special parkway policeman.

§ 712.531 Parking, stopping or standing of vehicles on traffic lanes

No vehicle on County-owned property shall be parked, stopped or allowed to stand on any drive, bridge, structure, access drive or at any other place where posted to the contrary. Parking, standing or stopping on the shoulders of any drive shall be permitted only in an emergency, or when authorized by the County, and then only on the shoulder to the right of the traffic lane facing in the direction of travel and only on condition that all wheels and projecting parts of the vehicle shall be completely clear of the travel lane. The provisions of this paragraph shall not apply to police, maintenance or official County vehicles.

CHAPTER 803 BUILDINGS AND STRUCTURES, CONSTRUCTION OF

§ 239-k Regulations for control of development

No building permit shall be issued or approved by any municipality when such proposed building shall have frontage on, access to, or be otherwise directly related to any existing county road or drainage system, or county road or drainage right-of-way proposed by the county official map, if any, except in accord with the following procedures. Upon receipt of application for such building permit, the municipal building inspector or other authorized municipal official shall so notify the county superintendent of highways or commissioner of public works. Within ten days of receipt of such notification, the county superintendent or commissioner shall report to the municipality on his approval or disapproval, or on his approval subject to stated conditions, of the application for a building permit insofar as such building, including curb cuts or other means of access, may be related to any existing or proposed county road or drainage system...

Local permits and approvals not required per PSL §130.

CHAPTER 813 ROAD CONSTRUCTION SPECIFICATIONS

§ 813.21 Permit required

No person, firm, corporation, improvement district or municipality shall construct any works in or upon any County road or construct any overhead, surface or underground crossing thereof or construct, maintain, alter or repair any drainage, sewer, water pipe, conduit or other structure thereon or thereunder without first obtaining a written permit therefor from the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

§ 813.81 Regulations pertaining to the operation of equipment

The following rules and regulations regulating the operation of heavy construction equipment, including tractors, power shovels, rollers, trailers, graders and other machinery which does not operate on pneumatic tires. No construction equipment, excepting trucks, shall operate on or be hauled over any County road unless same shall be equipped with pneumatic tires or mounted upon a pneumatic-tired trailer unless a permit therefor shall have been first obtained from the Commissioner of Public Works. Said permit shall not be construed as a waiver of the provisions of the Vehicle and Traffic Law or of any local ordinance relative thereto...

Local permits and approvals not required per PSL §130.

§ 813.91 Care of shade trees

No person, firm or corporation shall plant, remove, trim, damage or otherwise alter any shade tree or planting on any County road outside of cities or villages without first obtaining approval thereof in writing from the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

ARTICLE XIII. Fuel Delivery Vehicle Identification

§ 863.272. Vehicle identification requirements.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

1. Required information. Except as provided in subsection 4. hereof, every fuel delivery vehicle shall conspicuously display the following information:

(a) The owner's name. If the owner is a corporation, the name displayed shall be the actual corporate name. If the owner is not a corporation, the name displayed shall be the complete name under which the business is conducted.

(b) The owner's street address, including street number, community and zip code.

(c) The owner's telephone number, including area code.

(d) If the owner owns or operates more than one fuel delivery vehicle, then each such vehicle shall display a separate number assigned by the owner to such vehicle.

2. Location. The information required by this section shall be displayed upon the driver and passenger doors of the cab or upon both sides of the compartment of the fuel delivery vehicle.

3. Size. All numerals, characters and letters used to display the information required by this section shall be legible, clearly visible and if displayed on the cab of the fuel delivery vehicle, shall be at least four inches in height and one inch in width or, if displayed on the compartment of the fuel delivery vehicle, shall be at least 12 inches in height and two inches in width.

4. Exceptions.

(a) The requirements of subsection 1.(b) and (c) of this section shall not apply in any case where the owner's full street address and telephone number are listed in any current edition of a Westchester County telephone directory, under the owner's name as it is displayed on the fuel delivery vehicle.

(b) The requirements of subsection 2. of this section shall not apply in any case where the information required by this section is displayed in an alternate location approved in writing by the Sealer.

CHAPTER 873 SANITARY CODE

§ 873.1303 Air quality; new sources; plans; approval

1. No person shall undertake to construct a new air contamination source, exhaust and ventilation system, stack or control equipment or make modifications to an existing air contamination source, exhaust and ventilation system, stack or control equipment without first submitting to the commissioner an application, plans and specifications and any other information as may be required by the department and without obtaining prior written approval therefor, except as hereinafter provided.

Local permits and approvals not required per PSL §130.

§ 873.1306 Air quality; new and existing sources; modifications; certificate to operate; nontransferable; filing

1. No person shall operate an air contamination source without first obtaining a valid certificate issued by the department to operate such source.

Local permits and approvals not required per PSL §130.

§ 873.1317 Air quality; emissions from diesel engines; and motor vehicle engines; limitations

1. As used in this section, the following terms shall have the meanings indicated:

a. Motor vehicle. Any vehicle that is self-propelled by an engine, including but not limited to, automobiles, vans, motorcycles and construction vehicles;

b. Hybrid-electric vehicle. A motor vehicle which operates combining an internal combustion engine powered by gasoline or diesel with a battery powered electric motor; and

c. Electric vehicle. A vehicle powered by electricity, usually provided by batteries.

2. No person shall operate, allow or permit the operation of a diesel engine or vehicle propelled by a diesel engine in such a manner as to emit exhaust emissions equal to or greater than 20 percent opacity for a continuous period of more than five seconds as determined by a trained certified observer.

3. No person shall allow or permit the engine of a motor vehicle to idle for more than three consecutive minutes when the motor vehicle is not in motion, except that this provision shall not apply when:

a. A motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control;

b. Regulations adopted by a federal, state or local agency having jurisdiction require the maintenance of a specific temperature for passenger comfort, in which case the idling time may be increased to the extent necessary to comply with such regulations;

c. An engine is being used to provide power for an essential auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming operations; or when operation of the engine is required for the purpose of maintenance;

d. Trucks and heavy-duty construction equipment propelled by diesel engines, owned and operated by persons engaged in mining and quarrying, are used within the confines of such person's property;

e. A hybrid-electric vehicle is idling for the purpose of providing energy for the battery or other form of energy storage recharging;

f. The motor vehicle is an electric vehicle; and

g. The motor vehicle is not powered by a diesel engine and the ambient air temperature is 32 degrees Fahrenheit (0 degrees Celsius) or less.

4. This section shall apply to any person who owns, operates, leases, supervises or who otherwise has charge, supervision or control of such vehicle and to any person who owns leases or occupies land and has actual or apparent domain or control over such vehicle or engine which is present on such land.

§ 873.2206 Water pollution control; spills

1. The voluntary or involuntary discharge or spillage of any industrial waste, offensive material or other waste to the surface of the ground, roadway or waters within the county must be immediately reported to the commissioner.

2. No person shall allow the voluntary or involuntary discharge or spillage of any liquid that may affect or may reasonably be expected to affect the waters within the county.

3. All necessary preventative action must be taken by the responsible person to minimize the damage to the public and the environment as a result of a voluntary or involuntary discharge or spillage of any liquid to the surface of the ground, roadway or waters within the county.

CODE OF THE
CITY OF YONKERS

Zoning Districts:

Utility Substations are allowed in the following districts, with a Special Use Permit (are not listed as a use that is allowed in any other district):

OL District: office buildings and research laboratories, residences excluded

BR District: restricted business, residences excluded

B District: neighborhood business and apartment houses, medium-density

BA District: general business and apartment houses, high-density

C District: wholesale business and storage, residences excluded from the first floor except in predominantly residential buildings

CM District: commercial, storage and light manufacturing, residences excluded

IP District: planned industrial, residences excluded

I District: industry, residences excluded

Public Utilities and transmission lines are not listed as a permitted use in any district.

CHAPTER 43: ZONING

§ 43-50 Special use permit required

Special uses for which conformance to additional requirements is mandated by this chapter (see § 43-27 and Tables 43-1 and 43-2) shall be permitted in their respective districts, subject to the satisfaction of the conditions and standards set forth in this section in addition to all other requirements of this chapter. All such special uses are declared to possess characteristics of such unique and special form that each specific special use shall be considered as an individual case. All uses for which a special use permit is required shall also be subject to site plan review as set forth in Article IX of this chapter.

Local permits and approvals not required per PSL §130.

§ 43-28 Prohibited uses

No land, building or structures shall be used for the following purposes:

- Electric bulk power substations
- Trailers, except temporary construction or classroom trailers

§43-43

L. Outdoor storage.

(1) No flammable or explosive liquids, solids or gases shall be stored aboveground. Tanks or drums of fuel directly connected to heating devices or appliances located on the same premises as the tanks or drums of fuel may be permitted, provided that they meet the requirements of the NFPA and the Fire Commissioner of the City of Yonkers. No more fuel than is necessarily required for the principal use shall be stored on the premises.

(2) All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and shall meet all required setbacks for the district in which they are located. This provision shall not apply to outdoor storage of new cars or other vehicles on the premises of the automobile sales or automobile rental establishments.

O. Refuse collection, storage and recycling.

(1) An enclosed area shall be provided for the temporary outdoor storage of trash or recycling materials and other refuse. Trash receptacles shall be covered. The enclosed area shall be on a durable, paved surface and located, designed and screened by landscaping or an attractive, solid architectural fence, so that the trash and refuse will not be seen by the general public or from adjoining properties.

(4) Any commercial or industrial use generating wastes that are attractive to rodents or insects, or which may be borne by wind or rain, shall provide completely sealable containers for waste storage and collection.

Q. Signs.

(1) Signs shall be permitted in all nonresidential districts subject to the regulations contained in Chapter 47, Outdoor Signs, of the City Code, except as provided below, and except in Planned executive parks where the standards of § 43-74D shall apply.

(2) Notwithstanding the provisions of Chapter 47, Outdoor Signs, of the City Code, business signs in the OL, CM and IP Districts shall be subject to the following provisions:

(d) All signs, except as hereinafter specifically excluded, shall be the subject of a sign permit issued prior to erection. All signs required to have permits shall at all times prominently and permanently display the permit number on the face of the sign. Failure to display the permit number shall constitute cause for revocation of the sign permit by the Commissioner of the Department of Housing and Buildings in addition to any other penalties or remedies prescribed in this chapter.

Local permits and approvals not required per PSL §130.

(e) Temporary signs, or signs directing automobile drivers to off-street parking lots, having an area of four square feet or less shall not be required to have a sign permit.

§43-44 Supplemental Requirements for Accessory Parking

(4) In residential districts, only one commercial vehicle may be parked on any lot, provided that such a vehicle does not exceed a three-quarter-ton capacity and provided that such a vehicle is contained within a fully enclosed building. No other commercial vehicle shall be permitted to park overnight on any residential lot.

§ 43-127 Off-street parking and loading spaces required.

Except as provided for in § 43-130, all uses of land, buildings and structures shall be required to meet the off-street parking and loading spaces regulations and standards as required herein. No certificate of occupancy shall be issued for any use, building or structure, whether for a new, enlarged, otherwise altered building or structure or for a change of use of land, building or structure, until such off-street parking and loading spaces have been established in accordance with the requirements of this chapter...

Local permits and approvals not required per PSL §130.

§ 43-151 Building permits

A. No structure or building shall be erected or structurally altered or repaired until there has been filed with the Commissioner of the Department of Housing and Buildings a plan, in duplicate, drawn to scale, showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location of the structure, building or buildings and accessory buildings to be erected, altered or repaired, together with such information as may be necessary to determine and provide for the

enforcement of this chapter and to issue a permit therefor by said Commissioner of the Department of Housing and Buildings.

Local permits and approvals not required per PSL §130.

§ 43-152 Certificate of Occupancy and Use Permit

B. Use permit for a structure other than a building and for the use of a lot or land.

(1) A use permit shall be issued by the Commissioner of the Department of Housing and Buildings to the owner or agent of any structure, other than a building, which is erected or structurally altered, enlarged or rebuilt after the passage of this chapter, and to the owner or agent of any lot or land which is put into use after the passage of this chapter, upon completion of such structure or upon the putting into use of such lot or land in compliance with all the provisions of this chapter and of all other ordinances of the City of Yonkers that pertain to the construction and use of such structure or to the use of such lot or land.

Local permits and approvals not required per PSL §130.

§ 43-216 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article and Article XVI of Chapter 56, Building and Electrical Code.

Local permits and approvals not required per PSL §130.

§ 47-3 General provisions for Signage

A. Erection. No sign shall be erected or maintained in the City of Yonkers except in conformity with the provisions of this chapter.

B. Permit required. It shall be unlawful for any person other than a licensed sign erector to erect, alter, relocate or remove any display within the City of Yonkers or any sign or other advertising device as defined in this chapter without first obtaining a permit from the Bureau of Housing and Buildings and paying the fees as required by this chapter.

Local permits and approvals not required per PSL §130.

§47-5 Permit Required; fees

A. No sign shall be erected or structurally altered, painted, repaired or maintained by any person except as prescribed in this chapter and by a sign erector licensed hereunder and until a permit therefor shall have been issued by the Commissioner. No permit shall be granted until after an application, on forms prescribed and furnished by the Commissioner (showing the plans and specifications thereof, including dimensions, materials and details of construction or structural alterations or repair of the proposed sign), shall have been filed with and approved by the Commissioner, nor until the prescribed fee for each such permit shall have been paid to the Comptroller as follows. All permit fees are fixed and shall be paid on a per-sign basis.

Local permits and approvals not required per PSL §130.

§ 47-6 Exemptions.

A. The provisions and regulations of this chapter shall not apply to the following signs, provided that such signs shall be properly secured and shall be subject to §§ 47-1, 47-2, 47-8, 47-10, 47-12, 47-13 and 47-14:

(1) Temporary signs, not permanently attached to a building or other inherently permanent structure and not permanently affixed to the ground, provided that such signs shall be displayed for no more than 90 days and shall not exceed 16 square feet in area.

CHAPTER 45 HISTORIC AND LANDMARKS PRESERVATION

§ 45-8 Certificate of appropriateness.

A. Notwithstanding any other ordinance, code, rule or regulation concerning the issuance of building, demolition, subdivision, or other permits or approvals, none of the following activities shall be commenced without the issuance of a certificate of appropriateness:

(1) Any alteration or repair which causes any material change in appearance of any feature of a building, structure, site or object in a designated historic district or of a designated landmark.

(2) Any new construction in a designated historic district.

(3) Any demolition or removal of a building, structure, site or object in a designated historic district or of a designated landmark.

Local permits and approvals not required per PSL §130.

CHAPTER 59: FIRE CODE

§ 59-18(A) Permits

A permit shall constitute permission to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use of occupancy of premises shall require a new permit

Local permits and approvals not required per PSL §130.

CHAPTER 66: NOISE

§ 66-3 Noise disturbance prohibited

It shall be unlawful for any person to make, continue, cause, permit or allow, verbally or mechanically, any noise disturbance.

§ 66-4 Enumeration of prohibited noises

The following acts are declared to be a violation of § 66-3. Said enumeration shall not be deemed to be exclusive:

D. Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, bales, cans, drums, refuse or similar objects or the pumped loading or unloading of materials in liquid, gaseous, powder or pellet form between the hours of 10:00 p.m. and 7:00 a.m. the following day when the sound therefrom creates a noise disturbance across a residential real property line.

E. Motor vehicles: operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period of longer than five minutes in any sixty-minute period while the vehicle is stationary for reasons other than traffic congestion or emergency work on a public right-of-way or public space within 150 feet of a residential area or operating or permitting the operation of any motor vehicle so out of repair or in such a condition as to create a noise disturbance.

F. Construction, repair and demolition: operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 6:00 p.m. and 7:00 a.m. the following day or at any time on weekends or legal holidays.

G. Noncommercial or nonindustrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 9:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 9:00 p.m. and 9:00 a.m. on weekends or legal holidays, unless such activities can meet the applicable limits set forth in Table I. Notwithstanding the limits set forth in Table I, between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 9:00 p.m. on weekends or legal holidays, the sound levels from these power tools may not exceed 70 dBA when measured at or within the property line of an affected person, for a duration exceeding 15 minutes continuously or thirty minutes intermittently in any single day.

H. Commercial or industrial power tools used for landscaping and yard maintenance, excluding emergency work, shall not be operated within 200 feet of a residential property line between the hours of 7:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends or legal holidays, unless such activities can meet the limits set forth in Table I. The limits set forth in Table I notwithstanding, the sound levels from these power tools may not exceed 70 dBA when measured at or within the property line of an affected person, for a duration exceeding 15 minutes continuously or thirty minutes intermittently in any single day, between the hours of 8:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 9:00 p.m. on weekends or legal holidays.

J. Miscellaneous sound producers: creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, yell, shout, bell, musical instrument, tool, engine, etc.

§ 66-17 Permit required

No person shall operate, use or permit operation of any sound-producing device on or in front of any public right-of-way or public space without a permit from the Police Commissioner of the City of Yonkers Police Department. Such permit shall be issued at the discretion of the Commissioner and in accordance with such rules and conditions as he may describe.

Local permits and approvals not required per PSL §130.

CHAPTER 96: SEWERAGE

§ 96-7 Permit required.

No connection shall be made with any public sewer without a permit from the Commissioner of the Department of Public Works. Prior approval by the City Council must also be obtained for any connection other than a connection made to a sewer in the street immediately in front of and contiguous to the lot to be serviced.

Local permits and approvals not required per PSL §130.

§ 96-49 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 City prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

CHAPTER 109: VEHICLES AND TRAFFIC

§ 109-8 Permits for loading and unloading.

The Traffic Engineer is hereby authorized to issue to any owner of a vehicle used to transport merchandise or materials a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the driver of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb if such privilege is reasonably necessary in the conduct of the owner's business and will not significantly interfere with safe and smooth flow of traffic.

Local permits and approvals not required per PSL §130.

§ 109-88 Idling of engine.

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of 40° F., no person shall cause or permit the engine of a bus as defined in § 104 of the Vehicle and Traffic Law to idle while parking, standing or stopping at any terminal point, whether or not enclosed, along an established route.

CHAPTER 103: STREETS AND SIDEWALKS

§ 103-26 Permit required

No removal of the pavement or disturbance of the surface of any street for the purpose of making sewer connections or repairing sewers or pipes or laying down gas or water pipes, steam pipes or electric conduits, cables or ducts or introducing the same into buildings or placing building materials, tar kettles, compressors, sidewalk fences or sidewalk bridges or crossing the sidewalk other than usual use, or for any purpose whatever, shall be made until a permit is first had from the City Engineer.

Local permits and approvals not required per PSL §130.

§ 103-27 Use of power equipment

In excavating cross trenches where conditions warrant it, excavation by power equipment may be performed but only with special permission by the City Engineer.

Local permits and approvals not required per PSL §130.

§ 103-28 Excavations

A. Width of trench. Where trench excavation is made for pipes or conduits, the width of the trench shall not exceed the outside diameter of the pipe plus two feet. "Width of trench" shall mean the greatest distance between trench walls, measured at any level of the trench from the surface of the pavement down to the bottom of the trench and measured at right angles to the direction of the pipe or conduit. Trench walls may be vertical or sloped outward not to exceed one foot horizontal to four feet vertical, except where sheeting is required (as outlined elsewhere herein), in which case trench walls and sheeting shall be vertical.

B. Excavated materials

(1) In residential or semiresidential areas, all excavated materials shall be laid compactly at the sides of the trench and shall be kept trimmed up so as to give the least possible inconvenience to vehicular and pedestrian travel and to owners or tenants of adjoining property. A clear footway not less than four feet shall be reserved and kept open in sidewalk areas, and, if necessary, boards shall be put up to prevent the earth from running over into the reserved space. Where trenches fall within street crossings and private ways, they shall be steel-plated in such manner as the City Engineer may direct in order that the traffic of intersecting streets may not be stopped and in order that entrance may be made to houses, stores, factories, garages and other buildings and grounds along the work. Where the scope of the work requires the opening of more than one-half (1/2) the width of the street paving, such opening shall be performed in sections, one section to be completely backfilled or covered with a steel plate before

another section is opened so as to provide for continuous passage of vehicular and/or pedestrian traffic over at least one-half (1/2) of the pavement width. In this respect, sections shall be laid out for opening in accordance with directions of the City Engineer prior to the start of the work.

(4) Blasting and explosives

(a) Blasting will not be permitted except at points more than 20 feet distant from existing drains, sewers or other structures, and then only under such regulations as may be established by the Engineer.

Local permits and approvals not required per PSL §130.

§ 103-29 Backfill

A. As soon as practicable after sections of the various conduits, pipes and structures have been completed and have developed the required strength and durability, the trenches and other excavations in which they have been constructed shall be carefully backfilled under, around and over the pipes and structures with approved and selected materials from the excavations or with borrowed backfill materials, and the excavations shall be completely filled up to the existing surface.

B. The backfill material to be used between the bottom of the trench and an elevation of two feet over the top of the pipe, conduit or other structure shall be a selected material of a clayey loam, sandy loam or sand, gravel and clay mixture free from clods, frozen lumps, particles of stone, rock or gravel exceeding one inch in its longest dimension, and other deleterious matter. Such material, when placed, shall be damp and shall be spread in thin layers not exceeding six inches in thickness and brought up at the same rate on both sides of the pipe, conduit or structure. Each layer shall be thoroughly compacted by mechanical or approved hand tampers for the full width of the layer before the next layer is placed. When hand-tamping is permitted, it shall be done with a tamper of approved weight and design and shall be done in such a manner as to produce compaction of the backfill equal to the compaction produced by mechanical tampers. Special care shall be exercised in compacting the backfill below the horizontal diameter of pipes and conduits in order to secure complete compacting without dislodging the pipe or conduit. Backfill material shall not be dropped directly on the pipe or conduit nor over the area occupied by the pipe or conduit between the horizontal diameter and two feet above the top of the pipe or conduit.

C. Material for the backfilling of the balance of the trench or excavation from an elevation of two feet over the top of the pipe, conduit or other structure to the existing surface shall be selected material from the excavations of the same quality as described above or borrowed backfill materials containing no stone, rock or gravel exceeding 12 inches in its longest dimension. The total volume of such stones, rock or gravel shall not exceed 30% of the volume of the backfill material. Segregation of the larger particles into pockets shall be prevented.

D. The backfill to the top of the trench or other excavation shall be made in layers not more than one foot in thickness after compaction. The backfill material, when placed, shall be damp and shall be deposited with its surface approximately horizontal, with a small crown along the center line of the trench, and shall be thoroughly and completely compacted with mechanical or approved hand tampers before the succeeding layer is placed. From an elevation of nine feet over the top of the pipe or conduit, compaction of wide excavations may be made with a tamping roller which shall traverse the entire surface of the backfill until there is no further decrease in the penetration of the tamping feet of the roller. The top surface of the backfill shall be mounded slightly and shall conform to the adjacent existing surface. The permittee shall maintain the backfilled trench or other excavation in a safe condition for traffic and the public until the date on which the city or the permittee commences the pavement restoration.

E. In making excavations, all materials removed which comply with the specifications for backfill materials shall be selected and segregated from the other unsuitable excavated materials and separately stored, apart from other materials. Such selected materials shall not be allowed to become mixed with other materials unsuitable for backfill. Failure to comply with this requirement may result, as determined by the City Engineer, in the rejection of all the selected backfill materials, and the permittee thereupon shall furnish from other approved sources, at his own expense, the amount of approved materials which has been rendered unsatisfactory by admixture with other materials.

§ 103-30(A) Sheeting, shoring and bracing

The permittee shall be solely responsible for supporting and maintaining excavations required hereunder and shall install sheeting, shoring, bracing or other supports at the sides, ends, top and bottom of excavations more than six feet deep with timber, steel or other adequate and satisfactory materials. If, in the opinion of the City Engineer, the sheeting, braces, shores, stringers, waling timbers or other supports are not properly placed or are insufficient, the permittee shall provide additional or stronger supports. The requirement of sheeting and shoring or of the addition of

supports shall not relieve the permittee of his responsibility for their sufficiency or for any damage that may occur.

Local permits and approvals not required per PSL §130.

§ 103-31 Protection of structures and property

A. All existing pavements, walks, curbs, pipes, conduits, poles, wires, fences, property line markers, walls, buildings, railroad tracks and other structures which do not, in the opinion of the City Engineer, require to be changed in location shall be carefully supported and protected from injury by the permittee; and in case of injury, they shall be restored by him to as good condition as that in which they were found.

B. Trees, tree roots and branches shall not be mutilated, nor shall they be cut except by permission of the City Engineer. Power-driven excavating or other machinery, if used, shall be handled with care to prevent damage to shade trees, particularly to overhanging branches and to other landscaping, materials or structures.

C. When ordered by the City Engineer, the permittee shall dig up, handle, protect and properly reset hedges, small trees and shrubbery along the line of or adjacent to the work, and all reasonable care shall be exercised in the performance of such work. Sod and topsoil shall be stripped and stored until the completion of the work, when they shall be replaced in the same condition as before removal.

§ 103-32 Temporary restoration

After the trench has been backfilled as outlined elsewhere herein, the trench shall be covered with a two-inch-thick temporary pavement of bituminous material approved by the City Engineer, and it shall be continuously maintained by the permittee until such time as permanent pavement has been restored. However, no permanent pavement shall be restored between December 1 and April 1.

§ 103-33 Cutting and restoring pavement

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

A. Prior to the excavating, all pavement shall be line-cut to the dimensions as outlined in § 103-28A herein. After completion of the work and when final pavement as outlined elsewhere herein is to be restored, the existing pavement base shall be cut back a minimum of 12 inches outside the edge of the cut, and the pavement top course shall be cut back

an additional minimum distance of six inches from the edge of the pavement base cutback. (The edges of both the base as well as the top course shall be trimmed to regular lines to a uniform width before any restoration takes place.)

C. Restoration of pavement on county road. On all Westchester County parkways, pavement restoration shall be in accordance with the terms of the permit issued by both the County of Westchester and the City of Yonkers.

Local permits and approvals not required per PSL §130.

D. Restoration on all other streets. On all streets other than those with trolley tracks, the subgrade of the pavement to be installed shall be compacted and leveled off even with the subgrade of existing pavement or to a depth of eight inches below the finished pavement, whichever is greater. If the resultant opening is too small to permit efficient compaction by a standard ten-ton roller or an approved vibratory compactor, pavement restoration shall consist of at least six inches of portland cement concrete (3,000 per square inch) reinforced with No. 6 gauge wire mesh and two inches of asphaltic concrete wearing course, or a thickness matching the existing top course, whichever is greater.

E. If the resultant opening is large enough to permit efficient use of ten-ton roller, approved asphaltic concrete base course shall be placed at least six inches in thickness and rolled in two three-inch layers. Top course shall be as specified above.

§ 103-40 Barriers and lighting around excavations

Any person who shall make or cause to be made any excavation of any of the streets or public places of the city shall, during every night that the place shall continue open, cause such excavation to be surrounded by a good and substantial barrier and shall cause a sufficient light or lights to be maintained near such excavation for the protection of travelers and passengers from damage or injury by reason of such excavation.

§ 103-41 Protection of asphalt pavement

No building materials, stone, brick, iron or other heavy substance or equipment shall be dumped, piled, placed or moved on any asphalt pavement unless the pavement has been protected by a platform or plank or timbers.

§ 103-42 Laying of gas mains or conduits

No permit shall be granted for the opening or excavating of any street, sidewalk or public place for the purpose of laying gas mains or running conduits exceeding 100 feet in length through and along such street, sidewalk or public place until the City Council shall have, by ordinance, permitted the laying of said mains or conduits.

Local permits and approvals not required per PSL §130.

§ 103-43 Special conditions

A. Steel plating. Notwithstanding anything to the contrary as contained herein, no trench will be allowed to be left open while no work is being carried on in those streets outlined in § 103-28B(2), but they shall be steel-plated for their entire length and width until such time as work is resumed. In addition, no work of any nature whatsoever will occur in these streets before 9:00 a.m. or after 4:30 p.m. unless necessary, as outlined in § 103-37.

B. Permits. No permits will be given for street openings on those streets outlined in § 103-28B(2) between December 1 and March 1 unless necessary as outlined in § 103-37.

Local permits and approvals not required per PSL §130.

NEW YORK COUNTY

CODE OF THE
CITY OF NEW YORK

PART A

Note that the Project as proposed will be located within the following types of districts:

[TBD]

TITLE 3: ELECTED OFFICIALS

CHAPTER 5: BOROUGH PRESIDENTS

§ 3-510 Violations.

Any person who shall make any excavation or embankment, or lay or take up any pavement or flagging within three feet of any monument, bolt or other landmark, without having first obtained a permit to perform such work, or who shall in any way remove or deface any monument, bolt or other landmark, shall be punished for each offense by a fine of fifty dollars, imprisonment for not more than thirty days, or both.

Local permits and approvals not required per PSL §130.

ADMINISTRATIVE CODE OF THE CITY OF NEW YORK

TITLE 16: SANITATION

CHAPTER 1: DEPARTMENT OF SANITATION

§ 16-130 Permit for operators of dumps, non-putrescible solid waste transfer stations, putrescible solid waste transfer stations and fill material operations.

b. It shall be unlawful for any person or public agency other than the department to conduct, operate or use any pier or part thereof, or any piece or parcel of land or land under water within the city as a dump or as a non-putrescible solid waste transfer station or putrescible solid waste transfer station, or for a fill material operation without having first obtained for each pier or part thereof, or for each piece or parcel of land or of land under water, in addition to any other permit required by law, a permit from the Commissioner and, where required by any law or rule, the prior written approval of the commissioner of ports and trade. The commissioner may establish by rule one or more classes of permits pursuant to this section and section 16-131 of this chapter.

c. Nothing contained in this section or in section 16-131 of this chapter shall be construed to allow the grading, levelling, surcharging, compacting or final disposition of any material other than fill material for the purpose of land alteration or improvement.

Local permits and approvals not required per PSL §130.

ADMINISTRATIVE CODE OF THE CITY OF NEW YORK

TITLE 18: PARKS

CHAPTER 1: DEPARTMENT OF PARKS AND RECREATION

§ 18-107 Provides for replacement of trees removed during construction.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

ADMINISTRATIVE CODE OF THE CITY OF NEW YORK

TITLE 19: TRANSPORTATION

CHAPTER 1: STREETS AND SIDEWALKS

Subchapter 1: Construction, Maintenance, Repair, Obstruction And Closure Of Streets

§ 19-102 Unlawful use or opening of street

Persons removing, opening, disturbing the pavement of, or excavating in, a public street, or otherwise obstructing travel on same, are required to obtain a permit from the Commissioner of Transportation and conduct any such activity in compliance with § 24-521 of the code.

Local permits and approvals not required per PSL §130.

§ 19-107 Temporary closing of streets

Prohibits the partial or entire closure of a street to pedestrian or vehicular traffic unless a permit is obtained from the commissioner. If the street will be closed for 180 consecutive days, the commissioner will issue or cause to be issued a community reassessment, impact and amelioration (CRIA) statement before the 210th day of the closure.

Local permits and approvals not required per PSL §130.

§ 19-109 Work site protections

Any party who opens or otherwise disturbs the pavement of or excavates in a public street, or uses any part of same in a manner that obstructs travel, shall provide barriers, shoring, lighting, warning signs or other protective measures in

accordance with the rules of the department, and these protective measures shall be maintained according to the rules until the work is completed or the danger removed. Legible signs indicating the names of the permittee, the person for whom the work is being done, and any contractors must be displayed. These protective measures cannot be removed without written consent from either the commissioner or the person superintending the protected work or materials.

Local permits and approvals not required per PSL §130.

§ 19-117 Licensing of vaults

Construction of vaults are prohibited without a license issued by the commissioner pursuant to this section, or a revocable consent issued pursuant to chapter fourteen of the charter and the rules adopted by the commissioner thereto. Vaults must be constructed in satisfaction of the New York City building code. A license does not permit vault construction to extend beyond the line of the sidewalk or curbstone of any street.

Local permits and approvals not required per PSL §130.

§ 19-121 Construction and excavation sites; storage of materials and equipment on street

Before any portion of a street may be obstructed with construction materials or equipment, a permit is required. Notwithstanding the permit, sidewalks, gutters, crosswalks and driveways must be kept clear and unobstructed at all times, although the commissioner may authorize the obstruction of a sidewalk with equipment or material such that the safe passage of pedestrians is not interrupted. Additional conditions apply to this permit: the permit must be conspicuously posted; the outer surface of construction material or equipment must be clearly marked with high intensity fluorescent paint, reflectors, or other marking which is capable of producing a warning glow when illuminated; all construction material and equipment must display the name, address and telephone number of the owner; the street under such construction material or equipment must be shielded by wooden planking, skids or other protective covering approved by the commissioner; and construction material or equipment cannot obstruct a fire hydrant, bus stop or any other area as set forth in the rules of the department the obstruction of which would impair the safety or convenience of the public.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 19-137 Land Contour Work

Land contour work, including clearing, grubbing, grading, filling or excavating vacant lots and other land areas requires a permit.

Local permits and approvals not required per PSL §130.

§ 19-144 Issuance of permit to open street within five years after completion of city capital construction project requiring resurfacing or reconstruction of such street

Any person proposing to install facilities in, on or over any street must review the City's capital budget, capital plan and capital commitment plan. No permit to use or open any street will be issued within a five year period after the completion of a capital project relating to such street requiring resurfacing or reconstruction unless the person demonstrates that the need for the work could not have reasonably been anticipated prior to or during such construction.

Local permits and approvals not required per PSL §130.

§ 19-146 Permit required for disturbances of street surface

Any person seeking to fill in or raise, or causing to be filled in or raised, any street or any part thereof, any asphalt or asphalt blocks, concrete, flagstones, turf, stone, gravel, sand, clay or earth from any street, must obtain a permit to do so.

Local permits and approvals not required per PSL §130.

§ 19-147 Replacement of pavement and maintenance of street hardware

Requires any person who takes up any pavement, sidewalk, curb or gutter in any street to restore such pavement, sidewalk, curb or gutter to its proper condition to the satisfaction of the commissioner of transportation. Not more than one-third of the total excavation of any excavated rock must be refilled with broken stone in pieces not exceeding six inches in their largest dimension, mingled with clean earth and sand, and restored so as to insure the thorough and compact filling of all spaces. Also, all manhole covers, castings, and other street hardware must be maintained flush with the existing surrounding grade.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

SUBCHAPTER 3: PEDESTRIAN RIGHTS AND SAFETY

NYC Administrative Code § 19-178

§ 19-178 Truck Weight and Length Limitations.

CODE OF THE
CITY OF NEW YORK
PART B

Note that the Project as proposed will be located within the following types of districts:

[TBD]

Title 22: ECONOMIC AFFAIRS

CHAPTER 1: WATERFRONT PROPERTIES TRANSACTIONS AND TRADE

SUBCHAPTER 1: WATERFRONT PROPERTY

SUBCHAPTER 2: WATERFRONT TERMINALS

§ 22-116 – Improvement of waterfront property; permit required

A permit is required for any construction or obstacle of any kind that is to be placed or maintained on waterfront property owned by the City and under the charge and control of the Department of Ports and Trade.

Local permits and approvals not required per PSL §130.

CHAPTER 3: PUBLIC UTILITY SERVICE

Title 24: ENVIRONMENTAL PROTECTION AND UTILITIES

CHAPTER 1: AIR POLLUTION CONTROL

SUBCHAPTER 2: GENERAL PROVISIONS

§ 24-218 – General prohibitions

Construction devices and activities are exempted from general code prohibitions against the generation of unreasonable noise.

§ 24-220 – Plan for noise mitigation

Entities performing construction work must adopt and implement a construction site noise mitigation plan whenever any of the listed construction devices is employed. If the mitigation plan conforms in all respects to the Department's rules for construction devices and activities, it need not be filed with the Department or be pre-approved.

Local permits and approvals not required per PSL §130.

§ 24-221 – Alternative plan for noise mitigation

If construction work noise mitigation plan does not strictly comply with the Department's rules for construction devices and activities, an alternate plan may be submitted for approval by the Commissioner.

Local permits and approvals not required per PSL §130.

§ 24-222 Afterhours and weekend limits on construction activities

Construction work must be limited to weekdays between the hours of 7 a.m. and 6 p.m. unless approval to exceed those limits is obtained from the Department pursuant to § 24-223.

§ 24-227 Construction, exhausts and other devices

The use or operation of a construction device or combination of devices in such a way as to create an unreasonable noise is prohibited.

§ 24-228 Exhausts

The causing or permitting of discharges into the open air of the exhaust of any device (including but not limited to steam engines, internal combustion engines, power tools, compressors or turbine engines) so as to create an unreasonable noise is prohibited.

§ 24-229 Containers and construction material

The handling or transportation of any container or construction material on any public right-of-way in such a manner as to create an unreasonable noise is prohibited.

§ 24-230 Paving breakers

Paving breaker equipment that is not operated hydraulically or electrically requires the use of a pneumatic discharge muffler.

SUBCHAPTER 4: PERMITS AND CERTIFICATES

§ 24-404 Permits; excavations in street; gas distribution lines; electrical conductors

Requires written consent from Commissioner of Transportation before any person can take up the pavement of any street, or excavate for purposes of laying any gas distribution lines or underground electrical conductors.

Local permits and approvals not required per PSL §130.

§ 24-405 Electrical conduits; permit required

Requires written consent from Commissioner of Transportation before any person can install conduits for the use and transmission of electricity.

Local permits and approvals not required per PSL §130.

§ 24-415 Permit conditions for electrical conduit construction; security

The Commissioner of Transportation will grant a permit for conduit construction only if there is an existing demand for the construction, its occupation is reasonably assured, and public interests require its construction.

Local permits and approvals not required per PSL §130.

§ 24-507 Private sewers and drains

Before a person may construct sewers or drains, or connect to a sewer or drain, he or she must obtain a permit subject to certain conditions from the Department.

Local permits and approvals not required per PSL §130.

§ 24-509 Sewer construction

Sewers or drains must be constructed as prescribed by the Commissioner of Environmental Protection.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 24-523 Industrial waste; sewer surcharges

Direct or indirect discharges into the sewer system that do not conform with the characteristics of normal sewage as provided for in this section may require a permit.

Local permits and approvals not required per PSL §130.

CHAPTER 2: NOISE CONTROL

SUBCHAPTER 3: PROHIBITED NOISE; GENERAL PROHIBITION

SUBCHAPTER 4: CONSTRUCTION NOISE MANAGEMENT

SUBCHAPTER 5: PROHIBITED NOISE SPECIFIC NOISE SOURCES-
SOUND LEVEL STANDARD

SUBCHAPTER 6: SPECIFIC NOISE SOURCES PLAINLY AUDIBLE AND
OTHER STANDARDS

SUBCHAPTER 7: CERTIFICATES AND TUNNELING PERMITS

Local permits and approvals not required per PSL §130.

CHAPTER 3: WATER SUPPLY

SUBCHAPTER 1: WATER SUPPLY TO THE CITY OF NEW YORK

CHAPTER 4: GAS AND ELECTRIC LINES

CHAPTER 5: DRAINAGE AND SEWER CONTROL

Title 25: LAND USE

CHAPTER 1: CITY PLANNING

CHAPTER 3: LANDMARKS PRESERVATION AND HISTORIC DISTRICTS

Title 26: HOUSING AND BUILDING

§ 26-252 – Sidewalk, sheds, fences, railings, etc.

A permit is required for the construction of any sidewalk shed, fence, railing, footbridge, catch platform, builder's sidewalk shanty, or over-the-sidewalk chute.

Local permits and approvals not required per PSL §130.

Title 27: CONSTRUCTION AND MAINTENANCE

CHAPTER 1: BUILDING CODE

§ 27-147 Permits required

Written permits must be issued by the Commissioner before any building construction or alteration work is performed.

Local permits and approvals not required per PSL §130.

§ 27-316 et seq. Permit Restrictions

Imposes restrictions on permits for construction in special flood hazard areas.

Local permits and approvals not required per PSL §130.

§ 27-909 Permits for drainage systems

A permit from the Department of Transportation is required for drainage systems relating to sidewalk and street openings.

Local permits and approvals not required per PSL §130.

§ 27-1009 General requirements for contractors

Contractors engaged in building work must institute and maintain safety measures and provide all equipment or temporary construction necessary to safeguard all persons and property affected by the contractor's operations. A sign must be posted on each perimeter of a construction site fronting on a public thoroughfare stating the name, address and telephone number of the owner of the property and the name, address and telephone number of the general contractor. A construction site safety coordinator must be designated and present on the construction site.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 27-1017 Construction equipment

All exposed electrically charged, moving or otherwise dangerous parts of machines and construction equipment must be located, guarded, shielded, or barricaded. Wires must be located so as to avoid a tripping hazard. Contractor sheds and offices located within thirty-feet of new construction or existing buildings shall be made of metal or other noncombustible material.

§§ 27-1021 thru 27-1023 Protection of sidewalks, openings and work near public thoroughfares

Specifies the minimum safeguards necessary to protect the public during construction operations unless the street is officially closed to the public.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§§ 27-1028 thru 27-1032 Excavation or filling operations affecting adjoining properties and buildings

Sets forth required safeguards to protect adjoining properties or buildings whose safety, stability, or usability may be affected by excavation or filling operations, and provides requirements for shoring and bracing of sides of excavations and guardrail construction.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

CHAPTER 3: ELECTRICAL CODE

§ 27-4010 Permits for hazardous industries

Prohibits any person from conducting a hazardous or dangerous industry, trade, occupation or business requiring the storage or use of any explosive, flammable, combustible or otherwise dangerous substance without a permit.

Local permits and approvals not required per PSL §130.

§ 27-4011 Permits for combustibles or explosives

The storage, use or transportation of any combustible, flammable or explosive article requires a permit.

Local permits and approvals not required per PSL §130.

§§ 27-4057 thru 27-4060 Transportation, delivery, storage and use of petroleum products

Establishes permit requirements and conditions for the transportation, delivery, and use of petroleum, shale oil, the liquid products of either, or of coal tar.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

TITLE 34: DEPARTMENT OF TRANSPORTATION

§ 2-02 Permits required

Permits must be obtained for construction work in, on and under City streets. Included are such requirements as: insurance and indemnification requirements; the circumstances under which a permit bond must be provided; and display of the permit at the work site.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 2-05 Permit for Construction Activity

A permit is required for: placing construction material on street during working hours; placing construction equipment other than cranes or derricks on the street during working hours; temporarily closing sidewalk; constructing temporary pedestrian walk in roadway; temporarily closing roadway; placing shanty or trailer on street; crossing a sidewalk; placing crane or derrick on street during working hours; storing construction material on the street during non-working hours; storing construction equipment on the street during non-working hours.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 2-06 Permit for Land Contour Work

A permit is required to perform land contour work, including the clearing, grubbing, grading, filling or excavation of vacant lots and other specified land parcels. This provision also requires the drainage of an excavation until the excavation is finished. Also sets conditions on drainage generally, fill material, and sodding or planting.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 2-07(b) and (c) Restrictions on Work Performed Involving Underground Street

Access Covers, Transformer Vault Covers and Gratings
Restricts the hours during which subsurface work requiring cover and grating openings may be performed in critical roadways, including 49th Street from FDR Drive to Joe DiMaggio Highway.

Local permits and approvals not required per PSL §130.

§ 2-11 Street Openings and Excavations

This provision requires that permittees and owners of underground facilities comply with State of New York Industrial Code Rule 53 relating to Construction, Excavation and Demolition Operations at or near Underground Facilities. It also covers: protection of pipes, mains, conduits, and other appurtenances; notification to the Police Department and the Communications Centers of the Fire Department and the Department of Transportation; pavement removal requirements; sheeting and bracing of open excavations five feet or more in depth; diversion of traffic; regulation of worksite maintenance, storage of materials, backfill and compaction, plating and decking, and a quality control program requirement for roadways.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

§ 2-13 Licensing and Permitting for Vaults

A license is required prior to either the construction of a new vault or the enlargement of an existing vault. If the vault is to extend beyond the sidewalk or curbstone of any street, a revocable consent must be obtained. A street

opening permit must also be obtained from the Department before any vault is constructed, altered or repaired.

Local permits and approvals not required per PSL §130.

§ 2-16 Street Closings Lasting More Than 180 Days

Applicants are required to submit a Community Reassessment, Impact and Amelioration (CRIA) statement to the Department for approval if the issuance of a permit will result in closure of a publicly mapped street for more than 180 consecutive calendar days.

Local permits and approvals not required per PSL §130.

§ 4-15 Limitations Upon Dimensions and Weights of Vehicles

Requires a permit for the operation or movement of any vehicle that exceeds the size or weight limit criteria set forth in this provision.

Local permits and approvals not required per PSL §130.

TITLE 62: CITY PLANNING

§ 4-01 Procedures for Waterfront Revitalization Program Consistency

Projects subject to the City Environmental Quality Review ("CEQR") are reviewed by the Department of City Planning, Waterfront and Open Space Division, for consistency with Waterfront Revitalization Program policies.

Although local permits and approvals are not required per PSL §130, TDI will otherwise comply with these provisions.

TITLE 66: DEPARTMENT OF BUSINESS SERVICES

§ 2-03 Improvement and Alteration of Property and Marginal Streets

Requires a permit prior to any construction or obstacle of any kind on or about any wharf property or marginal street. A permit must also be obtained prior to placing any fill or making any removal, dredging or demolitions of any kind on or about any waterfront property or marginal street.

Local permits and approvals not required per PSL §130.

§ 2-11 Hazardous, Flammable or Explosive Substances

Requires written approval from the Commissioner of the Department of Business Services before any person may load, unload, discharge, place, store or keep any material, fluid, gas or substance of any flammable, radioactive or hazardous nature upon any waterfront property or marginal street. It also applies to the draining, removal or discharge of gasoline, oil or any explosive, flammable or hazardous liquid, gas or substance from any vehicle upon any waterfront property or marginal street.

Local permits and approvals not required per PSL §130.

CODE OF THE
CITY OF NEW YORK
PART C

Note that the Project as proposed will be located within the following types of districts:

[TBD]

ADMINISTRATIVE CODE OF THE CITY OF NEW YORK § 28-BC 105

105.2 Required.

Any owner or authorized agent who intends to construct, add to, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, add to, alter, repair, remove, convert or replace any gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application for construction document approval in accordance with Chapter 1 of Title 28 of the Administrative Code and this chapter and obtain the required permit.

Local permits and approvals not required per PSL §130.

105.6 Full demolition permits.

In addition to the requirements of Chapter 1 of Title 28 of the Administrative Code and Chapter 33 of this code, applications for full demolition permits shall include:

1. Utility certifications. Certifications by the respective utility companies or governmental agencies having jurisdiction that all gas, electric, water, steam and other service lines to the building have been disconnected as required by Section 3306.9.1.

Local permits and approvals not required per PSL §130.

105.7 Sign permits.

In addition to the requirements of Chapter 1 of Title 28, permits for the erection, alteration or installation of signs shall be subject to the special provisions set forth in Sections 105.7.1 through 105.7.5.

Local permits and approvals not required per PSL §130.

105.8.3 Special provisions for renewal of permit for a sidewalk shed.

An application for the renewal of a construction equipment permit for a sidewalk shed used in connection with the alteration of a building shall be accompanied by a report, acceptable to the department, prepared by a registered design professional who has examined that part of the premises on which the work requiring the use of a sidewalk shed is being performed. Such report shall document the condition of the applicable part of the premises and the scope of work that has been performed thereon since the issuance

of the permit and shall provide an estimate of the additional time needed to complete the work.

Local permits and approvals not required per PSL §130.

RULES OF THE CITY OF NEW YORK

TITLES 5 and 6

§ 5-05 Environmental Review Procedures

New York City Charter § 362(c) defines the responsible agency for actions involving franchises and revocable consents, which agency will determine whether the proposed action requires environmental review under the City Environmental Quality Review Act (CEQRA).

Pursuant to the Rules of Procedure for City Environmental Quality Review (CEQR), actions subject to provisions requiring a certificate of environmental compatibility and public need in Articles VII and VIII of the Public Service Law are classified as exempt from CEQR (Rules of Procedure § 6-04[g][as adopted June 26, 1991]).

TITLE 1: DEPARTMENT OF BUILDINGS

§ 1-01 Material and Equipment Application Procedures

A party must obtain approval from the Commissioner of the Department of Buildings for any materials whose use is regulated by the Building Code.

Local permits and approvals not required per PSL §130.

TITLE 3: FIRE DEPARTMENT

§ 8-02 Storage and Use of Cable Oils with a Flashpoint Over 300 degrees Fahrenheit

A permit from the Fire Commissioner is required to either store or use cable oils with a flashpoint exceeding 300 degrees Fahrenheit in quantities greater than seventy gallons.

Local permits and approvals not required per PSL §130.

§ 20-01 Storage and Use of Flammable and Combustible Liquids and Mixtures

A permit is required for the general storage and use of any flammable and combustible liquids or mixtures.

Local permits and approvals not required per PSL §130.

§ 32-01 Manufacture, Storage and Use of Pressurized Products

A permit is required for the manufacture, storage and use of combustible, flammable and extremely flammable pressurized products.

Local permits and approvals not required per PSL §130.

TITLE 15: DEPARTMENT OF ENVIRONMENTAL PROTECTION

§ 11-03 Notification

In the event of any release of any hazardous substance listed in § 11-04 of this Title in an amount which equals or exceeds the reportable quantity of such substance, the Commissioner must be immediately notified, followed by notification in writing

§ 18-37 Sewerage Systems, Service Connections and Discharges to Sewerage

Establishes permit conditions to construct a new sewer service connection; any design and construction plan for a new sewerage system must be reviewed and approved by the Department of Environmental Protection.

Local permits and approvals not required per PSL §130.

§ 19-02 Disposal of Wastewater, Stormwater and Groundwater

A permit is required to discharge over 10,000 gallons per day of ground water into a public sewer, as well as to discharge anything other than stormwater into a sewer, catch basin or manhole.

Local permits and approvals not required per PSL §130.

§ 19-08 House and Trailer Connections

Establishes permit conditions for obtaining a permit to connect a construction trailer to the sewer system.

Local permits and approvals not required per PSL §130.

§ 20-01 et seq. Use and Supply of Water

Establishes permit conditions for installing and/or using taps and plugs; new water meters; and use of electrical tap indicators.

Local permits and approvals not required per PSL §130.

NEW YORK CITY ZONING RESOLUTION

ARTICLE IV. MANUFACTURING DISTRICT REGULATIONS

CHAPTER 2: USE REGULATIONS

§ 42-21 Performance Standards Regulating Noise

This section establishes maximum permissible sound pressure levels in a Manufacturing District. The limit is reduced whenever a Manufacturing District adjoins a Residence District.

NEW YORK CITY CHARTER

§ 364 Revocable consents

The City is allowed to give a revocable consent for a fixed term to any person to construct and use pipes, conduits and tunnels beneath the City's inalienable property, provided the use does not interfere with use of the inalienable property for public purposes. A revocable consent may only be granted for a purpose for which a franchise may be necessary under circumstances in which a franchise is not appropriate to the planned use.

Local permits and approvals not required per PSL §130.

§ 1301(2) Powers and duties of the Commissioner of the Department of Business Services

The NYC Department of Business Services is awarded exclusive control over waterfront property and the altering, dredging, and deepening thereof.

§ 2903(6)(5) Powers and duties of the Commissioner of the Department of Transportation

The NYCDOT is awarded control over the regulation of the use and transmission of electricity in, upon, across, over and under all streets, roads, parks, and public places, as well as the issuance of permits to use or open a street, including for the purpose of carrying on the business of transmitting, conducting, using and selling electricity.

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM ("WRP")

WRP jurisdiction is geographically limited to the coastal zone boundary. Local discretionary actions such as those subject to the City's land use or environmental review and variance procedures are reviewed for consistency with the WRP policies.

Part II — WRP Policies

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area

This Policy calls for adverse impacts from a proposed project to be minimized and mitigated. It aims to protect and restore specific designated natural resources, including Significant Coastal Fish and Wildlife Habitats ("Habitat"). Projects in designated Habitats must avoid the destruction or significant impairment of habitat values.

Policy 5: Protect and improve water quality in the New York City coastal area

This Policy aims to protect the quantity and quality of water in the New York Coastal area. It requires management of non-point source pollution and direct or indirect pollutant discharges to water bodies. It also imposes tighter constraints on excavations, dredging, or the placing of fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances

This Policy requires solid waste, including construction debris, to be transported by methods and routes that protect the coastal environment and the safety and general welfare of the public.

PIaNYC

New York City's PIaNYC presents a long-term plan for City growth focusing on the City's land, air, water, energy, and transportation. It also focuses on the City's attempts to use land more efficiently, absorb future growth, create affordable housing and open spaces. PIaNYC goals include reducing energy consumption, increasing the supply of cleaner power, and reducing the City's carbon emissions. PIaNYC sets forth energy initiatives including dedicated transmission lines that import power from clean or renewable sources.

TITLE 34: DEPARTMENT OF TRANSPORTATION

§ 2-02 Permits required

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Local permits and approvals not required per PSL §130.

§ 4-15 Limitations Upon Dimensions and Weights of Vehicles

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Local permits and approvals not required per PSL §130.

TITLE 62: CITY PLANNING

§ 4-01 Procedures for Waterfront Revitalization Program Consistency
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TITLE 66: DEPARTMENT OF BUSINESS SERVICES

§ 2-03 Improvement and Alteration of Property and Marginal Streets

Requires a permit prior to any construction or obstacle of any kind on or about any wharf property or marginal street. A permit must also be obtained prior to placing any fill or making any removal, dredging or demolitions of any kind on or about any waterfront property or marginal street.

Local permits and approvals not required per PSL §130.

§ 2-11 Hazardous, Flammable or Explosive Substances

Requires written approval from the Commissioner of the Department of Business Services before any person may load, unload, discharge, place, store or keep any material, fluid, gas or substance of any flammable, radioactive or hazardous nature upon any waterfront property or marginal street. It also applies to the draining, removal or discharge of gasoline, oil or any explosive, flammable or hazardous liquid, gas or substance from any vehicle upon any waterfront property or marginal street.

Local permits and approvals not required per PSL §130.

NASSAU COUNTY

CODE OF THE
TOWN OF NORTH HEMPSTEAD

CHAPTER 20: ENVIRONMENTAL QUALITY REVIEW

CHAPTER 38: NOISE

§ 38-3 Prohibited acts.

A. Noise disturbances prohibited.

(1) No person shall make, continue or cause to be made or continued any noise disturbance at any time.

(2) In determining whether a violation of this section exists, the following factors shall be considered:

(a) The volume and intensity of the sound;

(b) The vibration intensity of the sound;

(c) Whether the nature of the sound is usual or unusual;

(d) Whether the origin of the sound is natural or unnatural;

(e) The volume and intensity of the background sound, if any;

(f) The proximity of the sound to residential sleeping facilities;

(g) The nature and zoning of the area within which the sound emanates;

(h) The time of day or night the sound occurs;

(i) The duration of the sound; and

(j) Whether the sound is recurrent, intermittent, or consistent.

B. Specific prohibitions. The following acts and the causing thereof are declared to be in violation of this chapter:

(5) Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. the previous day to 8:00 a.m. in such a manner as to cause a noise disruption across a residential real property boundary or within a noise-sensitive zone.

(6) Commercial equipment: operating or permitting the operation of any commercial equipment, including but not limited to air-conditioning and refrigeration systems, between the hours of 10:00 p.m. the previous

day and 8:00 a.m. in such a manner as to create a noise disturbance across a residential real property boundary or within a noise-sensitive zone.

(7) Construction: the erection, including excavation, demolition, alteration or repair, of any building, and the operating or permitting the operation of any tools or equipment used in such work.

(a) Restrictions:

[1] Between the hours of 6:00 p.m. the previous day to 7:30 a.m., weekdays, and at any time on weekends or holidays, such that the sound therefrom creates a noise disruption across a residential real property boundary or within a sound-sensitive zone, except for cases of urgent necessity in the interest of public safety and then only with a permit from the Building Department, which permit may be renewed for a period of three days or less while the emergency continues, or public service utilities.

(b) This section shall not apply to the use of domestic power tools subject to Subsection B(16) when said operation is limited to work that does not require a building permit.

(8) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise or the repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle or motorboat, where such activity is allowed by the Code of the Town of North Hempstead, in such a manner as to create a noise disruption across a residential real property boundary or within a noise-sensitive zone from 7:00 p.m. the previous day to 8:00 a.m., weekdays, and at any time on weekends or holidays.

(12) Vibration: operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at approximately 50 feet from the source if on a public space or public right-of-way. For the purposes of this section, "vibration perception threshold" means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. This section shall not apply to construction activities performed in compliance with all applicable federal state and any local laws and ordinances.

(13) Stationary nonemergency signaling devices.

(a) Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle or similar device intended primarily for nonemergency purposes, from any place, for more than one minute in an hourly period.

(b) Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.

(15) Motorboats: operating or permitting the operation of any motorboat in any harbor, bay, sound area or other waterway in such manner as to create a noise disruption at approximately 50 feet or the nearest shoreline, whichever distance is less.

(17) Tampering. The following acts or the causing thereof are prohibited:

(a) The removal or rendering inoperative by any person, other than for purposes of maintenance, repair or replacement, of any noise-control device or element of design.

(b) The moving or rendering inaccurate or inoperative of any sound-monitoring instrument or device positioned by or for the Town of North Hempstead or its agent or employee, provided that such device or the immediate area is clearly labeled or identified.

(c) The use of a product which has a noise-control device or element of design rendered inoperative, with knowledge that such action has occurred.

(19) The use and operation of sound devices and apparatus for any commercial or business advertising purposes is prohibited. It shall be unlawful for any person to use or operate or cause to be used or operated any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes.

(20) The sounding of any horn or signal device on any automobile, truck, bus or other vehicle, except as a warning signal pursuant to the provisions of the Vehicle and Traffic Law of the State of New York.

CHAPTER 39: REGULATION OF TOWN PARKS, TOWN GARDENS AND TOWN DOCKS

§ 39-38 Docks, floats and runways.

Docks, floats or runways may not be used for the launching, hoisting out, repairing or storing of boats or equipment.

CHAPTER 42: PUBLIC WATERWAYS, STRUCTURES

§ 42-3 Applicability.

This chapter applies to all regulated activities occurring in and on public waters and lands under water which are within or under the jurisdiction of the Town of North Hempstead.

§ 42-5 Permit requirements.

A. Except as set forth in Subsection E of this section, no person shall construct, maintain, erect, enlarge, install, alter, improve, remove or demolish, or cause the same to be done, any structure over, on, into or adjacent to any waterway or install or maintain a mooring without first filing an application with, and obtaining a permit from, the Town Clerk. No permit shall be issued, except in the case of a perimeter mooring permit, unless the applicant is the lawful owner of the upland immediately abutting the mean high water mark at the place where such structure is proposed to be constructed or maintained.

Local permits and approvals not required per PSL §130.

§ 42-5.1 Perimeter reconfiguration permits for structures.

A. Marine commercial uses and yacht clubs may apply for a perimeter reconfiguration permit which will establish an area within which the permit holder may alter the configuration of the number, width, length and location of structures. This shall be subject to the following limitations:

Local permits and approvals not required per PSL §130.

§ 42-11 Moorings.

Notwithstanding any other provision in this chapter to the contrary, the following rules shall govern the permitting of all moorings:

A. General provisions.

(1) No person shall place or use any mooring or permanent anchorage facility in the waterways of the Town, without obtaining a permit under this chapter from the Town Clerk and paying the required permit fee.

(2) Applicants for mooring permits shall file a permit application with the Town Clerk.

Local permits and approvals not required per PSL §130.

C. Perimeter permits. Marine commercial, nonmarine commercial, multifamily residential and yacht clubs which have property along a bay or harbor in North Hempstead must apply for perimeter permits, which will establish a zone within which a fixed number of moorings may be placed. Multifamily residential associations with less than five moorings are exempt from this requirement.

Local permits and approvals not required per PSL §130.

§ 42-20 Navigation buoys.

A. It shall be unlawful and a violation of this section and an offense within the meaning of the Penal Law of the State of New York for any person without written permission from the Town Harbor Master or from the United States Coast Guard to move, moor to, deface or remove any navigation marker buoy or Town informational sign in Manhasset Bay.

Local permits and approvals not required per PSL §130.

CHAPTER 47A: WATER

§ 47A-20 Permit required; exceptions.

No person shall drill, dig or tap into any aquifer or other subsurface source of water within the town without having first obtained a permit from the Town Board. Notwithstanding the foregoing, no permit for such activity shall be required where such activity is conducted by the Authority or the New York State Department of Environmental Conservation.

Local permits and approvals not required per PSL §130.

CHAPTER 69: WATERWAYS AND REGULATION OF BOATS

§ 69-6 Speed and operation of boats.

A. It shall be unlawful to operate a boat at a speed greater than five miles per hour or at a speed which generates an excessive wake, whichever speed is lower, in an area used as a boat basin, beach area, anchorage or mooring area, or within 300 feet of the shoreline or of a dock, raft, float or anchored vessel.

B. Every person operating a boat shall at all times operate the same in a careful and prudent manner and at such a rate of speed as to not disturb the

reasonable comfort of the occupants of other boats or endanger the property of another or so as to interfere with the free and proper use of the waters.

§ 69-7 Mufflers required.

No person shall operate a boat propelled wholly or partly by an engine operated by the explosion of gas, gasoline, naphtha or other substance, without having the exhaust from the engine run through a muffler or controlled by the introduction of water into the exhaust pipe or line so as to muffle the noise of exhaust in a reasonable manner.

§ 69-10 Boat ramps.

A. No person shall lift, drag or launch any boat from any facility owned by the Town without authorization from the Harbor Master.

Local permits and approvals not required per PSL §130.

B. The launching of any boat shall be at the risk of the owner, his representative or agent, and the Town shall not be subject to any liability therefor. No boat more than 25 feet in length shall be launched from any Town boat ramp. The Harbor Master may bar any type of boat for any reason which, in his judgment and discretion, would jeopardize the health, safety and welfare of other boat owners.

Local permits and approvals not required per PSL §130.

§ 69-12 Mooring and anchoring.

A. No person shall anchor any boat or vessel in any channel or within 100 feet of any channel marker, buoy or other fixed navigation aid or within 300 feet of lifelines maintained at any public beach. Except when permitted in a federal anchorage area, no person shall moor any boat or vessel in any channel or within 50 feet of the edge thereof or within 50 feet of any channel marker, buoy or other fixed navigation aid or within 300 feet of lifelines maintained at any public beach.

B. No person shall moor or anchor any boat so as to endanger the safety of or cause damage to any boat previously anchored or previously laid down.

C. Any vessel or float so moored or anchored in violation of this section or § 69-13 of this chapter may be removed by the Division of Harbor Master and Marine Enforcement or by the Marine Division of the Nassau County Police Department at the expense of the owner or person in charge of said vessel or float,

such expense to be in addition to such penalties as may be imposed by this chapter and the laws of the United States and the State of New York.

D. Bond to be posted for anchoring or mooring of barges.

(1) The owner of any occupied or unoccupied barge, which is to be anchored or moored within any waterway of the Town for more than 10 consecutive days shall post with the Town Clerk a surety bond payable to the Town of North Hempstead in the amount of \$100,000 for each barge so moored, said bond to be issued by a surety licensed to do business in the State of New York.

(2) In the event that a barge bonded in accordance with the preceding subsection sinks or otherwise becomes unable to navigate under its own power or with the assistance of tugboats, or causes any damage to the property of the Town, the bond so posted shall be forfeited to the Town of North Hempstead to aid in the removal of the barge from the waterway and/or the repair of the Town's property. The bond forfeiture shall not eliminate the owner's ultimate responsibility to ensure the removal of the barge and/or for the repair of the Town's property.

(3) The surety on a bond issued pursuant to the above subsections may immediately cancel such bond for any barges removed from the waterways of the Town in the ordinary method of operation.

(4) Section 69-12D shall not apply to barges, ships or boats owned or operated by common carriers engaged in interstate or foreign commerce nor shall it apply to pleasure craft used on a seasonal basis.

§ 69-13 Prolonged mooring to public docks prohibited.

No boat shall be tied up or made fast to any public dock or to other property of the Town for a longer continuous period than 12 hours or in excess of the time indicated by the signs when signs are posted by the Commissioner.

§ 69-14 Environmental regulations.

A. The discharge of off petroleum products, by-products and other pollutants into or upon any water, waterways, beaches and lands adjoining the shorefront under the jurisdiction of the Town from any vessel, boat or terminal facility is prohibited.

B. All boats or vessels operating within the waters of the Town shall fully comply with all federal and state laws and rules and regulations of any appropriate federal and state agency having jurisdiction thereof.

§ 69-15 Discharge of sewage and litter prohibited.

A. No person, whether engaged in commerce or otherwise, shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the waters subject to the jurisdiction of the Town, from any vessel, marina or mooring, any sewage or other liquid or solid materials which render the water unsightly, noxious or otherwise unwholesome so as to be detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes.

B. No person, whether engaged in commerce or otherwise, shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the waters subject to the jurisdiction of the Town any litter from any vessel, marina or mooring.

§ 69-18 Permit required for each different use of each different craft.

No boat, vessel, barge or other normally waterborne structure, of whatsoever size or description, shall be used for any commercial, residential, business or industrial purpose whatsoever within the jurisdiction of said Town or within 500 feet of said high-water mark unless written permission for such use shall first be granted by the Harbor Master upon approval by the Town Board.

Local permits and approvals not required per PSL §130.

§ 69-19 Removal of vessels.

Any vessel which becomes a hazard to navigation or sinks, becomes abandoned, grounds or is otherwise disabled may be removed by the Division of Harbor Master and Marine Enforcement, or agent thereof, or by the Marine Division of the Nassau County Police Department at the expense of the owner or the person in charge of such boat, and the Town or Nassau County shall not be responsible for any damage that may occur to such vessel in the course of removing same.

§ 69-23 Certain equipment required.

A. The equipment required herein shall be carried on every vessel, except as otherwise provided, while underway or at anchor with any person aboard while on the waterways under the jurisdiction of the Town.

(1) Life preservers.

(2) Whistle.

(3) Anchors.

(4) Carburetor backfire flame arrestors.

(5) Classification of fire extinguishers.

(6) Fire extinguishers required.

(7) Distress flag and night flares.

(8) Ventilation.

(9) Motorboats of Classes 2, 3 and 4, as classified and defined by § 43, Subdivision 1, of the Navigation Law, shall carry a bell.

B. Any violation of the provisions of this section shall be punishable pursuant to § 69-25 of this chapter.

§ 69-24: Lights To Be Displayed.

A. Vessels classified. For the application of this section, vessels shall be divided into classes as follows:

(1) Class A: less than 16 feet in length.

(2) Class 1: 16 feet or over and less than 26 feet in length.

(3) Class 2: 26 feet or over and less than 40 feet in length.

(4) Class 3: 40 feet or over and not more than 65 feet in length.

(5) Class 4: over 65 feet in length.

(6) Class 5: rowboats and canoes.

B. Every vessel in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every vessel of Classes A and 1 shall carry the following lights: first, a bright white light aft to show all around the horizon; second, a combined lantern in the forepart of the vessel and lower than the white light aft showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every vessel of Classes 2 and 3 shall carry the following lights: first, a bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass and so fixed as to throw the light 10

points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side; second, a bright white light aft to show all around the horizon and higher than the white light forward; third, on the starboard side, a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; on the port side, a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Every vessel of Class 4 shall carry the following lights: first, on or in front of the foremast or, if a vessel without a foremast, then in the forepart of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw light 10 points on each side of the vessel, namely from right ahead to two points abaft the beam on either side and of such character as to be visible at a distance of at least five miles; second, an additional after white light carried at an elevation at least 15 feet above the light at the head of the vessel and to show all around the horizon; third, on the starboard side, a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side; on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(4) Rowboats and canoes, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

(5) Vessels of Classes A and 1, when propelled by sail alone, shall carry the combined lantern, but not the white light aft, prescribed by this section. Vessels of Classes 2 and 3, when so propelled, shall carry the colored side lights, suitably screened, but not the white lights, prescribed by this section. Vessels of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

(6) When propelled by sail and machinery, any vessel shall carry the lights required by this section for a vessel propelled by machinery only.

(7) Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea 1948, Act of October 11, 1951, as amended, in lieu of the lights required by this section.

(8) A mechanically propelled vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than three feet apart.

(9) A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern, so constructed as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least one mile, provided that the Conservation Commissioner may, after investigation, by rule, regulation or order, designate such areas as he may deem proper as special anchorage areas. Such special anchorage areas may from time to time be changed or abolished if after investigation the Conservation Commissioner shall deem such change or abolishment in the interest of navigation, provided further that vessels not more than 65 feet in length, when at anchor in any such special anchorage area, shall not be required to carry or exhibit the white light required by this subsection. A vessel of 150 feet or upward in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20 feet and not exceeding 40 feet above the hull, one such light and, at or near the stem of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.

(10) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles except as otherwise provided. The word "visible" in this section, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(11) A revolving blue light may only be carried or exhibited on enforcement vessels owned or operated by the State of New York or a political subdivision thereof.

CHAPTER 70: ZONING

§ 70-202.3 Requirements for posting of construction sign.

A. Generally. The following provisions shall apply to all construction sites, defined as any site where work is being performed and which requires the issuance of a building permit by the Town of North Hempstead.

B. The property owner shall be required to post one construction sign in a conspicuous area, which shall remain on the site at all times while the same is under construction until such time that the Building Department has issued a certificate closing the building permit.

Local permits and approvals not required per PSL §130.

§ 70-219 Site plan review.

For purposes of this section, "site" shall be defined as any lot or two or more contiguous lots or tracts of land owned and recorded as the property of the same person or entity, or controlled by the same person or entity, and being used or developed as one parcel or project, whether in one or more phases or under one or more building permits. For purposes of this section, unless otherwise specified, "residence district" shall include Residence Open Space, Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, Multiple Residence, Public Housing, Golden Age, Senior Residence District and the Planned Waterfront Residential Community Districts.

A. When site plan review required; procedure. No permit shall be issued for a site greater than 25,000 square feet in any zone other than Residence Open Space, Residence AAA, Residence AA, Residence A, Residence B, Residence C, Residence D, or Hospital District until a site plan, as specified in this section, has been approved by the Town Board, if any one or more of the following criteria are met:

Local permits and approvals not required per PSL §130.

§ 70-220 Permits.

A. It shall be unlawful for any person to commence work for the erection or alteration of, or to erect, alter or maintain, any building or structure or remove any tree or trees or use any lot or premises for any purpose for which a permit is required until a building, tree removal or use permit has been duly issued upon application therefor.

Local permits and approvals not required per PSL §130.

7.1 APPLICABLE LOCAL ORDINANCES: WASHINGTON COUNTY

<p align="center">Table 7.1-1 Washington County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Village of Whitehall			
<i>Noise Law – Definition</i> §1.3	UNNECESSARY NOISE- Any excessive or unusually loud sound or noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person or which causes injury to animal life or damages to property or business.	Existing Technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period.
<i>Noise Law – Unnecessary Noise</i> §1.5	No person shall make, continue or cause or permit to be made any continued or unnecessary noise.	Existing Technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period.
Town of Whitehall – No Waivers Requested			
Town of Fort Ann – No Waivers Requested			
Town of Kingsbury			
<i>Zoning – Provisions Applicable in All Districts</i> §80-19(A)	Authorized uses. The uses of land and/or buildings shall be permitted in the various districts as specified by the provisions of this chapter, but any use which produces, beyond the confines of its own premises, an unusual noise intensity, dust, noxious or toxic fumes, smoke, danger from fire or explosion, vibration, public health hazard, danger from dissemination of radioactive materials or damage resulting from pollution or reduction in the supply of surface or ground waters shall be excluded from all districts.	Existing technology	Waiver requested during Project construction in regard to noise, dust, noxious or toxic fumes, smoke or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period.

**Table 7.1-1
Washington County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
Village of Fort Edward – <i>No Waivers Requested</i>			
Town of Fort Edward – <i>No Waivers Requested</i>			

7.2 APPLICABLE LOCAL ORDINANCES: SARATOGA COUNTY

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Moreau			
Noise § 100-5	Noise during building construction: operating or permitting the operation of any tool or equipment used in construction, drilling or demolition work, including the excavation, alteration, construction or repair of any building, between the hours of 11:00 p.m. and 7:00 a.m. shall be prohibited, except in the case of an emergency or the interests of the public safety and then only with the permit of the Building Inspector.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period, except in the event of an emergency cable repair.
Town of Northumberland			
Supplemental Regulations – General Performance Standards Article XI-A	The following supplemental regulations are applicable to all zoning districts: Noise, Atmospheric Emissions; Glare or Heat; Industrial Commercial Wastes; Radioactivity or Electromagnetic Disturbance; Fire and Explosion Hazards; Maintenance of Developed Lots.	Existing Technology	Waiver requested during Project construction in regard to smoke, noise, atmospheric emissions, glare or heat or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period, except in the event of an emergency cable repair.

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Wilton			
<i>Noise & Nuisances, Unlawful Acts</i> § 79-3	<p>The following acts and the causing thereof are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:</p> <ul style="list-style-type: none"> Construction, demolition and excavation: the erection, including excavating; demolition; alteration; or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety. Noise in the conduct of any business: the creation of unreasonable or unnecessary 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). 	Existing technology	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period.</p>
Town of Greenfield			
Zoning – Performance Standards §105-138	<p>Imposes restrictions upon uses in order to minimize noise, vibration, glare, odor, dust, and other nuisance factors. The scope of the restriction varies upon the type and intensity of the use.</p>	Existing technology	<p>Waiver requested during Project construction in regard to smoke, noise, atmospheric emissions, glare or heat or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period, except in the event of an emergency cable repair.</p>

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
City of Saratoga Springs			
<i>Noise</i> §§ 148-2, 148-3, 183-4	Any unreasonable noise within the boundaries of the City of Saratoga Springs shall be prohibited. "Unreasonable noise" shall mean any noise which is of such character that a reasonable person of normal sensitivities would not tolerate it under the circumstances, or is detrimental to the life or welfare of any individual, or causes a risk of public inconvenience or alarm including but not limited to the conducting of any building or construction operations between the hours of 10:00 p.m. and 7:00 a.m.	Existing Technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period.
Town of Milton			
<i>Prohibition of Vehicles</i> § 169-8, 169-10	It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.	Factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Noise</i> § 180.24.A	No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category stated in this ordinance when measured at or within the property boundary of the receiving land use. For any source of sound which emits a pure tone, a discrete tone or an impulsive sound, the maximum sound limits set forth above shall be reduced by five dBA.	Existing Technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period, except in the event of an emergency cable repair.

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Zoning - Atmospheric Effluence</i> § 180.24.B	No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential or agricultural premise shall be disseminated beyond the boundaries of the lot where such use is located.	Existing technology	Waiver requested during Project construction in regard to smoke, noise, atmospheric emissions, glare or heat or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Glare and Heat</i> § 180.24.C	No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated. Special efforts shall be required, such as the planting of vegetation and the installation of light shields, to alleviate the impact of objectionable or offensive light and glare produced by exterior sources on neighboring residential properties or public thorough fares.	Existing technology	Waiver requested during Project construction in regard to glare along the Project route. For example, excavation equipment will cause temporary glare that will likely exceed this local ordinance. Although CHPEI and its contractors will employ limited mitigative measures, it is not possible to ensure that temporary situations of glare will not occur so as to exceed the parameters set forth within this ordinance. The Project will comply during the operational period.
<i>Zoning - Commercial vehicles</i> § 180.24.H	(1) Vehicles exceeding 9,000 pounds loaded or unloaded shall not be kept in any residential district unless the vehicle is stored in a fully enclosed building which meets the other provisions of this chapter. (2) Vehicles designed for the transport or storage of flammable materials, explosive materials or pesticides, including chemical fertilizers, shall not be kept on residential lots longer than necessary for the delivery or application of the commercial service.	Factors of cost and economics	Waiver requested during Project construction in regard to storage of vehicles in excess of 9,000 pounds. The existing railroad right-of-way that is being utilized by the Project crosses some residential districts, it will be necessary to keep some construction vehicles along that right-of-way during the construction process that may not comply with this ordinance. The storage of vehicles will be maintained within the construction right-of-way of the Project and only for the duration of construction activities. The Project will comply during the operational period, except in the event of an emergency cable repair.
Town of Ballston			
<i>Machinery and Equipment</i> Ch. 80	The Town restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended, including a prohibition on any locomotive, tractor-trailer truck or earth mover to idle for more than two hours or to remain idling and unattended for more than 1/2 hour.	Factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Zoning - Vibration</i> §138-42	No vibration shall be discernible at the lot lines or beyond.	Existing Technology	Waiver requested during Project construction in regard to vibration along the Project route. For example, excavation equipment will cause vibrations that will likely exceed this local ordinance. Although CHPEI and its contractors will employ limited mitigative measures, it is not possible to ensure that excavation activities will not generate vibrations at levels that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning – Smoke, dust, fly ash</i> §138-43, 138-45	No emission of visible gray smoke of a shade equal to or darker than Number 2 on the Ringelmann Chart, measured at the point of emission, shall be permitted.	Existing Technology	Waiver requested during Project construction in regard to smoke or dust released at the construction site. Construction activities can result in transient and temporary emissions of smoke or dust along the Project route. Although mitigative measures such as employing proper engine exhaust mufflers, keeping engines properly tuned and limiting idling times will be employed and will be addressed in the Project EM&CP, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Odors</i> §138-44	No offensive odor shall be noticeable at the lot line or beyond.	Existing Technology	Waiver requested during Project construction in regard to odors released at the construction site. Construction activities can result in transient and temporary emissions of odors along the Project route, usually from engine exhaust. Although mitigative measures such as employing proper engine exhaust mufflers, keeping engines properly tuned and limiting idling times will be employed and will be addressed in the Project EM&CP, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period..
<i>Zoning - Glare</i> §138-46	No direct or sky-reflected glare shall be visible at the lot line or beyond.	Factors of cost and economics	Waiver requested during Project construction in regard to glare along the Project route. For example, excavation equipment will cause temporary glare that will likely exceed this local ordinance. Although CHPEI and its contractors will employ limited mitigative measures, it is not possible to ensure that temporary situations of glare will not occur so as to exceed the parameters set forth within this ordinance. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Noise</i> §138-49	No continuous hum, intermittent noise or noise with any noticeable shrillness of a volume of more than 50 decibels, measured at lot lines, shall be permitted.	Existing Technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM & CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period, except in the event of an emergency cable repair.

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Clifton Park			
<i>Unreasonable noise is prohibited</i> §149-5	No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction between the hours of 10:00 p.m. and 7:00 a.m. except as otherwise provided herein.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period.
<i>Specific acts considered to be unreasonable noise.</i> § 149.6	Any act and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period.
<i>Maximum permissible continuous sound levels.</i> §149.7	No person shall make, cause, allow, or permit the operation of any source of sound in any public space or right-of-way in such a manner as to create a sound level that exceeds 50 dBA for more than five minutes' duration between the hours of 10:00 p.m. and 7:00 a.m.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period, except in the event of an emergency cable repair.

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Motor Vehicles</i> §149.8	Motor vehicle sound level limits and equipment shall be in compliance with the provisions of any state or federal law, including but not limited to §§ 386 and 375 of the New York State Vehicle and Traffic Law; accordingly no person shall operate a motor vehicle in such a manner as to cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., such as by, but not limited to, spinning or squealing the tires of such vehicle.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period, except in the event of an emergency cable repair.

7.3 APPLICABLE LOCAL ORDINANCES: SCHENECTADY COUNTY

**Table 7.3-1
Schenectady County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Glenville			
<i>Zoning – Performance Standards</i> § 270-65	<p>No use shall be established or operated in a manner so as to create hazards, vibration, glare or air, water or ground pollution, or nuisance elements in excess of the limits established under this section. Specific provision require:</p> <ul style="list-style-type: none"> • No electrical disturbance which adversely affects the operation of any equipment on any other property shall be permitted. • Compliance with the Town Noise ordinance, with an exception for sounds created by public utilities in carrying out their operations. • No vibration shall be permitted which is detectable without an instrument at the property line. • Glare, whether direct or reflected, whether from floodlights or high-temperature processes such as welding or combustion, shall be confined to the property in which it is generated. Temporary glare customarily associated with motor vehicles is exempt from this provision. • No emission of any malodorous matter shall be permitted so as to be detected outside the property line of the lot on which the facility is located. Any facility which may involve the emission of any odor shall be equipped with a secondary safeguard system, so that control will be maintained if the primary system should fail. • No emission of toxic gases or other forms of air pollution shall be permitted which can cause any damage to human or animal health, vegetation or other properties. 	Existing technology	<p>Waiver requested during Project construction in regard to vibrations, glare, odor, smoke or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. The Project will comply during the operational period, except in the event of an emergency cable repair.</p>

**Table 7.3-1
Schenectady County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
City of Schenectady			
<i>Noise – Unnecessary or unreasonable noise</i> §182-3	Prohibits the creation of unreasonably loud, disturbing or unnecessary noises; said noise shall be prohibited when it would be intolerable to a reasonable person, detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period.
<i>Noise – Unnecessary noises enumerated</i> §182-4, 4.A, 4.D, 4.E, 4.G, 4.M	Prohibits persons from willfully causing any loud, unnecessary, unreasonable or unusual noise, or to permit any other so to do, which disturbs the peace or quiet within the city, or annoys or causes discomfort to any reasonable person of normal sensitiveness; prohibited noises include: horns or signal devices; discharge of non-muffled engine exhaust into air; excavation, demolition, alteration or repair of buildings and structures; loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers; use of tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in construction noise 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.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period, except in the event of an emergency cable repair.

**Table 7.3-1
Schenectady County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Rotterdam			
<i>Noise – Unnecessary Noises Enumerated</i> §188-4	<p>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.</p> <p>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:</p> <p>(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.</p> <p>(2) At any other time if said noise is unnecessary or unreasonable under the circumstances.</p>	Existing technology	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period, except in the event of an emergency cable repair.</p>

7.4 APPLICABLE LOCAL ORDINANCES: ALBANY COUNTY

<p align="center">Table 7.4-1 Albany County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Guilderland			
<i>Fire Prevention & Building Construction – Prohibited Acts</i> §171-3	It shall be unlawful for any person or persons to pile or accumulate combustible materials, rubbish, woods, brush or waste material within 25 feet of any building or property line.	Factors of cost and economics	The Project's placement of the electrical cables along existing railroad corridors will present spatial challenges in certain areas – it will not be possible to clear vegetation from along the relatively narrow railroad corridor and pile it more than 25 feet from all property lines or buildings while still ensuring a safe and obstruction-free work space. During restoration the piled material will be mulched and spread or removed from the site.
<i>Noise – Unreasonable Noise Prohibited</i> §205-5	No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction. In this regard, construction, repair and demolition operations are not permitted between the hours of 6:00 p.m. and 7:00 a.m. the following day or at any time on weekends or legal holidays.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period, except in the event of an emergency cable repair.
Town of New Scotland – No Waivers Requested			
Village of Voorheesville			
<i>Zoning Law Article IV – Permitted Uses</i>	<p>General Standards: In all districts the following shall be objectionable if they can be distinguished beyond the limits of the property in which they are created in the following degree of intensity:</p> <ul style="list-style-type: none"> • Dust settles from the air, or floats through the air and can be distinctly seen; • Vibration can be distinctly felt; • Noxious fumes that can be plainly smelled or their presence detected by proper scientific apparatus. 	Existing technology	Waiver requested during Project construction with regard to dust, vibration noxious fumes and other temporary air pollution. Construction activities can result in transient and temporary increases in dust, odors from exhaust and vibration along the linear Project route. While CHPEI will employ mitigative methods to limit the impacts of such effects, including exhaust mufflers and dust control methods (as will be detailed in the Project EM&CP), it is not possible to construct the Project using methods that will always remain in full compliance with this local law. The Project will comply during the operational period, except in the event of an emergency cable repair.

**Table 7.4-1
Albany County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Noise Control Law, Prohibited Acts</i> §4	Motor Vehicles shall comply with the applicable maximum noise levels for the operation of motor vehicles. The erection, including excavation, demolition, alteration of any building other than between 7.00 a.m. and 9.00 p.m., shall be prohibited except in cases of public safety or emergency	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Taxation</i> §1	Imposition of tax on the furnishing of utility services	Needs of consumers	This particular tax is not designed to address a transmission cable Project such as this; rather, it was intended to target provision of utility service to subdivisions and similar developments on a local level.
Town of Bethlehem – No Waivers Requested			
Town of Coeymans – No Waivers Requested			

7.5 APPLICABLE LOCAL ORDINANCES: WESTCHESTER COUNTY

**Table 7.5-1
Westchester County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
County of Westchester			
<i>Use of County-Owned Property, Operation of motor vehicle; idling of engine restricted</i> §712.475	No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device	Existing technology and factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Sanitary Code – Air Quality</i> §873-1317	Imposes restrictions on exhaust emissions and idling of vehicles, including a requirement that no person shall allow or permit the engine of a motor vehicle to idle for more than three consecutive minutes when the motor vehicle is not in motion	Existing technology and factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
City of Yonkers			
<i>Zoning – Prohibited Uses</i> §43-28	No land building or structure shall be used for: Electric Bulk power substations.	Existing technology and factors of cost and economics	This blanket prohibition is an unfounded and unreasonable restriction upon public utility uses.

**Table 7.5-1
Westchester County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Noise – Noise disturbance prohibited</i></p> <p>§66-3, §66-4</p>	<p>The following are prohibited:</p> <p>D. Noises from loading and unloading or other handling between the hours of 10:00 p.m. and 7:00am.</p> <p>E. Operating motor vehicles or auxiliary equipment for longer than 5 minutes in any 60 minute period while the vehicle is stationary, within 150 feet of a residential area.</p> <p>F. Use of construction equipment between the hours of 6:00 p.m. and 7:00 a.m..</p> <p>G. Use of noncommercial landscaping power tools between 9:00 p.m. and 8:00 a.m. unless they meet applicable limits. The sound from the power tools cannot exceed 70 dBA when measured at or within the property line, for a duration exceeding 15 minutes continuously or 30 minutes intermittently in a single day.</p> <p>H. Commercial power tools for landscaping shall not be operated with 200 feet of residential property between 7:00 p.m. and 8:00 a.m. on weekdays and 8:00 a.m. and 9:00 p.m. on weekends and cannot exceed 70 dBA when measured at or within the property line, for a duration exceeding 15 minutes continuously or 30 minutes intermittently in a single day.</p> <p>J. Creating or emitting noise which constitutes a noise disturbance.</p>	<p>Existing technology and factors of cost and economics</p>	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period, except in the event of an emergency cable repair.</p>

**Table 7.5-1
Westchester County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Vehicles and Traffic – Idling of engine</i> § 109-88	No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of 40 ° F, no person shall cause or permit the engine of a bus as defined in § 104 of the Vehicle and Traffic Law to idle while parking, standing or stopping at any terminal point, whether or not enclosed, along an established route.	Existing technology	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.

7.6 APPLICABLE LOCAL ORDINANCES: NEW YORK CITY

**Table 7.6-1
New York City
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
New York City			
<i>After hours and weekend limits on construction activities</i> § 24-222	Limits construction to weekdays between 7 a.m. and 6 p.m.	Factors of cost and economics	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Construction, exhausts and other devices</i> § 24-227	The use or operation of a construction device or combination of devices in such a way as to create an unreasonable noise is prohibited.	Existing technology and factors of cost and economics	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period.
<i>Exhausts</i> § 24-228	The causing or permitting of discharges into the open air of the exhaust of any device (including but not limited to steam engines, internal combustion engines, power tools, compressors or turbine engines) so as to create an unreasonable noise is prohibited.	Existing technology and factors of cost and economics	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period.

**Table 7.6-1
New York City
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Containers and construction material</i> § 24-229	The handling or transportation of any container or construction material on any public right-of-way in such a manner as to create an unreasonable noise is prohibited.	Existing technology and factors of cost and economics	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period.
<i>Noise Control</i> <i>Chap. 2, Subchaps. 3-6</i>	The code contains extensive regulations on activities which may cause “unreasonable noise”, including: <ul style="list-style-type: none"> Each person, corporation or other business entity performing construction work in the city shall adopt and implement a noise mitigation plan for each construction site in accordance with the provisions of this subchapter and such rules whenever any one or more of the construction devices or activities listed above or in the department's rules are employed or performed at the site. Except as otherwise provided, it shall be unlawful to engage in or to cause or permit any person to engage in construction work other than on weekdays between the hours of 7 a.m. and 6 p.m. 	Existing technology and factors of cost and economics	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. In addition, because the trench work along the railroad corridors is dependent upon train schedules and must be conducted during periods when trains run less often, e.g. late at night, constraints on late-night noise generation impose an unreasonable burden on a temporary noise source such as this Project. The Project will comply during the operational period.
<i>Performance Standards regulating noise</i> <i>Article IV, Chapter 2</i> § 42-21	This section establishes maximum permissible sound pressure levels in a Manufacturing District. The limit is reduced whenever a Manufacturing District adjoins a Residence District.	Existing technology and factors of cost and economics	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period, except in the event of an emergency cable repair.

7.7 APPLICABLE LOCAL ORDINANCES: NASSAU COUNTY

<p align="center">Table 7.7-1 Nassau County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of North Hempstead			
<i>Noise – Prohibited Acts</i> §38-3	Restricts the hours of operation, duration, and sound level of activities which make noise or vibration, including commercial activities and construction.	Existing technology and factors of cost and economics	Waivers requested during Project construction with regard to vibration and noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Waterways & Regulation of Boats – Mooring & Anchoring</i> §69-12	No person shall anchor any boat or vessel in any channel or within 100 feet of any channel marker, buoy or other fixed navigation aid or within 300 feet of lifelines maintained at any public beach. Except when permitted in a federal anchorage area, no person shall moor any boat or vessel in any channel or within 50 feet of the edge thereof or within 50 feet of any channel marker, buoy or other fixed navigation aid or within 300 feet of lifelines maintained at any public beach. A bond is required to be posted for any barge moored within the Town for more than 10 days.	Existing technology and factors of cost and economics	Due to the nature of the construction activity, the mooring and anchoring of boats, barges or other vessels will be necessary for the safe and proper installation of the Project. To the extent the mooring bond requirement constitutes a discretionary approval, it is prohibited under PSL § 130.