

- (2) A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance, including all lawn and yard areas; areas that will not be disturbed; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of stormwater discharge(s). The specific location(s), size(s), and length(s) of each erosion and sediment control practice shall also be shown. Site maps/construction drawings shall be at a scale no smaller than one inch equals 100 feet.
- (3) A natural resources map identifying existing vegetation; on-site and adjacent off-site surface water(s), wetlands, and drainage patterns that could be affected by the construction activity; and existing and final slopes.
- (4) A description of soil(s) present at the site, along with any existing data that describes the stormwater runoff characteristics at the site.
- (5) A 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. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation. Consistent with the New York Standards and Specifications for Erosion and Sediment Control, there shall not be more than five acres of disturbed soil at any one time without prior written approval from the Department of Environmental Conservation.
- (6) A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges.
- (7) A description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- (8) A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- (9) The dimensions, material specifications (e.g., seeding mixtures and rates, types of sod, kind and quantity of mulching) and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins. Temporary practices that will be converted to permanent control measures shall be shown.

- (10) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place.
- (11) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practices, including estimates of the cost of maintenance.
- (12) Identification of the person or entities responsible for implementation of the SWPPP for each part of the site.
- (13) A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
- (14) Names(s) of the watercourse(s) to which the stormwater flows.

B. For major projects, the following shall also be provided:

- (1) A site map/construction drawing(s) of each postconstruction stormwater practice, including a description of each postconstruction stormwater control practice, including specific location(s) and size(s), dimensions, material specifications and installation details. The New York State Stormwater Management Design Manual shall serve as the technical design standard.
- (2) A hydrologic and hydraulic analysis for all structural components of the stormwater control system for the applicable design storms.
- (3) A comparison of postdevelopment stormwater runoff conditions with predevelopment conditions.
- (4) A maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater control practice.

**§ 270-82. Plan certification.**

The SWPPP shall be prepared by a licensed/certified professional. The SWPPP must be signed by the professional preparing the plan and shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made herein are punishable as a Class A misdemeanor pursuant to § 210.45 of the Penal Law."

**§ 270-82.1. Contractor certification.**

The SWPPP must clearly identify the contractor(s) and subcontractor(s) that will implement each stormwater and erosion control measure. All contractors and subcontractors identified in the SWPPP shall sign a copy of the following certification statement before undertaking any land development activity:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP for the construction site identified in such SWPPP as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards."

**§ 270-82.2. SWPPP review and amendment.****A. Amendment of SWPPP.**

- (1) The permittee shall amend the SWPPP whenever there is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
- (2) The SWPPP proves to be ineffective in:
  - (a) Eliminating or significantly minimizing pollutants from sources identified in the SWPPP; or
  - (b) Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity.

**B. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP.****C. Significant amendments or changes to the SWPPP as outlined above in Subsection A(1) and (2) may be subject to review and approval in the same manner as § 270-80 herein.****§ 270-82.3. Design and performance standards for stormwater management and erosion and sediment controls.**

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

**A. Technical guides and standards.**

- (1) For the purpose of this article, the following documents shall serve as the official guides and standards for stormwater management. Stormwater management practices in accordance with these technical documents shall be presumed to meet the standards imposed by this article.

- (2) Land development activities as defined herein, including grading, erosion and sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of postconstruction stormwater management practices, the technical standards are currently detailed in the publication "New York State Stormwater Management Design Manual" published by the New York State Department of Environmental Conservation.
  - (3) Equivalence to technical standards. NOTE: New York State requires applicants to demonstrate that stormwater management practices that are not prepared in accordance with NYSDEC design and technical standards will work in the field to prevent soil erosion and maintain water quality, certified by a licensed/certified professional.): Where stormwater management practices are not in accordance with above design and technical standards, the applicant or developer must demonstrate equivalence to the design and technical standards set forth in this section, and the equivalence shall be documented and certified by a licensed/certified professional as part of the SWPPP.
- B. Cut and fill slopes shall be no greater than 2:1, except where retaining walls, structural stabilization or other methods acceptable to the Town-designated licensed/certified professional are used. Disturbed areas shall be restored as natural-appearing landforms and shall blend in with the terrain of adjacent undisturbed land. Abrupt, angular transitions shall be avoided.
  - C. Clearing and grading shall be substantially confined to designated building envelopes, utility easements, driveways, and parking footprints. Clearing and grading techniques that retain natural vegetation and drainage patterns, as described in the most recent version of "Standards and Specifications for Erosion and Sediment Control" referenced above, shall be used to the satisfaction of the responsible board. No clearing or grading shall take place within the established fifty-foot watercourse buffer area except to provide road crossings where permitted.
  - D. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
  - E. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the responsible board. There shall not be more than five acres of disturbed soil at any one time without prior written approval from the New York State Department of Environmental Conservation.
  - F. The permittee shall initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:
    - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

- (2) Where construction activity on a portion of the site is temporarily ceased and earth-disturbing activities will be resumed within 21 days, temporary stabilization measures need not be initiated on that portion of the site.
- G. The mere parking and moving of construction vehicles around the site does not constitute construction or earth-disturbing activity. If the permittee is not diligently pursuing the project toward completion as determined by the Town Stormwater Management Officer or designated agent, the Stormwater Management Officer may issue a notice of violation (see § 270-82.10A) and stipulate that the stabilization measures as outlined above shall be undertaken to prevent site erosion.
- H. If seeding or another vegetative erosion control method is used, it shall become established within 14 days or the applicant may be required to reseed the site or use a nonvegetative option.
- I. Special techniques that meet the design criteria outlined in the most recent version of "Standards and Specifications for Erosion and Sediment Control" shall be used to ensure stabilization on steep slopes or in drainageways.
- J. Soil stockpiles must be stabilized or covered at the end of each workday.
- K. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
- L. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- M. Techniques that divert upland runoff past disturbed slopes shall be employed.
- N. Adjacent properties shall be protected by the use of a vegetated buffer strip in combination with perimeter controls.
- O. In general, wetlands and watercourses should not be filled, graded or altered. The crossing of watercourses should be avoided to the maximum extent practicable. When protection of wetlands, watercourses, trees, steep slopes or other environmentally sensitive area is required, the location shall be shown on the erosion control plan and the method of protection during construction identified (e.g., silt fence, construction fence, stakes, etc.). A vegetative buffer (twenty-five-foot minimum) shall be maintained between disturbed areas and protected federal wetlands that are not proposed to be filled as part of an Army Corps of Engineers wetlands permit. In the case of state-designated wetlands, the one-hundred-foot adjacent area shall not be disturbed without a New York State Department of Environmental Conservation permit.
- P. Stabilization shall be adequate to prevent erosion located at the outlets of all pipes and paved/riprap channels.
- Q. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- R. Development should relate to site conditions and disturbance of steep slopes avoided. Grading should be minimized by utilizing existing topography whenever possible. Roads and driveways shall follow the natural topography to the greatest extent possible.

- S. In areas of severe slopes (exceed 25%), land-disturbing activities are not permitted. A twenty-five-foot buffer must be maintained between any disturbed area and the top of slopes 25% and greater.

**§ 270-82.4. Water quality standards.**

Any land development activity shall not result in:

- A. An increase in turbidity that will cause a substantial visible contrast to natural conditions;
- B. An increase in suspended, colloidal and settleable solids that will cause deposition or impair the waters for their best uses; or
- C. Residue from oil and floating substances, nor visible oil film, or globules of grease.

**§ 270-82.5. Inspections.**

- A. Inspections required by SMO; notification of violations.
  - (1) The Town Stormwater Management Officer or designated agent may require such inspections as necessary to determine compliance with this article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this article and the SWPPP as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer or designated agent at least 48 hours before the following, as required by the SWPPP:
    - (a) Start of construction and initial installation of sediment and erosion controls.
    - (b) Installation of sediment and erosion measures as site clearing and grading progresses.
    - (c) Completion of site clearing.
    - (d) Completion of rough grading.
    - (e) Completion of final grading.
    - (f) Close of the seasonal land development activity.
    - (g) Completion of final landscaping.
  - (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. Corrective actions may include the repair/restoration of off-site impacts. Depending upon the severity of the violation, in certain circumstances no further work shall be conducted, except for site stabilization, until any violations are corrected and all work previously completed has received approval by the Town Stormwater Management Officer, or designated agent.

- B. The operator shall have a licensed/certified professional conduct an assessment of the site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented to ensure overall preparedness of the site. Following the commencement of construction, site inspections shall be conducted by a licensed/certified professional at least every seven calendar days and within 24 hours of the end of a storm event 0.5 inches or greater. The purpose of such inspections will be to determine the overall effectiveness of the plan and the need for additional control measures. During each inspection, the licensed/certified professional shall record the following information:
- (1) On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next fourteen-day period;
  - (2) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
  - (3) Indicate all disturbed site areas that have not undergone active site work during the previous fourteen-day period;
  - (4) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of the sediment storage volume;
  - (5) Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems and containment systems. Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching. Document any excessive deposition of sediment or ponding water along barrier or diversion systems. Record the depth of sediment within containment structures and any erosion near outlet and overflow structures and verify the ability of rock filters around perforated riser pipes to pass water; and
  - (6) All deficiencies that are identified with the implementation of the SWPPP.
- C. A copy of the NOI and a brief description of the project shall be posted at the construction site in a prominent place for public viewing. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the beginning of construction activities to the date of final stabilization. The SWPPP and inspection reports are public documents that the operator must make available for inspection, review and copying by any person within five business days of the operator receiving a written request by such person to review the SWPPP and/or the inspection reports. Copying of documents will be done at the requester's expense.
- D. The operator shall maintain a record of all inspection reports in a site logbook. The site logbook shall be maintained on site and be made available to the Town upon request. The operator shall post at the site, in a publicly accessible location, a summary of the site inspection activities on a monthly basis.

- E. The Stormwater Management Officer, or designated agent, shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Subsection C above.

**§ 270-82.6. Project completion.**

- A. Inspections of stormwater management practices (SMPs). The Town Stormwater Management Officer or designated agent is responsible for conducting inspections of stormwater management practices (permanent water quantity/quality improvement structures). All operators are required to submit as-built plans certified by a licensed/certified professional for any permanent stormwater management practices located on site after final stabilization. (NOTE: "Final stabilization" means that all soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures [such as the use of mulches or geotextile mats] have been employed on all unpaved areas and areas not covered by permanent structures.) Operators shall also provide the owner(s) of such structure(s) with a manual describing the operation and maintenance practices that will be necessary in order for the structure to function as designed. The operator must also certify that the permanent structure(s) have been constructed as described in the SWPPP. This certification can be accomplished by providing to the Town a copy of the notice of termination (NOT) filed with the NYSDEC.
- B. All certified as-built plans, lands, structures, and/or appurtenances to be dedicated to the Town shall be reviewed, inspected and approved by the Town Stormwater Management Officer or designated agent prior to Town acceptance.
- C. Notice of termination (NOT). Upon certification by the operators licensed/certified professional that a final site inspection has been conducted and that final stabilization has been accomplished and all stormwater management practices have been constructed as described in the SWPPP, the operator shall complete and file an NOT as prescribed by the NYSDEC and file a copy with the Town to notify it that he or she has complied with § 270-82.6A and that the project is complete.

**§ 270-82.7. Inspection of stormwater facilities after project completion.**

Inspection programs shall be established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.



**§ 270-82.8. Performance guarantee.**

- A. Construction completion guarantee. The applicant or developer may be required 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 Glenville as the beneficiary. The security shall be in an amount determined by the Town of Glenville 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 Glenville, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- 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 Glenville with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities, both during and after construction and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion control facilities, the Town may, upon notification, draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

**§ 270-82.9. Retention of licensed/certified professional; payment.**

- A. The responsible board or municipal official is hereby authorized to retain licensed/certified professionals as are determined to be necessary to carry out the review of an SWPPP or to make regular or final inspections of all control measures, lands, structures, and/or appurtenances to be dedicated to the Town in accordance with the approved plan.
- B. Payment for the services of such professionals is to be made from funds deposited by the applicant with the Town in escrow accounts for such purposes, within 30 days of such professionals being retained by the Town.
- C. It shall be the responsibility of the applicant to submit to the Town certified check(s) in amounts equal to the estimate of the licensed/certified professional for the cost of services to be rendered. The Town shall make payments to said professional for services rendered to it following receipt of funds from the applicant and after having been furnished with the professional's written report and invoice for said service.

**§ 270-82.10. Enforcement; penalties for offenses.**

- A. Notice of violation. The operator and all contractors and subcontractors must comply with all conditions of an SWPPP submitted pursuant to this article. In the event that the Town determines that a land development activity is not being carried out in accordance with the requirements of this article, the Stormwater Management Officer may issue a written notice of violation to the operator/landowner, applicant and all contractors/subcontractors subject to the provisions of this article. The notice of violation shall contain:
- (1) The name and address of the operator/landowner, developer, or applicant.
  - (2) The address of the site or a description of the building, structure or land upon which the violation is occurring.
  - (3) A statement specifying the nature of the violation.
  - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this article and a time schedule for the completion of such remedial action.
  - (5) A statement of the penalty or penalties that can be assessed against the person to whom the notice of violation is directed.
- B. Within 15 days of notification of violation (or as otherwise provided by the Town), the violator shall take the remedial measures necessary to bring the land development activity into compliance with this article.
- C. Stop-work order. The Town Stormwater Management Officer may issue a stop-work order for violation of this article. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violation(s) identified in 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, and/or monetary penalties in accordance with this article.
- D. Penalties for offenses. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this article is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$250 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this article shall be required to bear the expense of such restoration of the disturbed site resulting in said violation. In addition to the foregoing, to the extent that the noncompliance with this article constitutes a violation of the Clean Water Act and the Environmental Conservation Law, there may be substantial criminal, civil, and administrative penalties, depending upon the nature and degree of the offense.

- E. Withholding certificate of occupancy. If any building or land development activity is installed or conducted in violation of this article, the Town Stormwater Management Officer may prevent the occupancy of said building or land.

## ARTICLE XII Bonus/Incentive Zoning

### § 270-83. Purpose and intent.

The purpose of this article is to advance the policies of the Town of Glenville Comprehensive Plan in respect to providing affordable housing. More specifically, the bonus zoning section of this chapter is a tool in which provision can and should be made for sound, healthy and, above all, affordable housing for those individuals and families who might not otherwise have the means to secure housing in the Town of Glenville.

### § 270-84. Authority and standards.

The Planning and Zoning Commission has the authority to apply the following standards in exercising its discretion to review and grant site plan approval for any residential development project in which the applicant offers to provide affordable housing.

- A. Zoning districts where permitted. The utilization of the bonus zoning mechanism will be permitted in the Suburban Residential (SR) and Multiple-Family Residential (RM) Zoning Districts. Bonus zoning will also be allowed in the Rural Residential and Agricultural (RA) Zoning District, and the various Planned Development Districts, provided public water is available for the project.
- B. Waiver of land and building requirements. With respect to an application for development under this article, the Planning and Zoning Commission has the authority to waive all, area, volume, and bulk requirements of this chapter and Chapter 242, Subdivision of Land.
- C. Review criteria for determining maximum number of units and density. The Planning and Zoning Commission will set the maximum allowable density bonus, which must not exceed 25% of the maximum allowable density for the zoning district in which that parcel is located. The density bonus and number of affordable housing units to be allowed in a development will be based upon the following criteria:
  - (1) The percentage of total residential units in the development that are designated as affordable housing units.
  - (2) The appropriateness of the proposed density in the neighborhood.
  - (3) The aesthetic impact of the proposed development on the neighborhood.
  - (4) The impacts of the development on the environment, as determined during the SEQRA process.

D. Review criteria for determining housing configuration. The types of housing units, as well as the ratio of the number of affordable units versus total units, will ultimately be determined on a case-by-case basis by the Planning and Zoning Commission. When considering a bonus zoning application for affordable housing, the Planning and Zoning Commission will take into account the effect of the development on:

- (1) Neighborhood property values;
- (2) Traffic volumes and movements;
- (3) Neighborhood health, safety and general welfare;
- (4) Proposed development design in accommodating the increased density.

**§ 270-85. Bonuses.**

A. As an enticement for the applicant to provide affordable housing, the following bonuses, or combinations thereof, may be granted:

- (1) Reduced minimum lot sizes (cannot be smaller than 25% below the prescribed minimum lot size).
- (2) Reduced setbacks and yard requirements.
- (3) Increased lot coverage allowances.
- (4) Increased number of dwelling units within multiple-family buildings.
- (5) Increased number of dwelling units per acre within multiple-family zoning districts.
- (6) Reduced green area/open space/landscaping requirements for multiple-family development sites.

B. In granting bonuses, the Town will take into consideration that adequate space is needed for parking, snow storage and the siting of a septic system, in addition to adequate expansion area for the septic system.

**§ 270-86. Procedures; application process.**

The use of the bonus zoning mechanism is strictly optional. While the Town can make applicants aware of this mechanism, it cannot mandate its usage. Accordingly, the owner of the parcel to be developed, or his/her representative, is responsible for triggering the bonus zoning mechanism via an application to the Planning and Zoning Commission for site plan review. The Planning and Zoning Commission will adhere to the following procedures in granting a density bonus for affordable housing units:

A. The landowner, or his/her representative, will forward an application to the Town Planning Department, entitled "application for bonus zoning." Additionally, the landowner must forward an application for site plan review, and subdivision approval (if required). The application(s) will also include the appropriate application fees, full

environmental assessment form, site plan (or plot plan in the case of a subdivision) and a narrative which clearly identifies the number, type, location and configuration of the proposed affordable housing units. Further, the narrative must clearly identify the specific income group(s) to be targeted, and how the targeted residents' income rank in terms of the median household income of the Town, based on the most recent census data. Finally, the applicant will also identify the mechanism by which the Town can verify that the affordable housing units will be occupied by appropriate individuals or families.

- B. Following a review of the application and recommendation by the Glenville Environmental Conservation Commission, the Planning and Zoning Commission will undertake an initial review of the application for bonus zoning, and initiate the SEQRA process if the Town of Glenville has assumed lead agency status.
- C. Provided the Planning and Zoning Commission finds the application to be in compliance with the provisions of this article, the Commission will then schedule a public hearing on the application within 62 days of the date of the initial review, or within 62 days of receipt of a revised application, if revisions were deemed necessary at the initial meeting. Said notice of public hearing will state the maximum bonus zoning to be considered and the modifications to this chapter. Within 62 days of the public hearing, the Planning and Zoning Commission will render a decision on said application and determine, if approved, the type of incentive zoning to be granted.
- D. Site plan review may run concurrent with the application for bonus zoning, as can subdivision review, if required.

**§ 270-87. Standards for owner- and rental-occupied affordable housing.**

- A. Income eligibility. To be eligible to purchase affordable housing, a household's aggregate income must not exceed 75% of the median household income of the Town of Glenville as determined by the most recent census data.
- B. Proof of eligibility. It is the owner's/landlord's responsibility to demonstrate that his purchaser(s) or tenant(s) is/are income-eligible before a certificate of occupancy is issued. In order to demonstrate eligibility, the applicant must produce the purchaser's/renter's federal or state income tax return from the previous year. The Town of Glenville Building Department will not issue a certificate of occupancy for the designated house(s) or rental unit(s) until income eligibility has been verified.
- C. Preference categories. Among eligible households, preference to purchase or rent affordable housing will be given to those that include an individual in any or all of the following categories:
  - (1) Households whose head of household or spouse is 62 years of age or older, and who has lived in the Town for at least two years immediately prior to the date of application.
  - (2) Households whose head of household or spouse is 30 years of age or younger, and who has lived in the Town for at least two years immediately prior to the date of application.

- (3) Households occupied by an unmarried parent with one or more dependent children, in which the parent has lived in the Town for at least one year immediately prior to the date of application.
  - (4) Households occupied by an unmarried parent, in which the parent has lived in the Town for at least two years immediately prior to the date of application.
- D. Lack of applicants from preference categories. If the owner or landlord can demonstrate that he/she has been unable to sell or rent his/her unit(s) using an individual(s) or families from the four preference categories, he/she is free to sell or offer the unit(s) to any other person or family who is income-eligible and who meets all other provisions of this article.
- E. Sales price. The maximum sales price is to be determined by using a multiplier in relation to the Town's median household income, with unit size also being a variable as noted below.

Unit Size <sup>2</sup> (square feet)	Maximum Sales Price Multiplier <sup>1</sup> (Multiply by Median Household Income <sup>3</sup> of Town)
700	1.6
800	1.7
900	1.8
1,000	1.9
1,100	2.0
1,200	2.1
1,300	2.2
1,400	2.3

Notes:

<sup>1</sup>Maximum price for home purchase is based on a multiplication factor of the median household income in the Town of Glenville. For example, if the median household income is \$40,000, then the target or maximum sales price for a unit of 1,000 square feet equals \$40,000 times 1.9, or \$76,000.

<sup>2</sup>Livable floor area (minimum size is 700 square feet). Sales prices for units of intervening size shall be established by the Planning and Zoning Commission using the direct ratio method.

<sup>3</sup>Median household income of the Town based upon most recent census data.

- F. Rental rates. The rental rate is to be determined by using a multiplier in relation to the Town's median household income, with unit size also being a variable, as noted below.

Unit Size <sup>1</sup> (square feet)	Maximum Rental Rate Multiplier <sup>3</sup> (Multiply by Median Household Income <sup>2</sup> of Town)
600	.09
700	.10
800	.11
900	.12
1,000	.13
1,100	.14
1,200	.15
1,300	.16

## Notes:

<sup>1</sup>Livable floor area (minimum size is 700 square feet). Sales prices for units of intervening size shall be established by the Planning and Zoning Commission using the direct ratio method.

<sup>2</sup>Median household income of the Town based upon most recent census data.

<sup>3</sup>Maximum rental rate reflects the total rent payment for 12 months, not including utilities or additional items such as garage rental. For example, if the median household income in the Town of Glenville is \$40,000, then a landlord can charge a tenant a yearly amount equal to .11 of \$40,000, or \$4,400 for a unit of 800 square feet. If one divides \$4,400 by 12, the maximum monthly rent equals \$367.

- G. Yearly reporting by the landlord. By January 31 of each year, any owner/landlord who either secured or inherited affordable rental units in exchange for bonuses must file a written report with the Town Building Department demonstrating that he/she is still providing the appropriate number of affordable units in the designated locations as approved by the Planning and Zoning Commission or, in the alternative, that the units are vacant. Proof shall be in the form of the tenant(s) federal or state income tax return from the previous year, as well as a written statement that the tenant(s) qualifies as an individual(s) within the "preference categories." Should the owner/landlord either fail to report, or if he/she cannot demonstrate compliance with the provision herein, the owner/landlord will be considered in violation of this chapter, and will therefore be subject to the penalty provisions outlined in Article XXI of this chapter.

## ARTICLE XIII

## Property Maintenance

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

## § 270-88. Compliance with state standards required.

To ensure that property within the Town of Glenville is maintained in a safe and sanitary condition so as to not pose a threat to public health or safety, property owners shall maintain their property in accordance with the Property Maintenance Code of the New York State Uniform Fire Prevention and Building Code.

## ARTICLE XIV

## Noise

**§ 270-89. Purpose.**

This article has been adopted to address those instances when noise is of such a character, intensity, frequency, or duration that it impacts the enjoyment of one's property, and on those occasions when noise represents a threat to public health, safety, and welfare.

**§ 270-90. Nuisance.**

Noise shall be considered a nuisance when the operation of any device, instrument, vehicle, machinery, etc. is in violation of any provision of this chapter, which operation or maintenance causes discomfort or annoyance to persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of the public.

**§ 270-91. Prohibited acts.**

The following acts, among others, are determined to be a nuisance, and shall constitute a violation of this article:

- A. The operation of any radio, boombox, stereo, amplifier, or musical instrument in such a manner or with such volume or frequency as to disturb the quiet, comfort, or repose of persons in any public place, park, dwelling, lodging facility, or any type of residence. This provision applies to both stationary noise and mobile noise sources.
- B. The creation of loud and excessive noises in association with any industrial, warehousing, or mining operation that disturbs the comfort and repose of nearby residents.
- C. The keeping of any animal which, by causing frequent or long-duration noise, disturbs the comfort and repose of any person in the vicinity.
- D. The operation of any automobile, motorcycle, all-terrain vehicle, jet ski, or any other motor vehicle so out of repair, so modified, or in any such manner as to create loud and unnecessary noise that is clearly above and beyond what one typically expects of such vehicle.
- E. The discharge into open air of the exhaust of any stationary internal combustion engine, steam engine, or motor vehicle, except through a muffler or other device that will prevent loud or explosive noises thereof.
- F. Noise in association with the construction, alteration, repair, or demolition of any building or structure, except between the hours of 7:00 a.m. and 9:00 p.m. Such activities and noises may be allowed between 9:00 p.m. and 7:00 a.m. if they are in the interest of public safety as determined by the Building Inspector or Code Enforcement Officer.
- G. Noise in association with any excavation, earth moving, grading, logging, or any other kind of land disturbance or alteration, except between the hours of 7:00 a.m. and 9:00 p.m.



- H. The creation of any excessive noise on any property or street in the vicinity of any school, institution of learning, court of law, or hospital, which unreasonably interferes with the operation of such institutions. unless the source of the noise is a school, institution of learning, court of law, or hospital.
- I. The creation of loud or excessive noises in connection with the loading or unloading of any vehicle, or the opening or destruction of boxes, crates, containers, bales, and similar items associated with the movement or storage of materials and freight.
- J. The shouting and crying of peddlers, hawkers, vendors, salespeople, or preachers which disturb the peace and quiet of the neighborhood.
- K. The use of any amplifier, loudspeaker, stereo, drum, or other instrument or device for the purpose of attracting attention to any sale, promotion, or display of merchandise which distracts motorists, or disturbs the comfort and repose of any person in the vicinity.
- L. The sounding of any horn or alarm on any automobile, motorcycle, or other motor vehicle or device, except if said horn or alarm is being used legitimately to warn or caution individuals or other motorists.
- M. The operation of any sound-projection device or apparatus, whether stationary or part of a motor vehicle, in, on, or adjacent to public streets, parks, and places of public assembly, that is being used to attract attention to a commercial operation or business.
- N. The creation of any noise that causes public inconvenience or alarm, or disturbs the public's comfort and repose.
- O. The creation of any noise that exceeds 75 dB(A) at the adjoining property line.

**§ 270-92. Permitted noises.**

The following noises and sounds are allowed, and are therefore not subject to the prohibitions of this article:

- A. Sounds created by church bells or chimes.
- B. Sounds created by any government agency for the purpose of issuing warnings.
- C. Sounds created by lawnmowers, grass trimmers, rototillers, hedge trimmers, chainsaws, and similar devices used for lawn and property maintenance, provided such devices are operated between the hours of 7:00 a.m. and 9:00 p.m.
- D. Sounds created by public utilities in carrying out their operations.
- E. Sounds in association with sporting events, or any authorized carnival, fair, exhibition, parade, etc.
- F. Sounds associated with automobile traffic on public streets and highways.
- G. Sounds associated with routine activities of airports and military installations.

- H. Sounds in connection with routine activities and operations of schools and educational facilities.

**ARTICLE XV  
Nonconforming Uses and Structures**

**§ 270-93. Purpose.**

The purpose of this article is to provide for the regulation of nonconforming (grandfathered) buildings, structures, and uses, and to specify those circumstances and conditions under which nonconforming buildings, structures, and uses are permitted to continue.

**§ 270-94. Continuation of lawful nonconforming use.**

- A. Any use of land or a building or structure or part thereof established at the time that this article or any amendment hereto becomes effective may be continued, subject to all other provisions of this article, even though such building, structure, or use of land does not conform with the provisions of the zoning district in which it is located.
- B. A nonconforming use shall be considered lawfully established on the effective date of this article, or any amendments hereto, only if:
- (1) Such use of land, building, structure, or part thereof is lawfully maintained and occupied on the effective date of this chapter; or
  - (2) Substantial construction is under way under a valid building permit on the effective date of this chapter. "Substantial construction" shall be interpreted as the expenditure of a sum on excavation, site preparation, and/or construction exceeding 25% of the estimated cost of such structure as stated on the building permit. The mere issuance of a building permit or planning/zoning approval shall not be sufficient to establish a vested right and, consequently, entitle the owner to continue with the establishment of a nonconforming use or building; or
  - (3) In the case of residential subdivisions approved for the construction of single-family homes where lot dimensions and/or setbacks do not conform with the requirements of the zoning district in which they are located, said nonconforming subdivisions are allowed to continue, provided 33% or more of the lots have been sold, or 20% or more of the lots have either been built upon, or are under construction. "Under construction" in this instance means that the foundation has at least been started, or a slab has been poured.

**§ 270-95. Repairs and alterations.**

- A. In buildings which are entirely nonconforming relative to use or dimensional requirements, repairs and alterations may be made to the building, provided that such repairs or alterations do not increase the building footprint or gross floor area of the building.

- B. In buildings in which a portion of the building is occupied by a nonconforming use, repairs and alterations may be made to the building, provided that the gross floor area or bulk of the nonconforming use portion of the building is not expanded as a result.

**§ 270-96. Expansion of nonconforming use.**

Nonconforming buildings and uses cannot be expanded or in any way enlarged. This also applies to buildings in which a portion of the building contains a nonconforming use. The nonconforming use portion of the building is not to be expanded.

**§ 270-97. Change of nonconforming use.**

No nonconforming building or use can be changed to other than a conforming use for the zoning district in which it is situated.

**§ 270-98. Maintenance of nonconforming use.**

A nonconforming use must be maintained in such a condition that it will not constitute a danger to the safety, health, or general welfare of the public. Failure to comply with this requirement shall cause a lawful nonconforming building or use to be terminated when maintenance has not been completed within six months of notification of the owner by the Building Inspector or Code Enforcement Officer.

**§ 270-99. Restoration of nonconforming use, building, or structure after damage.**

- A. Damage. Any nonconforming building or structure, or any building or structure containing a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, act of nature, or act of man, must be repaired or rebuilt within one year of the damage or destruction. However, in rebuilding or repairing the structure, the building's footprint may not be increased. Failure to repair or reconstruct the building or structure within one year shall cause a lawful nonconforming use to terminate. The Town Board is empowered to extend this period upon receipt of a written request from the owner at least 30 days in advance of the expiration of the year-long period.
- B. Exemption for residential buildings. Residential buildings, be they single-family, duplexes, multifamily, townhouses, etc., and all residential accessory structures are exempt from the one-year restoration/rebuilding period. However, when the building and/or accessory structure is rebuilt or repaired, the new/repaired building or structure shall not be placed such that it would worsen the previously deficient yard setback or dimensional nonconformity. For instance, if a fifteen-foot side yard setback is required, yet the damaged or destroyed building was only 11 feet from the side lot line, the new/repaired building cannot be placed any closer than 11 feet to the relevant side lot line. The same applies to similar nonconforming dimensional standards such as building height and lot coverage.

**§ 270-100. Discontinuance of nonconforming use.**

If a nonconforming use or the use of a nonconforming building, structure, or property is discontinued for a period of 12 consecutive months, the lawful nonconforming use is terminated, and any subsequent use of the building, structure, or property must comply with the requirements of the zoning district in which it is located.

**§ 270-101. Proof demonstrating continuance or date of discontinuance.**

There may be occasions when the landowner and Building Inspector or Code Enforcement Officer do not agree on the date in which a nonconforming use was discontinued, damaged, or destroyed. In these instances, the burden is on the landowner to demonstrate when said discontinuance, damage, or destruction occurred. Proof should be in the form of a utility bill, telephone bill, business receipt, police report, canceled rent payment check, or any other written documentation that clearly identifies a date in which the nonconforming use was still operating, or the date in which it was definitively discontinued, damaged, or destroyed. Further, in those instances when the date of discontinuance, damage, or destruction is in dispute, the landowner must also provide a notarized affidavit swearing to the date or dates in which the nonconforming building or use was still operating, or to the date on which the nonconforming building or use ceased operation.

**§ 270-102. Construction on nonconforming lots.**

In instances where an existing lot of record is nonconforming relative to lot size, lot width, and/or lot depth, an area variance to waive these dimensional requirements is not required in order for a building permit to be secured. However, any new construction on a nonconforming lot must comply with the applicable setbacks, height, and lot coverage requirements.

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.

**§ 270-104. Purpose.**

These site plan review procedures have been implemented so that the Planning and Zoning Commission has oversight over a variety of development activities, primarily commercial, industrial, and multifamily. In this capacity, the Planning and Zoning Commission will review, approve, modify or, if appropriate, disapprove development plans based on whether the proposed development conforms with the requirements and intent of this chapter, and whether the project advances the goals and recommendations of the Town of Glenville Comprehensive Plan.

**§ 270-105. When required.**

The types of uses requiring site plan review are identified in Article V of this chapter. Site plan review uses vary with the zoning district. What may require site plan review in one zoning district may not in another district.

**§ 270-106. Materials to be submitted.**

In order to be placed on the agenda of the Glenville Environmental Conservation Commission (GECC), and subsequently the agenda of the Planning and Zoning Commission, the applicant must submit a complete application, which is to consist of the following:

- A. A completed site plan application form. The requisite number of copies is prescribed in the site plan review application packet provided to applicants.
- B. Part 1 of the full environmental assessment form (FEAF), with all questions to be answered. The requisite number of copies is prescribed in the site plan review application packet provided to applicants.
- C. The appropriate site plan review application fee and SEQRA (State Environmental Quality Review Act) fee, as prescribed in the Consolidated Fee Schedule of the Town of Glenville and in the site plan review application packet provided to applicants.
- D. A site plan or map and all supporting documentation. The requisite number of copies is prescribed in the site plan review application packet provided to applicants. The site plan shall include the following information:
  - (1) A legible site plan or map illustrated on reproducible material drawn to a scale of no smaller than 50 feet to one inch.
  - (2) A topographic map with five-foot contour intervals. If the site is so flat as to render the five-foot contour interval meaningless, spot elevations shall be placed on the map to give the reviewer a general idea of slope.
  - (3) Name and signature of the professional engineer, land surveyor, and/or architect who prepared the plan/map.
  - (4) If construction details are provided, certification of same by a licensed professional engineer and/or architect.
  - (5) Location map showing approximate location of the site in relationship to adjacent roads, intersections, and landmarks. Preferably the location map will be illustrated as an inset on the site plan.
  - (6) Title of drawing, name, and address of applicant.
  - (7) North arrow, scale, and date showing when the plan/map was prepared and/or revised.
  - (8) Ownership and zoning of all abutting properties, and of properties directly across the street or road.

- (9) If revisions are made, a table is to be included showing the date of the original map and all revisions, and a description detailing the nature of the map amendments.
- (10) Boundaries of the property, plotted to scale.
- (11) Existing watercourses and direction of flow within the watercourses.
- (12) Location, names, and widths of existing and proposed streets.
- (13) Typical cross sections and details of street pavements, including curbs, sidewalks, manholes, catch basins, and trench details.
- (14) Profiles of proposed streets and parking areas.
- (15) Location of existing and proposed storm, sanitary, and water mains.
- (16) Location, dimensions, and description of existing and/or proposed septic system.
- (17) Final grading plan, including plans for controlling erosion, siltation, and off-site stormwater movement.
- (18) Proposed use and dimensions of all existing and proposed buildings.
- (19) Parking and loading areas (existing and proposed).
- (20) Driveways and their dimensions (existing and proposed).
- (21) Location of regulated wetlands, and the one-hundred-foot buffer area if the wetland is state-regulated (if present on the site).
- (22) Location of floodplains, showing the boundary of the one-hundred-year floodplain (if present on the site).
- (23) Location of all outdoor storage (existing and proposed).
- (24) Existing and/or proposed site improvements as follows:
  - (a) Sidewalks, bike paths, and bike racks.
  - (b) Drains.
  - (c) Culverts.
  - (d) Fences.
  - (e) Retaining walls.
  - (f) Size, location, and details on all signs.
  - (g) Buffer areas.
  - (h) Design and location of outdoor lighting.
  - (i) Utilities or utility easements.

(j) Bus stops.

(25) Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Local Law No. 4 of 2007<sup>34</sup> shall be required for site plan approval. The SWPPP shall meet the performance, design criteria and standards set forth in Local Law No. 4 of 2007. The approved site plan shall be consistent with the provisions of Local Law No. 4 of 2007. [Added 6-20-2007 by L.L. No. 4-2007]

E. A landscaping plan as required by Article XIX of this chapter. The landscaping plan may be included on the site plan only if the combination does not result in decreased legibility.

#### § 270-107. Review factors.

The Planning and Zoning Commission shall be guided by the following factors when reviewing a site plan review application:

- A. Conformance with other applicable provisions of this chapter, including, but not limited to, landscaping requirements, building design, off-street parking requirements, building setbacks, fence requirements, sign regulations, stormwater management and erosion control requirements, etc.
- B. The adequacy and arrangement of vehicular access and circulation, including intersections, road widths, curbing, and traffic controls. Consideration will also be given to the project's traffic elements and how they relate to adjacent uses.
- C. The adequacy and arrangement of pedestrian and bicycle access and circulation, including separation of pedestrian traffic from automobile traffic, the placement and usefulness of on-site sidewalks and walkways, the accommodation for pedestrians at adjacent street intersections, and overall pedestrian and bicyclist safety and convenience.
- D. The location, arrangement, and setting of off-street parking and loading areas.
- E. The placement, arrangement, size, and design of buildings, lighting, and signs.
- F. The adequacy, type, and arrangement of trees, shrubs, and other landscaping elements, as they relate to visual and noise buffering of adjacent sites and the reduction of visual impacts from the street.
- G. The adequacy of provisions for the collection and/or disposal of stormwater, sanitary waste, and garbage.
- H. Accommodation on site for snow plowing and snow storage.
- I. The adequacy and durability of structures, roadways, utilities, and landscaping in areas with moderate to high susceptibility to flooding, ponding, and/or erosion.

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34. Editor's Note: See Ch. 270, Zoning, Art. XI, Stormwater Management and Erosion Control.

- J. Retention of existing trees and vegetation for aesthetic reasons, and to minimize soil erosion and siltation.
- K. Protection of adjacent properties against noise, glare, light pollution, odors, litter, unsightliness, or other objectionable features.
- L. The adequacy and usability of open space for both buffering and recreation.



**§ 270-108. Review procedures.**

All site plan review applications are subject to the following procedures:

- A. Planning Department review. Staff of the Town Planning Department conducts an administrative-level review of the application to determine if the application is complete. If the application is complete, it will be placed on the agenda of the next meeting of the Glenville Environmental Conservation Commission (GECC). If the application is not complete, the Planning Department will notify the applicant of the deficiencies associated with the application.
- B. Glenville Environmental Conservation Commission (GECC) review. The GECC, acting in an advisory capacity to the Planning and Zoning Commission (PZC), conducts the first substantive review of the proposal during one of its regular meetings. The GECC's primary role is to make a recommendation to the PZC as to whether or not the application may result in a significant environmental impact. In this capacity, the GECC may ask for additional information from the applicant in order to assess potential environmental impacts. If this results in a tabling of the application, the applicant will be directed to appear at a subsequent GECC meeting.
- C. Planning and Zoning Commission (PZC) review. The Planning and Zoning Commission's review involves a two-step process: preliminary site plan review and final site plan review. A public hearing is conducted during the final site plan review phase.
  - (1) Preliminary site plan review.
    - (a) Following the GECC's review and recommendation, the applicant will be directed to appear before the PZC for preliminary site plan review. During this phase of the review, the PZC evaluates the site plan application to ensure compliance with the provisions of this article. During this meeting the PZC may also direct the applicant to make amendments to the site plan based on the review factors detailed in § 270-107 of this article. The PZC may also table the application should insufficient information be available for the PZC to conduct a thorough review, or if the amendments required of the site plan are substantial. If the application is tabled, the applicant is to reappear in front of the PZC at a later date for preliminary site plan review.
    - (b) Should the PZC find that the applicant has demonstrated compliance with the provisions of this article, or should the PZC conclude that compliance is feasible without the necessity of major revisions to the site plan, the PZC will then schedule a public hearing on the site plan application, said hearing to be conducted as part of final site plan review at the PZC's next regularly scheduled meeting.
    - (c) Any amendments required of the applicant must be made, and new maps submitted to the Town Planning Department, no later than 10 days prior to the date of the public hearing/final site plan review.
  - (2) Final site plan review and public hearing.

- (a) Following a favorable determination by the PZC on the preliminary site plan review submission, the applicant is to appear at a public hearing to be held at the next regularly scheduled meeting of the PZC, not later than 62 days following the GECC's referral of the application to the PZC. At this time the PZC will consider the application and any amendments thereto, as well as comments raised at the public hearing. The PZC is to be guided by the provisions of § 270-107, Review factors, of this article, in rendering its decision **[Amended 4-5-2006 by L.L. No. 3-2006]**
  - (b) Following the hearing, the PZC will have 62 calendar days in which to render its decision to approve, approve with modifications, or disapprove the application. If the PZC is satisfied with the application following the hearing and final site plan review, it may render its decision on the evening of the hearing.
  - (c) The sixty-two-day period in which the PZC must render its decision may be extended upon mutual consent of the applicant and the PZC.
- (3) All approved site plans shall be stamped, dated, and signed by the PZC Chairman prior to any building permits being issued for the property in question.
  - (4) There may be occasions when certain site plan review applications, due to the complexity of the project and/or work demands upon Town staff at the time of the application, will need to be forwarded to an outside consultant and/or the Town-designated engineer for review. In these instances, the applicant will be responsible for full payment of the bill for the review of applications by the consultant/engineer. **[Amended 9-3-2008 by L.L. No. 4-2008<sup>31</sup>]**

#### **§ 270-109. Public hearing publication and notice requirements.**

Public hearings for site plan review applications must be advertised in the Town's official newspaper at least five calendar days prior to the hearing date. Further, as a courtesy, the Town will attempt to notify in writing all property owners whose properties are located within 500 feet of the property on which the application is being made that a hearing is to be conducted by the PZC.

#### **§ 270-110. Dedication of land for park or recreation purposes.**

Pursuant to § 274-a of the Town Law, the Planning and Zoning Commission, as part of site plan approval for any residential project, may require that land be set aside on the property for park, playground, or other recreational purposes, or, in lieu of land, that a fee be levied for the purchase and/or development of park, playground, or recreational facilities.

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31. Editor's Note: This subsection, formerly § 270-116, Review of applications by consultant, was redesignated § 270-108C(4) 9-3-2008 by L.L. No. 4-2008.

## A. Land acquisition.

- (1) In those instances where the PZC mandates the dedication of land for park, playground, or recreational purposes, the PZC will require that not less than 0.25 acre of land be set aside for every 10 dwelling units. However, in no case will the amount of land be more than 20% of the total area of the property.
- (2) Further, such area or areas may be dedicated to the Town or county by the applicant or developer, if the Town Board or County Legislature, respectively, approves such dedication. Appropriate legal measures will be taken to assure that such land is never developed for other than recreational purposes.

B. Fee in lieu of land acquisition.

- (1) In cases where the PZC finds that due to the topography, configuration, or location of the property in question, land for park, playground, or other recreational purposes cannot be properly located on the property, or, if in the opinion of the PZC it is not desirable to acquire land, the PZC may waive the land dedication requirement. The PZC will then, as a condition to approval of the site plan, assess a recreation fee on a per-dwelling-unit basis; amount to be based upon the most recent version of the Consolidated Fee Schedule of the Town of Glenville.
- (2) The fee will be paid to the Town Board within 62 days of final site plan approval, and no building permits or certificates of occupancy will be issued by the Building Department until said fee is paid in full. All such payments will be held by the Town Board in a special Town Recreation Site Acquisition and Improvement Fund, to be used for the acquisition of land or for the physical improvement of existing park and recreation facilities. Said land must be suitable for permanent park, playground, or other recreational purposes, and will be used only for park, playground, or other recreational land acquisition or improvements.

C. Concurrent site plan review and subdivision review. There may be occasions where a residential project is subject to both site plan review and subdivision review (i.e., a townhouse development). In this event, the provisions outlined in this section are waived, in favor of the land acquisition (or money in lieu of land acquisition) procedures of Chapter 242, Subdivision of Land.<sup>38</sup>

**§ 270-111. Performance bond or other security.**

- A. As an alternative to the installation of required infrastructure and improvements, prior to final site plan approval the PZC may require a performance bond or other security sufficient to cover the full cost of the improvements, as determined by the Town Engineering Department and/or Town Highway Department.
- B. Such bond or security is to be provided to the Town pursuant to the following provisions:
  - (1) Form of security. The performance bond or security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency, and manner of execution. The form of security is limited to the following:
    - (a) A performance bond issued by a bonding or surety company.
    - (b) The deposit of funds in, or a certificate of deposit issued by, a bank or trust company located and authorized to do business in New York State.
    - (c) An irrevocable letter of credit from a bank located and authorized to do business in New York State.

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

- (d) Obligations of the United States of America.
  - (e) Any obligations fully guaranteed as to interest and principal by the United States of America, having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a Town account at a bank or trust company.
- (2) Term of security agreement. Any such performance bond or security agreement shall run for a term to be fixed by the PZC, but in no case for a longer term than three years; provided, however, that the term of such performance bond or security agreement may be extended by the PZC upon consent of the parties thereto. If the PZC shall decide at any time during the term of the performance bond or security agreement that the required improvements have been installed in sufficient amount to warrant reduction in the amount of the security, the PZC, upon approval by the Town Board, may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the PZC.
- (3) Default of security agreement. In the event that any required improvements have not been installed pursuant to the term of the security agreement, the Town Board may declare the performance bond or security agreement to be in default, and collect the sum of the remaining security. Upon collection of the remaining proceeds, the Town shall install such improvements as are covered by the security and as commensurate with the extent of building development that has taken place, but not exceeding in cost the amount of such proceeds.

**§ 270-112. Expansion of use permitted by site plan review.**

Any expansion of a use permitted by site plan review, whether it be the expansion of the principal building, parking lot, accessory buildings, etc., is subject to the review procedures outlined in this article.

**§ 270-113. Changes in tenancy.**

- A. If an existing building or group of buildings is to be occupied by a new tenant, whose use is considered a site plan review use, the new tenant does not need to undergo site plan review and approval as outlined in this article, provided the change in tenancy will not result in an intensification of the use (i.e., residential to commercial, residential to mixed residential/commercial, office to assembly, etc.), any change to the building footprint, gross floor area of the building or buildings, or any alteration to the parking lot, driveways, landscaping, and all other site features.
- B. If the building or group of buildings was vacant immediately prior to the change in tenancy, the use of the building prior to it becoming vacant is to be considered when determining if the change in tenancy will result in an intensification of the use. If the building or group of buildings was vacant for two or more years prior to the proposed

change in tenancy, site plan review is required, regardless of the most recent use of the building.

**§ 270-113.1. Transfer of nonconforming use. [Added 12-17-2008 by L.L. No. 5-2008]**

- A. Effective January 1, 2008, the owner of a nonconforming use that is located in a General Business District which has an adopted master plan shall be permitted a one-time relocation of said nonconforming business use within the same General Business District, provided:
- (1) The property being vacated is being vacated to accommodate a planned development project which has been approved by the Town and all boards with jurisdiction over the project or a park, recreational area or preserve area identified in the master plan for the study area;
  - (2) The property to be occupied is currently being used for a similar use or was previously used for a use that would be nonconforming under the existing Zoning Code and has been vacant since such last use; and
  - (3) The one-time relocation of said nonconforming business must occur within one year from the date of being vacated.
- B. Once transferred to the new property, the use shall be governed by all other provisions of this chapter, including site plan review.

**§ 270-114. Site plan review and conditional use permit review.**

There may be occasions where an application for development requires both site plan review and a conditional use permit. In those instances, the Planning and Zoning Commission is required to approve, in principle, the preliminary site plan. After preliminary site plan approval, the Zoning Board of Appeals (ZBA) will conduct a hearing on the conditional use permit application. If the ZBA approves the conditional use permit, the PZC renews its review of the final site plan application, including conducting a public hearing.

**§ 270-115. Revocations. [Added 9-3-2008 by L.L. No. 4-2008<sup>33</sup>]**

Site plan approvals will be revoked if construction has not commenced within two years of the approval date.

**§ 270-116. Waivers.<sup>34</sup>**

The Planning and Zoning Commission, at its discretion, may judge that certain requirements of this article are not applicable in its approval of a site plan. In such cases, the PZC may

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33. Editor's Note: This local law also redesignated former § 270-115 as § 270-116.

34. Editor's Note: Former § 270-116, Review of applications by consultant, was redesignated § 270-108C(4) 9-3-2008 by L.L. No. 4-2008.

allow the applicant to submit only those elements which the Commission deems necessary to the review and approval of the particular application. In granting such waivers, the PZC may seek input from staff of the Town's Planning, Engineering, and/or Highway Departments.

## ARTICLE XVII Conditional Use Permits

### **§ 270-117. Empowerment of Zoning Board of Appeals.**

The Zoning Board of Appeals is hereby empowered to review, approve, approve with modifications, or disapprove all conditional use permit applications made pursuant to this article.

### **§ 270-118. Purpose.**

Due to the uniqueness or inherent characteristics of certain uses of land, review procedures need to be in place in order to evaluate each of these uses on a case-by-case basis. This article allows the Town to consider these conditional uses, and to judge the merit of each proposed use based on the anticipated impact of the use upon neighboring land, and on the public need for the proposed use at a particular location.

### **§ 270-119. When required.**

The types of uses requiring a conditional use permit are identified in Article V, Uses Permitted and Dimensional Regulations by District. Conditional uses vary with the zoning district. What may require a conditional use permit in one zoning district may not in another district.

### **§ 270-120. Materials to be submitted.**

In order to be placed on the agenda of the Glenville Environmental Conservation Commission (GECC), and subsequently the Planning and Zoning Commission (PZC) agenda, and ultimately the Zoning Board of Appeals (ZBA) agenda, the applicant must submit a complete application, which is to consist of the following:

- A. A completed conditional use permit application form. The requisite number of copies is prescribed in the conditional use permit application packet provided to applicants.
- B. Part 1 of the full environmental assessment form (FEAF), with all questions to be answered. The requisite number of copies is prescribed in the conditional use permit application packet provided to applicants.
- C. The appropriate conditional use permit application fee and SEQRA (State Environmental Quality Review Act) fee, as prescribed in the Consolidated Fee Schedule of the Town of Glenville and in the conditional use permit application packet provided to applicants.

- D. A site plan or map and all supporting documentation. The requisite number of copies is prescribed in the conditional use permit application packet provided to applicants. The site plan shall include the following information:
- (1) A legible site plan or map illustrated on reproducible material drawn to a scale of no smaller than 50 feet to one inch.
  - (2) A topographic map with five-foot contour intervals. If the site is so flat as to render the five-foot contour interval meaningless, spot elevations shall be placed on the map to give the reviewer a general idea of slope.
  - (3) Name and signature of the professional engineer, land surveyor, and/or architect who prepared the plan/map.
  - (4) If construction details are provided, certification of same by a licensed professional engineer and/or architect.
  - (5) Location map showing approximate location of the site in relationship to adjacent roads, intersections, and landmarks. Preferably the location map will be illustrated as an inset on the site plan.
  - (6) Title of drawing, name, and address of applicant.
  - (7) North arrow, scale, and date showing when the plan/map was prepared and/or revised.



- (8) Ownership and zoning of all abutting properties, and of properties directly across the street or road.
- (9) If revisions are made, a table is to be included showing the date of the original map and all revisions, and a description detailing the nature of the map amendments.
- (10) Boundaries of the property, plotted to scale.
- (11) Existing watercourses and direction of flow within the watercourses.
- (12) Location, names, and widths of existing and proposed streets.
- (13) Typical cross sections and details of street pavements, including curbs, sidewalks, manholes, catch basins, and trench details.
- (14) Profiles of proposed streets and parking areas.
- (15) Location of existing and proposed storm, sanitary, and water mains.
- (16) Location, dimensions, and description of existing and/or proposed septic system.
- (17) Final grading plan, including plans for controlling erosion, siltation, and off-site stormwater movement.
- (18) Proposed use and dimensions of all existing and proposed buildings.
- (19) Parking and loading areas (existing and proposed).
- (20) Driveways and their dimensions (existing and proposed).
- (21) Location of regulated wetlands, and the one-hundred-foot buffer area if the wetland is state-regulated (if present on the site).
- (22) Location of floodplains, showing the boundary of the one-hundred-year floodplain (if present on the site).
- (23) Location of all outdoor storage (existing and proposed).
- (24) Existing and/or proposed site improvements as follows:
  - (a) Sidewalks, bike paths, and bike racks.
  - (b) Drains.
  - (c) Culverts.
  - (d) Fences.
  - (e) Retaining walls.
  - (f) Size, location, and details on all signs.
  - (g) Buffer areas.

- (h) Design and location of outdoor lighting.
  - (i) Utilities or utility easements.
  - (j) Bus stops.
- (25) Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Local Law No. 4 of 2007<sup>37</sup> shall be required for conditional use permit approval. The SWPPP shall meet the performance, design criteria and standards set forth in Local Law No. 4 of 2007. The approved conditional use permit shall be consistent with the provisions of Local Law No. 4 of 2007. [Added 6-20-2007 by L.L. No. 4-2007]
- E. A landscaping plan as required by Article XIX of this chapter. The landscaping plan may be included on the site plan only if the combination does not result in decreased legibility.

**§ 270-121. Standards for evaluating applications.**

The Zoning Board of Appeals shall be guided by the following factors when reviewing conditional use permit applications:

- A. The establishment, maintenance, operation, or expansion of the conditional use will not be detrimental to or endanger public health, safety, or the general welfare of the community.
- B. The conditional use will not compromise the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values within the neighborhood.
- C. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding properties.
- D. Adequate utilities, access roads, drainage and any other necessary facilities have been or will be provided to serve the conditional use.
- E. Adequate measures have been or will be taken to provide ingress and egress to the site in such a manner as to minimize traffic congestion in the public streets.
- F. The conditional use shall, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, and be consistent with the Town of Glenville Comprehensive Plan.

**§ 270-122. Review procedures.**

All conditional use permit applications are subject to the following procedures:

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37. Editor's Note: See Ch. 270, Zoning, Art. XI, Stormwater Management and Erosion Control.

- A. Planning Department review. Staff of the Town Planning Department conducts an administrative-level review of the application to determine if the application is complete. If the application is complete, it will be placed on the agenda of the next meeting of the Glenville Environmental Conservation Commission (GECC). If the application is not complete, the Planning Department will notify the applicant of the deficiencies associated with the application.
- B. Glenville Environmental Conservation Commission (GECC) review. The GECC, acting in an advisory capacity to the Zoning Board of Appeals (ZBA), conducts the first substantive review of the proposal during one of its regular meetings. The GECC's

primary role is to make a recommendation to the ZBA as to whether or not the application may result in a significant environmental impact. In this capacity, the GECC may ask for additional information from the applicant in order to assess potential environmental impacts. If this results in a tabling of the application, the applicant will be directed to appear at a subsequent GECC meeting.

C. Planning and Zoning Commission (PZC) review.

- (1) Like the GECC, the PZC acts in an advisory capacity to the ZBA on conditional use permit applications. The PZC's role on conditional use permit applications is to assess elements of the proposal that are typically evaluated as part of site plan review. Factors to be considered include building design, siting and dimensions, parking layout and design, internal traffic circulation, driveway locations, lighting, pedestrian accommodations, landscaping, snow removal and storage, etc.
- (2) The PZC will conduct its review, and then forward its comments and recommendations to the ZBA. In its report to the ZBA, the PZC will recommend approval, approval with conditions, or disapproval of the conditional use permit. If the PZC recommends approval with conditions, or disapproval, the PZC is to detail its findings in written form to the ZBA.

D. Zoning Board of Appeals (ZBA) review.

- (1) Following a review and recommendation by the PZC, and after the site plan and/or other supporting material has been amended, if necessary, the application will be placed on the next regularly scheduled meeting of the ZBA, at which time a public hearing is to be held. At this time the ZBA will consider the application, as well as comments raised at the public hearing, and any comments and recommendations forwarded by the PZC. In rendering its decision, the ZBA is to be guided by the provisions of § 270-121 of this article, Standards for evaluating applications.
- (2) Following the hearing, the ZBA will have 62 calendar days in which to render its decision to approve, approve with modifications, or disapprove the application. If the ZBA is satisfied with the application following the hearing, it may render its decision on the evening of the hearing.
- (3) The sixty-two-day period in which the ZBA must render its decision may be extended upon mutual consent of the applicant and the ZBA.

**§ 270-123. Conditions imposed.**

Prior to the granting of any conditional use permit, the ZBA may impose such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as are determined necessary to secure compliance with the objectives and requirements of this chapter.

**§ 270-124. Public hearing publication and notice requirements.**

Public hearings for conditional use permit applications must be advertised in the Town's official newspaper at least five calendar days prior to the hearing date. Further, as a courtesy, the Town will attempt to notify in writing all property owners whose properties are located within 500 feet of the property on which the application is being made that a hearing is to be conducted by the ZBA.

**§ 270-125. Established conditional use.**

If a use is lawfully established prior to the effective date of this chapter and it becomes a conditional use following the adoption of this chapter, it shall be considered a lawful conditional use. Any further expansion of the use shall be subject to the provisions of this article.

**§ 270-126. Expansion of conditional use.**

Any expansion or alteration of a conditional use, whether it be the expansion or reconfiguration of the principal building, parking lot, driveways, accessory buildings, etc., is subject to the review procedures outlined in this article.

**§ 270-127. Changes in tenancy.**

If an existing building or group of buildings, or a portion or portions thereof, is proposed to be occupied by a new conditional use, whether the building(s) was previously occupied by a conditional use or not, the new tenant is subject to the procedures outlined in this article.

**§ 270-128. Site plan review and conditional use permit.** <sup>39</sup>

There may be occasions when an application for development requires both site plan review and a conditional use permit. In those instances, the provisions and procedures of § 270-114 shall be complied with.

**§ 270-129. Revocation.**

In the event that building construction has not begun within one year after the date of approval of the conditional use, or in the case of changes in tenancy, if the new tenant has not occupied the building within one year following approval, the conditional use permit approval shall expire. In this event, a new conditional use permit application must be submitted to the Town for reconsideration if the applicant still wishes to establish the conditional use.

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

**§ 270-130. Discontinuance of conditional use.**

If a conditional use ceases operation for more than 12 consecutive months, for any reason, the conditional use permit shall expire. In such instances, the formerly established conditional use may not be reestablished until a new conditional use permit application has been filed with and approved by the ZBA.

**§ 270-131. Waivers.**

The Zoning Board of Appeals, at its discretion, is authorized to grant waivers in the following two instances:

- A. Materials to be submitted. As noted in § 270-120 of this article, the applicant is required to submit a site plan containing a variety of information. The ZBA may judge that certain requirements of § 270-120 are not applicable and have no bearing on its evaluation. In such cases, the ZBA may allow the applicant to submit a site plan containing only those elements which are deemed necessary to the review and approval of the particular conditional use permit application.
- B. Revocation.
  - (1) As noted in § 270-129 of this article, conditional use permits are to be revoked in instances when building construction has not started with one year of approval of the conditional use permit or, in cases of tenancy changes, if the new tenant has not occupied the building within one year of approval.
  - (2) In the event that site work has commenced (i.e., tree removal, grading, utility installations, etc.) within one year, yet building construction has not taken place, the ZBA may waive the revocation.
  - (3) In the case of tenancy changes, if internal or external building modifications have commenced within one year, yet the new tenant has not occupied the building, the ZBA may waive the revocation.

**§ 270-132. Review of application by consultant.**

There may be occasions when certain conditional use permit applications, due to the complexity of the project and/or work demands upon Town staff at the time of application, will need to be forwarded to an outside consultant and/or the Town-designated engineer for review. In these instances, the applicant will be responsible for full payment of the bill for the consultant/engineer's services.

**ARTICLE XVIII**  
**Commercial Development Design Guidelines**

**§ 270-133. Town Center Overlay District.**

- A. Purpose.

- (1) The purpose of the Town Center Overlay District is to develop an identifiable center of the Town of Glenville. Its intent is to further define a sense of community and to promote a traditional architectural and visual environment deemed important as part of the Town's comprehensive planning process. A fully realized Town Center concept will incorporate the elements of institutional, commercial, vehicular and pedestrian environments into an integrated commercial and civic design which reflects the community focus of the Town as well as a residential component in or adjacent to the Town Center.
  - (2) The Town Center concept is implemented by use of an overlay district which imposes additional criteria on the underlying zoning districts. The boundaries of the Town Center Overlay District are shown on the Town of Glenville Zoning Map.
- B. Objectives. In order to achieve the Town Center concept, the following objectives shall be realized:
- (1) The size and scale of buildings in the Town Center should be complementary to a pedestrian environment. Buildings located near the perimeter of the Town Center should be designed to provide a harmonious transition between the commercial development and its residential neighbors.
  - (2) The architectural character of new and renovated buildings should be harmonious with the traditional styles and architectural forms that are indigenous to the area.
  - (3) The pedestrian environment in the Town Center is essential for developing the sense of community desired by the Town. Amenities shall be provided to promote pedestrian usage.
  - (4) Vehicular circulation and parking should be accommodated without impacting the pedestrian experience. Adequate measures shall be provided to reduce vehicular/pedestrian circulation conflicts.
  - (5) Signs shall be of a scale, height, material and illumination which reflect the traditional concepts being promoted in the Town Center.
- C. Applicability. All applications for new building construction and building exterior renovations/modifications within the Town Center Overlay District that require a building permit, with the exception of accessory structures and single-family homes, are subject to the provisions of this article.
- D. Uses allowed. Those uses that are allowed within the underlying zoning district, including all as-of-right uses, site plan review uses, and conditional use permit uses, are permitted within the Town Center Overlay District, with the exception of the following uses which are outright prohibited within the Town Center Overlay District:
- (1) Tenants occupying more than 100,000 square feet of building footprint.
  - (2) Hardware, home repair supply, and contractor supply stores occupying more than 40,000 square feet of building footprint.

- (3) Gasoline service stations.
- (4) Automobile repair shops, automobile dealerships, and car washes.
- (5) Personal wireless service facilities.
- (6) Retail and wholesale uses combined with on-site assembly or fabrication, provided the products assembled/fabricated on the property are sold on site.
- (7) Veterinary clinics, animal training facilities, kennels and animal hospitals with completely enclosed pens or kennels.
- (8) Cemeteries.

E. Minimum and maximum front yard and side yard setbacks.

- (1) With the exception of minimum/maximum front yard setback and minimum/maximum side yard setbacks, all of the dimensional requirements of the underlying zoning district apply to structures within the Town Center Overlay District.
- (2) Because the Town of Glenville is trying to encourage a neotraditional pattern of development within the Town Center (i.e., no parking in the front of buildings, establishment of sidewalks and streetscaping, buildings closer to the street, etc.), the minimum front and side yard setback requirements of the underlying zoning district do not apply to structures within the Town Center Overlay District. Instead, both the minimum and maximum front and side yard setbacks for the principal structures within the Town Center Overlay District are as follows:
  - (a) Minimum front yard setback: 15 feet.
  - (b) Maximum front yard setback: 35 feet.
  - (c) Minimum side yard setback (one side): 0 feet.
  - (d) Maximum side yard setback (one side): 30 feet.
  - (e) Minimum side yard setback (second side): 30 feet.

F. On- and off-street parking. The off-street parking requirements outlined in Schedule A<sup>40</sup> of this chapter apply to all land uses within the Town Center Overlay District. However, any on-street parking located to the front or sides of any use or building is to be credited to the minimum number of off-street parking spaces required for that particular use or building.

G. Architectural review standards.

- (1) Purpose. The purpose of these standards is to achieve an integrated commercial design that provides an architectural and visual environment consistent with the Town Center concept.

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40. Editor's Note: Schedule A is included at the end of this chapter.



- (2) Applicability. With the exception of single-family dwellings and their accessory uses, this section is applicable to all new building construction and building exterior renovations/modifications which require a building permit.
- (3) Minimum performance criteria. In order to determine that new building construction or building exterior modifications contribute to a harmonious effect in the Town Center Overlay District and promote a cohesive architectural appearance, based on color, materials and style, the following minimum performance criteria shall apply:
  - (a) Colors. Colors utilized for building materials shall be compatible and shall visually reflect the traditional concept of the Town Center. Examples of incompatible colors include metallic, neon, fluorescent and/or primary colors.
  - (b) Materials. Traditional materials (masonry, bricks, wood and stone) are preferred in the Town Center; however, contemporary materials (glass, steel, concrete and plastic/vinyl siding) may be considered if they are treated in a manner complementary to the traditional concept of the Town Center architectural theme. Examples of incompatible materials include exposed concrete block, metal siding and reflective glass.
  - (c) Mechanical equipment. Mechanical equipment shall be screened with appropriate architectural treatments consistent with the materials listed in Subsection G(3)(b) above.
  - (d) Architectural features and details.
    - [1] Exterior facades, including eaves, pilasters, cornices; windows (and window surrounds), door balusters, canopies, fascias and roofs, shall be proportionate with the building and consistent with the Town Center concept. The scale of new construction, including the arrangement of windows, doors and other openings within the building facade, shall be compatible with the Town Center concept in the Town Center Overlay District.
    - [2] Compatible finishes and colors shall relate to the Town Center concept as identified in Subsection G(3)(a) above. Inappropriate contemporary materials which are deemed to be inconsistent or not to blend well with the traditional context of the Town Center concept are prohibited on building facades [see Subsection G(3)(b) above]. To the extent practicable, accessory structures shall conform to the finishes and colors established for the principal building.

H. Pedestrian and streetscape amenities.

- (1) Purpose. The purpose of these standards is to promote the pedestrian environment in the Town Center Overlay District through the provision of appropriate amenities.
- (2) Applicability. The standards in this section are applicable to all actions proposed within the Town Center Overlay District that are subject to site plan review as

specified in Article XVI. In addition to the materials regularly submitted for site plan review, the items discussed in Subsection H(3) below shall also be addressed.

- (3) Minimum performance criteria. The following minimum performance criteria shall be utilized for site designs within the Town Center Overlay District. The Planning and Zoning Commission is authorized to consider variations in the criteria to allow for flexible design concept.
  - (a) Sidewalks. Sidewalks are to be constructed and located pursuant to Chapter 221, Sidewalks.
  - (b) Lighting.
    - [1] Architectural/pedestrian-scaled lighting should enhance the Town Center Overlay District concept without introducing glare on, off or above the site.
    - [2] Architectural/pedestrian-scaled lighting shall consist of the Sternberg Vintage Lighting 1910 acorn light with an eighteen-foot standard black paint Lincoln pole and a one-hundred-seventy-five-watt maximum metal halide lightbulb. Night sky optics shall also be attached to the light fixture so as to project light down onto the parking lot, sidewalk, or landscaped area. While Sternberg is the preferred manufacturer, the Town may accept an equivalent light fixture manufacturer/supplier, but all of the above specifications relative to style, height, color, bulb, and maximum wattage must be met.
  - (c) Amenities. Amenities shall be required and included on the landscape plan to be reviewed by the Planning and Zoning Commission as part of site plan review. The plan shall include, but not be limited to, benches, bike racks, trash receptacles and recyclable materials receptacles. These amenities shall meet the style and specification requirements of the Glenville Town Center Master Plan. Prior to adoptions of that plan, benches and garbage cans shall be Victor Stanley or equal. These amenities are to be illustrated on the landowner's portion of the site plan and will be privately owned and maintained.
  - (d) Parking. Parking shall comply with the standards established in Article X. Parking shall be located to one side of the principal building and/or to the rear of the lot. No more than 1/3 of the required parking shall be located to the one side. Off-street parking should be designed to minimize traffic conflicts and utilize space through combined access. Screening shall be applied in the parking lot design along parcel boundaries in order to maintain an aesthetic quality. Acceptable screening materials include fencing, berming and/or vegetation. Setbacks and signage for parking areas shall comply with existing zoning regulations.
  - (e) Landscaping. All landscaping shall comply with Article XIX this chapter.

I. Signs.

- (1) Purpose. The purpose of these standards is to promote signs which are visually compatible with their surroundings and which avoid inappropriate materials and design.
- (2) Applicability. At any time there is a modification or a replacement of an existing sign in the Town Center Overlay District, the following standards shall apply. These sign requirements shall be considered a supplement to those standards in Article IX. In cases where there is a conflict, these standards shall take precedence over the standards in Article IX.
- (3) Permitted signs. The following signs shall be permitted in the Town Center Overlay District:
  - (a) Monument (ground) signs.
  - (b) Facade signs.
  - (c) Directional signs.
  - (d) Temporary signs.
- (4) Prohibited signs. The following signs shall be prohibited in the Town Center Overlay District:
  - (a) Moving signs.
  - (b) Internally lit signs.
  - (c) Flashing signs.
  - (d) Animated signs.
  - (e) Pylon signs.
  - (f) Neon signs.
- (5) Minimum performance criteria. The following performance standards shall apply to signs in the Town Center Overlay District:
  - (a) Materials.
    - [1] Monument signs shall be made of wood, simulated wood, stone, brick, or composite materials. Plastic, aluminum and other metal-type materials are only permitted on the sign frame and/or the light housing.
    - [2] Facade signs shall be made of wood, simulated wood, or composite materials, or carved and/or sandblasted and finished with gold leaf or paint stains. Uniform material shall be used for signs on buildings that are connected by common walls, located in a common plaza or otherwise associated as a single group.
    - [3] Directional signs shall be of materials compatible with facade signs.

[4] Temporary signs may be of cloth, vinyl, or plastic.

- (b) Height. Monument signs as permitted in Subsection I(3)(a) of this section shall be no greater than eight feet in height above the finished grade.
- (c) Size. Monument signs as permitted in Subsection I(3)(a) of this section shall have a maximum area of 50 square feet per sign face for the primary sign and 24 square feet per sign face for any secondary signs. Double-faced signs are permitted. For all other signs, the size standards specified in Article IX for the underlying zoning district shall apply.
- (d) Illumination. Sign lighting should minimize glare and maintain the aesthetic character of the area. Therefore:
  - [1] Signs may not be internally lit.
  - [2] Raised-lettering signs may be backlit. All other signs shall be externally lit.
- (e) Logo. In the event that a logo is displayed on a sign, it shall be incorporated into the permitted sign area and comprise not more than 30% of the sign area. All colors associated with a logo, as defined in this chapter, may be permitted.
- (f) Colors. Except as provided in Subsection I(5)(e) above, a maximum of three colors shall be utilized for a sign. Colors shall match or complement the predominant building color.
- (g) Lettering. A maximum of two lettering styles shall be permitted on signs, except that all lettering associated with a logo, as defined in this chapter, may be permitted.
- (h) Setbacks. Monument signs shall have a minimum setback of 10 feet from the right-of-way line and 10 feet from the side property line and shall be located in a manner that does not interfere with required minimum sight distance at driveways or intersections.
- (i) Number of signs. A maximum of one facade sign per use is permitted, except that a use fronting on two streets may have one sign for each building front. A maximum of one monument sign as described in Subsection I(3)(a) of this section is permitted per driveway up to a maximum of three signs, except that for two or more signs to be permitted, driveways must be separated by a minimum of 200 feet as measured from center line to center line.

J. Application procedures.

- (1) Transmittal of application to the Planning and Zoning Commission. In the Town Center Overlay District, Planning Department or Building Department staff shall refer two copies of an application for a zoning or building permit for construction, renovation and/or modification of a building exterior to the Planning and Zoning Commission.

- (2) Material to be submitted. Upon receipt of an application, the Planning and Zoning Commission may require that the applicant submit such additional information as follows, which shall provide for understanding of the project's compliance with the minimum performance criteria of Subsection D above. Such materials shall be prepared by a licensed engineer, architect, or surveyor, and shall constitute the architectural plan.
  - (a) Architectural elevations of buildings, specifying dimensions and materials.
  - (b) Details of ornamentation which include, but are not limited to, windows, roofs, facades and other building features.
  - (c) A color rendering which depicts actual colors, textures and building scale.
  - (d) Samples of materials and colors of building components.
- (3) Applications subject to site plan review shall supplement the requirements of Article XVI with the above materials.
- (4) In those instances where the application is for a building permit for a sign alone, the applicant shall provide a sign detail only showing location, size, lighting, color, materials and design.
- (5) Modifications and waivers. The Planning and Zoning Commission may waive one or more of the specific requirements of this article upon a showing by the applicant that the regulation imposes an undue hardship due to such factors as existing conditions, site topography or site configuration. The Planning and Zoning Commission shall approve the minimum waiver necessary to allow the application to be approved. The applicant for any such waiver shall have the burden of showing that the proposed project with such waiver will have a minimum negative effect on aesthetics and compatibility with neighborhood character.

**§ 270-134. Design standards and guidelines for commercial establishments outside Town Center Overlay District.**

**A. Purpose and objectives.**

- (1) The following guidelines and standards are intended to encourage building designs and site layouts for commercial developments that contribute to the Town of Glenville as a unique place by reflecting its physical character and adding to it in complementary ways.
- (2) Commercial developments which are out of scale or character with the modest scale, residential/rural character of Glenville do not contribute to or integrate with the Town in a positive way. These guidelines and standards have been developed to promote a basic level of architectural variety, compatible scale, pedestrian access and use of open space which is reflective of the goals and objectives of the Town Comprehensive Plan. They are by no means intended to limit creativity; they are intended to augment the requirements of site plan review of Article XVI with additional criteria that are specific to commercial developments. They are placed

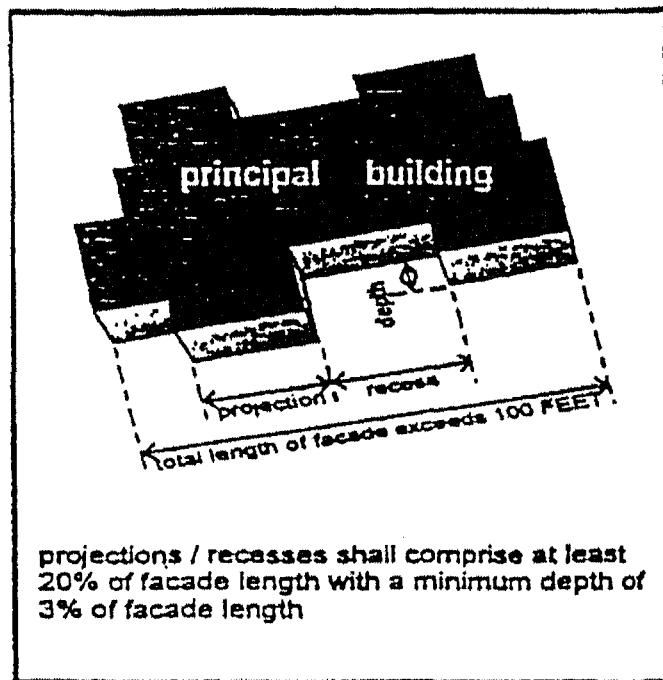
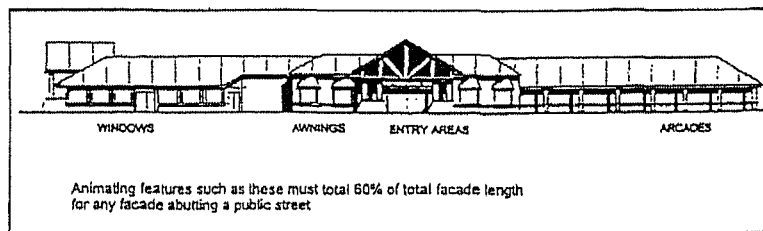
within the framework of this chapter and provide waivers from the requirements if the property owner or applicant faces undue hardship as a result of their strict application.

B. Guidelines, standards, and waivers.

- (1) Guidelines and standards. The guidelines and standards below are intended to be used as a basis for design by developers proposing commercial projects. They are also intended as an evaluation tool by the Planning and Zoning Commission in its site plan review process. These guidelines apply to all commercial projects, with additional standards for projects consisting of 20,000 or more square feet of gross floor area. Guidelines are not mandatory, but explain the design objectives. Standards are mandatory unless their strict application will result in undue hardship as determined by the Planning and Zoning Commission.
- (2) Waivers. The Planning and Zoning Commission may waive one or more of the standards of this article upon a showing by the applicant that the strict application of the standard imposes an undue hardship due to such factors as existing conditions, site topography or site configuration. The Planning and Zoning Commission shall approve the minimum waiver necessary. The applicant for any such waiver shall have the burden of showing that the proposed waiver will have a minimum negative effect on aesthetics and compatibility with neighborhood character.

C. Building features.

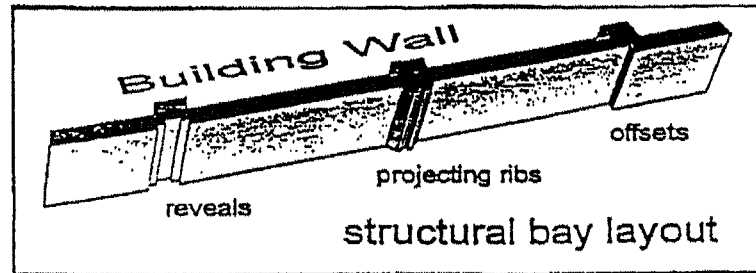
- (1) Facades and exterior walls.
  - (a) Guideline. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of commercial buildings and provide visual interest that will be consistent with the Town's identity, character and scale. Further, the following standards should be integral parts of the building fabric, and not superficially applied trim, graphics, paint, etc.
  - (b) Standard.
    - [1] Facades, measured horizontally, shall incorporate wall projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. For large commercial establishments, no uninterrupted length of any facade shall exceed 100 horizontal feet.
    - [2] Ground-floor facades that face public streets shall have a combination of arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

Figure 6 - *Facades on Large Commercial Establishment*Figure 7 - *Facades Facing Public Streets*

- [3] Building facades shall include a repeating pattern that shall include no less than two of the elements listed below. At least one of these elements shall repeat horizontally. All elements that repeat horizontally shall repeat at intervals of no more than 30 feet horizontally.
- [a] Color change.
  - [b] Texture change.
  - [c] Module to module material change.

- [4] Building facades shall include an expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

*Figure 8 - Offsets, Reveals, Projecting Ribs of Building Facades*



- (2) Roofs.
- (a) Guidelines. Variations in rooflines should be used to add interest to smaller buildings, and reduce the massive scale of large buildings.
  - (b) Standard. Roofs shall have no fewer than two of the following features:
    - [1] Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view.
    - [2] Overhanging eaves, extending no less than three feet past the supporting walls.
    - [3] Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of the vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
    - [4] Three or more roof slope planes.
- (3) Building materials and colors.
- (a) Guideline. Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with traditional materials and colors.
  - (b) Standard.
    - [1] All exterior building materials shall consist of high-quality materials. Permitted materials are brick, wood, stone, or tinted, textured, concrete masonry units, or a combination thereof.



- [2] Facade colors shall be low-reflectance, subtle, neutral or earth-tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors is prohibited.
- [3] Exposed neon tubing is not an acceptable feature for building trim or accent areas.
- [4] Predominant exterior building materials shall not include the following: smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.

(4) Entryways.

- (a) Guidelines. Entryway design elements and variations should give orientation and aesthetically pleasing character to the building.

- (b) Standard.

- [1] Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no fewer than three of the following elements:
  - [a] Canopies or porticos.
  - [b] Overhangs.
  - [c] Recesses/Projections.
  - [d] Arcades.
  - [e] Raised cornice parapets over the door.
  - [f] Peaked roof forms.
  - [g] Arches.
  - [h] Outdoor patios.
  - [i] Display windows.
  - [j] Architectural details such as tile work and moldings which are integrated into the building structure and design.
  - [k] Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

(5) Back and side facades.

- (a) Guideline. All facades of a building which are visible from adjoining properties, public streets and/or on-site roadways should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

- (b) Standard. All building facades which are visible from adjoining properties, public streets and/or on-site roadways shall comply with the requirements of Subsection C(1) of this article.

(6) Signs.

- (a) Guideline. Signs serve not only practical purposes, but also help define the character and attractiveness of the building facades and general site location. Signs can be either potentially detrimental to community aspirations and sense of place or provide aesthetically pleasing elements and enhance the overall shopping experience and attractiveness of the site. The purpose of these standards is to promote the latter; signs should be visually compatible with their surroundings and avoid inappropriate design.
- (b) Standard. At any time that there is a new sign or modification or a replacement of an existing sign, the following standards shall apply. These sign requirements shall supplement those standards in Article IX of this chapter. In all cases where there is a conflict, these standards shall take precedence over the standards in Article IX.

[1] Permitted signs.

- [a] Freestanding monument (ground) signs.
- [b] Pylon (pole) signs.
- [c] Logo flags.
- [d] Facade (wall) signs.
- [e] Directional signs.
- [f] Temporary signs.
- [g] Signs required by law (i.e., automotive sales license signs, price signs for gasoline sales, etc.).

[2] Prohibited signs. The following signs are not permitted:

- [a] Moving signs.
- [b] Flashing signs.
- [c] Animated signs.
- [d] Signs with exposed neon tubing.
- [e] Backlit canopies.

[3] Minimum performance criteria. The following performance standards apply:

- [a] Materials. Monument signs and facade signs shall be made of wood, simulated wood, stone, brick, or composite materials. Plastic, aluminum and other metal-type materials are only permitted on the sign frame and/or the light housing.
  - [b] Directional signs shall be constructed of materials compatible with facade signs.
  - [c] Temporary signs may be constructed of cloth, vinyl, or plastic.
- [4] Height. Monument signs shall be no greater than eight feet in height above finished grade.
  - [5] Size. Monument signs shall have a maximum area of 65 square feet per sign face for the primary sign and 24 square feet per sign face for any secondary signs. For facade signs, one square foot of sign area shall be permitted for each linear foot of building frontage. Such facade signs shall only be attached to the building facade, shall not protrude more than one foot from the building facade and shall be single-faced. Where uses are joined by a common wall, the sign area for facade signs shall not be combined into a common sign area. Under no circumstances shall any one facade sign exceed 50 square feet. Double-faced signs are permitted for all signs other than facade signs. For all other signs, the size standards specified in Article IX shall apply.
  - [6] Illumination. Sign lighting should minimize glare and maintain the aesthetic character of the area. Therefore, signs may not be internally lit, but raised lettering signs may be backlit. All other signs shall be externally lit.
  - [7] Logo. In the event that a picture logo is displayed on a sign, it shall be incorporated into the permitted sign area and comprise no more than 30% of the sign area. All colors associated with a logo, as defined in this chapter, may be permitted.
  - [8] Colors. A maximum of three colors shall be utilized for a sign. Color shall match or complement the predominant building color.
  - [9] Lettering. A maximum of two lettering styles shall be permitted on signs, except that all lettering associated with a logo, as defined in this chapter, may be permitted.
  - [10] Setbacks. Freestanding monument signs or pylon signs shall have a minimum setback of 10 feet from the right-of-way line and 10 feet from the side property line and shall be located in a manner that does not interfere with required minimum sight distance at driveways and intersections.
  - [11] Number of signs. A maximum of one facade sign per use is permitted, except that a use fronting on two streets or on-site roadways may have one sign for each building front. A maximum of one freestanding

monument or pylon sign is permitted per driveway up to a maximum of three monument signs, pylon signs, or combination, except if two or more signs are to be permitted, driveways must be separated by a minimum of 200 feet as measured from center line to center line.

D. Site design and relationship to the surrounding community.

(1) Entrances.

- (a) Guideline. Large retail buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and areas that often characterize building facades that face bordering land uses.
- (b) Standard. Where a building consisting of 20,000 square feet or more of gross floor area faces two or more public streets or on-site roadways, at least two sides of the building shall have at least one customer entrance, with one of the sides being the side of the building facing the primary street or on-site roadway, and the other being the side of the building facing the second street or on-site roadway.

(2) Parking lot orientation.

- (a) Guideline. Parking areas should provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.
- (b) Standard.
  - [1] No more than 50% of the off-street parking spaces for the lot, tract, or area of land devoted to the large commercial establishment shall be located between the front facade of the principal building(s) and the abutting public street(s).
  - [2] Islands with landscaping shall be utilized to delineate parking and provide aesthetic benefits as set forth in Article XIX of this chapter.

**§ 270-135. Outdoor storage, trash collection and loading areas.**

- A. Guideline. Loading areas and outdoor storage have visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, must be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas

include areas between buildings where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

B. Standards.

- (1) Areas of outdoor storage, trash collection or compaction, loading, or other such uses shall not be located between the building and any public street or within 20 feet of any public sidewalk, on-site roadway or internal pedestrian way. These provisions shall not apply to individual outdoor trash receptacles and recyclable materials receptacles intended for use by pedestrians or visitors.
- (2) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties, public streets, and on-site roadways. No attention shall be attracted to these elements by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. These provisions shall not apply to individual outdoor trash receptacles and recyclable materials receptacles intended for use by pedestrians or visitors.
- (3) Unroofed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences that screen such areas from public view. Materials, colors, and design of screening walls, fences or covers shall be compatible with those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

**§ 270-136. Pedestrian flows.**

A. Guideline. Pedestrian accessibility opens developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience.

B. Standards.

- (1) Sidewalks are to be constructed and located pursuant to Chapter 221, Sidewalks.
- (2) Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, outdoor benches and seating areas, and building entry points, and shall feature adjoining landscaped areas no less than five feet in width that include trees, grass, shrubs, benches, flower beds, ground covers, or other such materials

for no less than 50% of their length. These areas must comply with the minimum planting area requirements set forth in § 270-141E of this chapter.

- (3) Internal pedestrian walkways no less than eight feet in width shall be provided along any facade featuring a customer entrance, and any facade abutting public parking areas. Such walkways shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. These areas must comply with the minimum planting area requirements set forth in § 270-141E of this chapter.
- (4) Internal pedestrian walkways provided in conformance with Subsection B(2) or (3) above shall provide weather protection features such as awnings or arcades within 15 feet of all customer entrances.
- (5) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or other materials acceptable to the Planning and Zoning Commission to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

**§ 270-137. Central features and community spaces.**

A. Guideline. Buildings should offer attractive and inviting pedestrian-scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and dropoff/pickup points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, architectural lighting, bollards, planter walls, and other architectural elements and amenities that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas.

B. Standards.

- (1) Large commercial establishments shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning and Zoning Commission, adequately enhances such community and public spaces.
- (2) Bike racks and trash receptacles. Each large commercial development site plan shall include bike racks and trash receptacles. Trash receptacles shall be Victor Stanley Concourse series FC-12 or equal. These amenities are to be provided on the site plan and will be privately owned and maintained.
- (3) Any such areas or amenities constructed or included pursuant to Subsection B(1) or (2) above, shall have direct access to the public sidewalk network, and such

features shall be constructed of materials that are compatible with the principal materials of the building and landscape.

(4) Lighting.

- (a) Architectural/pedestrian-scaled lighting shall be required for all internal pedestrian walkways and areas of congregation.
- (b) Architectural/pedestrian-scaled lighting shall be Sternburg Vintage lighting, Old Town Series or equal.
- (c) In general, pole-mounted architectural lighting shall not exceed a pole height of 18 feet from the finished grade.
- (d) At the discretion of the Planning and Zoning Commission, architectural lighting may depart from the requirements of this section, but only if the applicant provides an alternative that meets the intent and guidelines of this article.

**§ 270-138. Gateways.**

- A. Guideline. The visual identity and character of the Town is a collection of images, most often seen from a moving vehicle. An opportunity exists to strengthen the image of the Town by using the major vehicular entry points as gateways to the Town. The appearance and prominence of Town gateways shall be improved through the use of appropriate signage, landscaping, setbacks, building design, public art, and amenities. The seven gateways are: Saratoga Road (Route 50), Freemans Bridge Road (Route 911F), Amsterdam Road (Route 5), Sacandaga Road (Route 147), Glenridge Road (Route 914V), the Exit 26 Bridge, and the Route 50/Village of Scotia Municipal boundary.
- B. Standard. Any commercial establishment adjacent to, or within 1,000 feet of, a Town gateway shall contribute to its enhancement by providing at least one of the following: additional landscaping beyond the requirements of Article XIX of this chapter; kiosk area; water feature; transportation center; clock tower; public art; or other such focal feature or amenity that, in the judgment of the Planning and Zoning Commission, adequately enhances the gateway.

**ARTICLE XIX  
Landscaping**

**§ 270-139. Purpose.**

The purposes of this article are to:

- A. Provide visual screening of parking areas and along property boundaries so as to preserve the existing visual qualities of adjacent properties, and to generally improve aesthetics.
- B. Reduce surface runoff and minimize soil erosion through the filtering and soil-retention capabilities of landscaped areas and green space.

- C. Moderate the microclimate associated with large development schemes by using vegetation that provides shading, heat absorption, carbon dioxide absorption, and oxygen production.
- D. Enhance the overall visual quality of new development by providing a variety of plant materials, in addition to green space, that is consistent with native vegetation.

**§ 270-140. Applicability.**

All projects requiring site plan review as identified in Article V of this chapter (including Planned Development Districts), all conditional use permits, and all use variances that involve new construction shall be subject to the requirements of this article. Single-family dwellings, individual buildings used for two-family dwelling purposes, and residential accessory structures are not subject to the provisions contained herein.

**§ 270-141. Site and landscape design standards.**

A. Preservation of existing conditions.

- (1) All landscaping will attempt to preserve and retain, insofar as possible, the natural contours, soil, trees and plant life existing on the site.
- (2) Where possible and reasonable, any trees greater than 10 inches in diameter at breast height of desirable species and in good health and sound structure shall be retained on the site and protected during development with a substantial fence not less than four feet high installed at the critical root zone.

B. Minimum landscape area.

- (1) All nonresidential uses will retain at least 35% of the property as green space.
- (2) All multifamily projects will retain at least 40% of the property as green space.
- (3) Any property being developed for nonresidential purposes or multifamily development will maintain a minimum of 25 feet of green space between the street right-of-way and the parking lot. Landscaping and/or curbing is required in order to prevent vehicle incursion. Furthermore, no vehicles will be parked in this twenty-five-foot green area.

C. Landscape areas in parking lots.

- (1) All parking lots shall be landscaped around the periphery of the lot to buffer the visual impact of the parking lot on adjacent properties and streets.
- (2) Parking lots with 20 or more spaces are to be subdivided by internal landscape islands. Landscape islands are to be equally distributed for maximum environmental and visual effect, with not less than one island for every 10 parking spaces. Each landscape island should contain at least one medium or large shade tree.



- (3) Landscape areas in parking lots may be used for stormwater management. Stormwater management areas which abut parking lots and do not have curbs must have concrete curb stops for each parking space to prevent vehicle intrusion into landscape areas. Landscape areas which are not to be used as part of stormwater management must have six-inch concrete or granite curbs.

D. Pedestrian amenities.

- (1) All landscape plans must include grass strips and sidewalks along streets and roadways as specified in Chapter 221, Sidewalks. These should be located within the street right-of-way whenever possible. The Planning and Zoning Commission or Zoning Board of Appeals may, at its discretion, allow applicants to reserve eight feet along the pavement edge for future sidewalk construction.
- (2) All landscape plans must include shade trees planted in a tree lawn located between 10 and 15 feet from the edge of pavement. Trees shall be planted no more than 30 feet apart.

E. Plant material and installation.

- (1) Only nursery-grown plant materials shall be acceptable. All trees, shrubs and ground cover shall be planted according to the accepted standards of the American Association of Nurserymen.
- (2) Minimum size. All deciduous trees shall have a minimum caliper of 2 1/2 inches DBH (diameter at breast height). The size of evergreen trees and shrubs shall be allowed to vary depending on location and type of plant material (species). Landscaping meant to screen will be effective immediately upon planting and will retain its usefulness as a screen year-round. Consequently, trees and shrubs meant to serve as a screen will be of such a height, width and density as to immediately act as an effective screen.
- (3) Minimum planting area.
  - (a) No landscape island will be less than 81 square feet in area, and landscape islands shall have no dimensions less than nine feet. Landscape islands may be smaller if structural soil is used to create soil volume adequate for the chosen plant material.
  - (b) All landscape areas in parking lots shall be excavated to a depth of three feet and backfilled with amended soil. Backfill should be free of aggregate base, construction debris, or other materials detrimental to optimal plant growth.
- (4) Plant material shall be selected with respect to scale, purpose/function, and allotted amount of space. In addition, although plant materials may be listed under one category, they may also meet the requirements of another, depending on usage. A list of recommended plant material is on file with the Town of Glenville Planning Department.
  - (a) Landscape plans specifying more than 10 trees must provide a mix of tree species or cultivars.

- (5) All areas not covered by main or accessory structures, walks, and vehicular use areas must be covered by one or more of the following materials: turf grass, organic mulch, ground cover, shrubs, vines, hedges, or landscape pebbles or rock.

**§ 270-142. Maintenance.**

- A. All owners of land or their agents shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, and stormwater treatment areas. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low-hanging branches and those obstructing street lighting.
- B. The owner shall replace dead, dying and/or seriously damaged plant materials within a reasonable period during the current (or immediate next) planting season. Any other damaged or missing elements, including but not limited to fences, bollards, signs, shrubs, street furniture, etc., of the approved plan must be similarly replaced by the owner. This will ensure that landscaping remains in compliance with the final site plan as approved by the Planning and Zoning Commission.

**§ 270-143. Landscape plan required.**

All projects subject to the requirements of this article shall submit a landscape plan as part of the application for site plan review, conditional use permit, or use variance. Landscape plans must be prepared by a licensed landscape architect, architect, or engineer and must contain the following information:

- A. A legible planting plan illustrated on reproducible material drawn to a scale of no smaller than 50 feet to one inch. The planting plan may be included on the site plan. The planting plan will show all existing significant vegetation. Trees over 10 inches DBH must be shown individually with accurate dimensions for driplines and caliper as well as species. Masses of trees less than 10 inches DBH, and other vegetation, may be illustrated by dripline only. The planting plan must clearly indicate which existing vegetation is slated for removal.
- B. A planting schedule listing the botanical name, common name, cultivar (if appropriate), quantity, and initial size of all planting material specified on the planting plan.
- C. Construction details illustrating planting techniques and tree protection (if appropriate).
- D. Calculations showing that minimum landscape area requirements have been met.
- E. Name and signature of the professional engineer, landscape architect, and/or architect who prepared the plan.
- F. Graphic scale and North arrow.

**§ 270-144. Conflicts.**

In the event that conflicting provisions are discovered within this chapter relative to any other Town ordinances or local laws, the regulations or provisions which are more restrictive shall apply.

**ARTICLE XX**  
**Administration**

**§ 270-145. Zoning administration governed by Town Law and others.**

In general, the rules and regulations which guide the Town's planning and zoning processes are determined by New York State Town Law, and in some instances, General Municipal Law, Environmental Conservation Law, Real Property Law, Education Law, and others. This article does not attempt to reproduce the pertinent statutes, or even reference the statutes to any great degree. Rather, an attempt is made to highlight those provisions that govern day-to-day zoning administration, and to relate these provisions to the Town's review procedures.

**§ 270-146. Town review boards and staff.**

There are a number of boards and commissions as well as Town departments involved in the administration of this chapter. What follows is a brief description of each of these boards/commissions and departments, and their roles:

A. Boards/Commissions.

- (1) Town Board. The Town Board is the Town's legislative body. As such, it is the only Town entity with authority to create, amend, and repeal this chapter or portions thereof. The Town Board makes a final determination on all proposed Zoning Map and text amendments, whether the proposed amendments are introduced by landowners, developers, Town staff, other Town commissions, or initiated by the Town Board itself. The Town Board also delegates various powers to the Zoning Board of Appeals, Planning and Zoning Commission, Building Department, and Planning Department. The Town Board consists of the Town Supervisor and four councilmen, all of whom are elected. The Supervisor's and Councilmen's terms are four years.
- (2) Glenville Environmental Conservation Commission (GECC). The GECC is an advisory body that was chartered via the adoption of Town of Glenville L.L. No. 4-1984 (Environmental Quality Review).<sup>41</sup> The GECC's role is to evaluate all planning and zoning applications (except area variances) in which the Town is lead agency, in order to determine if the application may result in a significant adverse environmental impact. In doing so, the GECC is to be guided by the State Environmental Quality Review Act (SEQRA) and Chapter 132, Environmental Quality Review. Depending on the type of application, the GECC's

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41. Editor's Note: See Ch. 132, Environmental Quality Review.

recommendation will be directed to the Planning and Zoning Commission, Zoning Board of Appeals, or Town Board. The GECC consists of seven members, all of whom are appointed to one-year terms by the Town Board.

- (3) Planning and Zoning Commission (PZC). The Planning and Zoning Commission has broad responsibilities, and in many respects is the most influential board/commission regarding land development. The PZC has oversight over the preparation, upkeep, and administration of the Town of Glenville Comprehensive Plan. It also is authorized to approve, approve with modifications, or disapprove all site plan review and subdivision applications. The PZC is also charged with making recommendations to the Town Board and to the Zoning Board of Appeals on Zoning Map and text amendment applications, and conditional use permit and use variance applications. The PZC consists of seven members, each serving a seven-year term. Every year one member's term expires. The Town Board is responsible for appointments to the PZC.
- (4) Zoning Board of Appeals (ZBA).
  - (a) The ZBA is a quasi-judicial body in that it entertains various appeals on zoning matters. Four of the appellate responsibilities of the ZBA include area variance applications, use variance applications, sign variance applications, and interpretations. All four of these applications are triggered by the denial of a building permit or certificate of occupancy on the part of the Town Building Inspector, Deputy Building Inspector, or Code Enforcement Officer.
  - (b) The ZBA also has responsibility over conditional use permit applications, which is not appellate jurisdiction, but rather original jurisdiction. The conditional use permit review process is detailed in Article XVII of this chapter.
  - (c) There are five members on the ZBA, all of whom are appointed by the Town Board. They serve five-year terms, with one member's term expiring at the end of every year.

B. Town departments.

- (1) Building Department. The Building Inspector, Deputy Building Inspector, and Code Enforcement Officer of the Building Department are the Town's designated zoning enforcement officers regarding the administration of this chapter. They are charged with administering all provisions of this chapter, including inspections, investigations of complaints, and all enforcement actions. The Building Department also issues all building permits and certificates of occupancy. Denials of such may be taken up on appeal to the Zoning Board of Appeals. Building Department staff is responsible for the initial review of area variance applications to ensure that these applications are complete and suitable for review by the ZBA. The Building Department provides technical assistance to the ZBA, PZC, and Town Board.
- (2) Planning Department. The Planning Department is responsible for the initial in-house review of all planning and zoning applications (except area variances) to

ensure that these applications are complete and suitable for review by the various Town commissions and boards. The Planning Department serves as principal staff to the GECC and the PZC, and the department also provides guidance to the Town Board on Zoning Map and text amendments. The Planning Department is principally responsible for preparing and amending various land use documents such as this chapter, the Comprehensive Plan, and Subdivision Regulations.<sup>42</sup> Staff of the Planning Department is also responsible for determining the minimum and maximum number of parking spaces required for any land use not specified in Schedule A of this chapter.<sup>43</sup> Before any development project requiring site plan approval, a conditional use permit, or a use variance for new construction receives a certificate of occupancy, a member of the Planning Department shall inspect the construction site for compliance with the approved site and landscaping conditions, including external building features as required by Article XVIII.

- (3) **Public Works Department.** The Public Works Department consists of staff of the Highway, Engineering, and Water and Sewer Departments. Public Works Department staff is responsible for the oversight of septic system installation, the public water distribution system, public sewer system, stormwater management facilities and systems, and road design. It is also responsible for Town road maintenance and for oversight of new road construction. Public Works Department staff provides input to the PZC and Town Board on any planning/zoning applications involving new Town roads, water or sewer infrastructure, and drainage systems.

#### **§ 270-147. Types of planning and zoning applications.**

There are a number of different kinds of planning and zoning applications, some of which are detailed in other articles of this chapter. These applications are as follows:

##### **A. Area variance.**

- (1) An area variance is a mechanism that allows a landowner to build on his or her property in a way that is otherwise prohibited by this chapter. Typically, an area variance is sought by an individual or corporation wishing to waive one or more dimensional standards such as minimum front, rear, and side yard setbacks, maximum site coverage, minimum lot width, minimum or maximum parking spaces, etc.
- (2) Due to the peculiarities of a particular parcel (i.e., rock outcrops, odd-shaped parcel, excessively steep slopes, etc.), there may be instances when it simply is not possible or practical to build on a parcel without violating certain dimensional zoning regulations. Following denial of a building permit by the Building Department, an individual or corporation may appeal to the ZBA and seek administrative relief via an area variance.

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42. Editor's Note: See Ch. 242, Subdivision of Land.

43. Editor's Note: Schedule A is included at the end of this chapter.

- (3) The ZBA is required to hold a public hearing prior to acting on an area variance application.
- (4) In evaluating an area variance application, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such a determination, the ZBA shall apply the following criteria or tests:
  - (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - (c) Whether the requested area variance is substantial;
  - (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.
- (5) The ZBA, in the granting of area variances, shall grant the minimum variance that it deems necessary and adequate while at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.
- (6) The ZBA may also impose reasonable conditions and restrictions on the area variance as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact that the area variance may have on the neighborhood or community.

B. Use variance.

- (1) A use variance is a mechanism that allows for the establishment of a land use that is not permitted within a particular zoning district. For example, if an individual would like to open a restaurant in a residential zoning district that prohibits restaurants, the use variance would provide a means of relief, if warranted.
- (2) While the establishment of a prohibited land use within a particular zoning district could have a significant adverse impact on the neighborhood, there may be instances where a property owner is subjected to unnecessary hardship as a result of zoning restrictions placed on his/her property. Following denial of a building permit by the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer, an individual or corporation may appeal to the ZBA and seek administrative relief via a use variance.

- (3) The ZBA is required to hold a public hearing prior to acting on a use variance application.
- (4) In order to prove unnecessary hardship, the applicant shall demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:
  - (a) The applicant cannot realize a reasonable return, provided that lack of return is demonstrated by competent financial evidence;
  - (b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - (c) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - (d) That the alleged hardship has not been self-created.
- (5) The ZBA, in granting use variances, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (6) The ZBA may also impose reasonable conditions and restrictions on the use variance as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact that the use variance may have on the neighborhood or community.
- (7) The ZBA may also be guided by the recommendations of the Planning and Zoning Commission when considering site design elements and conditions/restrictions. The PZC will review elements of the use variance proposal that are typically evaluated as part of site plan review, as listed in Article XVI, § 270-107, of this chapter. The PZC will conduct its review and forward its comments and recommendations to the ZBA. In its report to the ZBA, the PZC will recommend approval, approval with conditions, or disapproval of the use variance. If the PZC recommends approval with conditions, or disapproval, the PZC is to detail its findings in written form to the ZBA.

C. Sign variance.

- (1) A sign variance is a mechanism that allows an individual or corporation to erect a sign on its property in a way that is otherwise prohibited by the sign regulations of this chapter (Article IX). Typically, a sign variance is sought by an individual or corporation wishing to waive one or more dimensional standards or general requirements such as size and height limitations, placement in reference to the building and/or street, type of sign allowed in a particular zoning district, etc.
- (2) Due to the encompassing nature of the sign regulations, there may be instances when the requirements of the sign regulations would unfairly restrict the economic practices of a particular business or advertiser, thus resulting in a hardship or

practical difficulty. Following denial of a building/sign permit by the Building Department, an individual or corporation may appeal to the ZBA and seek administrative relief via a sign variance.

- (3) The ZBA is required to hold a public hearing prior to acting on a sign variance application.
- (4) In evaluating a sign variance application, the ZBA shall take into consideration the benefit to the applicant if the sign variance is granted, as weighed against any resulting detriment to the health, safety, and welfare of the neighborhood or community by such grant. In doing so, the ZBA shall consider the following:
  - (a) The particular hardship or difficulty to the petitioner if the variance request is denied.
  - (b) The magnitude of the variance being sought.
  - (c) The visual impacts to the immediate neighborhood if the variance is granted.
  - (d) If the hardship or difficulty has been self-created.
- (5) The ZBA, in granting sign variances, shall grant the minimum variance that it deems necessary and adequate to address the hardship or difficulty proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (6) The ZBA may also impose reasonable conditions and restrictions on the sign variance. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact that the sign variance may have on the neighborhood or community.

D. Interpretation.

- (1) Another type of appellate application, an interpretation allows a landowner or applicant to contest any decision or interpretation of the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer regarding the regulations and requirements of this chapter. Following the denial of a building permit application or certificate of occupancy in which an individual or corporation disputes the Building Inspector's, Deputy Building Inspector's, or Code Enforcement Officer's reading or interpretation of any provisions of this chapter, the individual or corporation can appeal said decision or interpretation in writing to the ZBA.
- (2) The ZBA is required to hold a public hearing prior to acting on any appeal involving an interpretation.

E. Conditional use permit. Conditional use permit applications also fall under the jurisdiction of the Zoning Board of Appeals. The conditional use permit review process is not appellate in nature, but rather original. It involves the review of specific types of land uses than can prove problematic in certain circumstances and/or in particular locations. See Article XVII of this chapter for details on this type of application.



- F. Site plan review. Site plan review applications fall under the purview of the Planning and Zoning Commission. See Article XVI of this chapter for details on this type of application.
- G. Subdivision (minor and major). The review of subdivision applications is the responsibility of the Planning and Zoning Commission. These applications involve the division of land into two or more building lots. Subdivisions of two, three, or four lots are considered minor, while major subdivisions involve the division of land into five or more lots. The regulations concerning the subdivision of land are considerable, and are found in Chapter 242, Subdivision of Land.
- H. Zoning Map and zoning text amendments. Often referred to as "zoning changes," Zoning Map and text amendments necessitate local legislative approval, and consequently can only be acted upon by the Town Board. These could be very minor in nature such as the rewording of a sentence in this chapter, or significant such as the rezoning of a large tract of land for a particular development. Zoning map and text amendments can be brought before the Town Board by individuals or corporations, or they can be initiated by Town staff, Town commissions, or the Town Board itself. The requirements and procedures associated with zoning text and map amendments are detailed in § 270-152 of this article.

**§ 270-148. Building permits.**

- A. Building Inspector, Deputy Building Inspector, and Code Enforcement Officer responsibilities. It shall be the duty of the Building Inspector, Deputy Building Inspector, and Code Enforcement Officer to keep written records of all applications for building permits together with any conditions or requirements for issuance. He/She shall file and safely keep copies of all plans and documents submitted, which shall be available to the Town Board, other commissions, Town staff, and the general public. The Building Inspector, Deputy Building Inspector, or Code Enforcement Officer shall issue no building permit or certificate of occupancy except when provisions of this chapter, together with applicable conditions, requirements, rules, or laws, shall be complied with. The Building Inspector, Deputy Building Inspector, and Code Enforcement Officer shall have no authority to vary the regulations of this chapter.
- B. Requirements for building permit.
  - (1) No building or structure shall be begun, extended, structurally altered, or moved, nor shall any excavation be commenced, nor shall the use of an existing facility or land be changed until a building permit or grading/site preparation permit has been issued by the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer.
  - (2) The Building Inspector, Deputy Building Inspector, or Code Enforcement Officer shall in no case, except under written order of the ZBA, grant any building permit where the proposed use or change would be in violation of any provisions of this chapter.
- C. Application for building permit. Applications for building permits shall be made on the standard form provided by the Building Department and shall include all materials,

drawings, plans, and/or information that may be required by this chapter, the New York State Uniform Fire Prevention and Building Code, and other Town, county, and state requirements.

- D. Approval by other Town departments and other agencies. No building permit shall be issued in accordance with this article unless proof of compliance of pertinent sanitary and health regulations, fire regulations, and any other local, state, or federal regulations has been obtained in writing from the issuing agency. Other such regulations and permits may include the following, in addition to others not referred to here:
- (1) Town septic system permit.
  - (2) Schenectady County Health Department permit for certain types of septic systems.
  - (3) Environmental Conservation Law Article 15 (stream disturbance) or Article 24 (wetlands disturbance) permits from the NYS Department of Environmental Conservation.
  - (4) Wetlands disturbance permit from the U.S. Army Corps of Engineers.
  - (5) Curb cut permit from the NYS Department of Transportation or the Schenectady County Department of Engineering and Public Works.
  - (6) SPDES permit from the NYS Department of Environmental Conservation.
  - (7) Various other local, state, and federal permits required of the building permit recipient.
- E. Approval by the Town Board, Planning and Zoning Commission, or Zoning Board of Appeals. Depending on the type of construction being proposed and the zoning district in which it is located, any number of planning and zoning-type approvals may be required prior to the issuance of a building permit. These approvals could include a Zoning Map or text amendment, site plan review, conditional use permit, subdivision, use variance, area variance, sign variance, etc. No building permit shall be issued until said approval(s) has been granted and all provisions within this chapter have been complied with.
- F. Revocation of building permit. Any building permit may be revoked if the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer determines any of the following:
- (1) That no construction or change has occurred within six months of issuance.
  - (2) That the work performed under the permit is not being executed in accordance with the provisions of the application, plans, or specifications.
  - (3) That there have been any false statements or misrepresentation on the material facts of the building permit application, plans, or specifications on which the permit was based.
  - (4) That the person to whom the building permit has been issued fails or refuses to comply with a stop order issued by the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer.

- (5) That the person to whom the building permit was issued is in violation of any Town, county, state, or federal statute, law, or ordinance relating to said construction.
  - (6) That the work being performed is not in accordance with any conditions of approval issued by the Planning and Zoning Commission, Zoning Board of Appeals, or Town Board.
- G. Appeals. Any person or corporation allegedly aggrieved as a result of an action by the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer may appeal to the Zoning Board of Appeals, as provided by § 270-147D of this article, except that denials of site plan applications by the Planning and Zoning Commission shall not be subject to appeal.

**§ 270-149. Certificates of occupancy.**

- A. Purpose. The purpose of the certificate of occupancy is to give the Building Inspector, Deputy Building Inspector, and Code Enforcement Officer the mechanism by which they can verify that the provisions of this chapter have been met, that the plans, drawings, and specifications submitted with the building permit have been complied with, and that the requirements of the New York State Uniform Fire Prevention and Building Code have been met.
- B. Requirements for issuance. No person shall use or permit the use of any building, structure, or premises, or any part of them hereafter erected, relocated, altered, repaired, converted, or extended, until a certificate of occupancy has been issued by the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer.
- C. Temporary certificate of occupancy. A temporary certificate of occupancy may be issued for a portion of a building, provided the portion of the building to be occupied meets all the requirements of this chapter and the New York State Uniform Fire Prevention and Building Code. Temporary certificates of occupancy expire 60 days following issuance. The temporary certificate of occupancy may be extended, provided work continues to progress on the remaining portion of the building not occupied. Such temporary certificate may be renewed at the discretion of the Building Inspector, for similar periods, but shall not extend, together with such renewals, beyond nine months from the date of the original issuance.<sup>44</sup>
- D. Inspection. Prior to the issuance of a certificate of occupancy or temporary certificate of occupancy, the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer shall inspect the building or premises to be occupied to ensure compliance with this chapter and with the New York State Uniform Fire Prevention and Building Code. In addition, before any development project requiring site plan approval, a conditional use permit, or a use variance for new construction receives a certificate of occupancy, a member of the Planning Department shall perform a site inspection for compliance with the approved site and landscaping conditions, including external building features which were included as part of the development plan.

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

- E. Revocation of certificate of occupancy. A certificate of occupancy shall continue in effect as long as the applicable facility and its use are in compliance with the provisions of this chapter. If a violation of this chapter is discovered in relation to the facility, the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer shall revoke the certificate of occupancy, at which time the tenant will be directed to shut down operations and/or vacate the premises until such violation is remedied.
- F. Appeals. Any person allegedly aggrieved as a result of an action or inaction on the part of the Building Inspector, Deputy Building Inspector, or Code Enforcement Officer regarding a certificate of occupancy may appeal to the Zoning Board of Appeals, as provided in § 270-147D of this article.

**§ 270-150. Public hearing publication and notice requirements.**

- A. Applications to the Planning and Zoning Commission. Site plan review and subdivision applications (minor and major) require a public hearing on the part of the Planning and Zoning Commission. Public hearings must be advertised in the Town's official newspaper at least five calendar days prior to the hearing date. Further, as a courtesy, the Town will attempt to notify in writing all property owners whose properties are located within 500 feet of the property under consideration of the pending public hearing.
- B. Applications to the Zoning Board of Appeals. Area variance, use variance, sign variance, conditional use permit, and interpretation applications require a public hearing on the part of the Zoning Board of Appeals. Public hearings must be advertised in the Town's official newspaper at least five calendar days prior to the hearing date. Further, as a courtesy, the Town will attempt to notify in writing all property owners whose properties are located within 500 feet of the property under consideration of the pending public hearing.
- C. Applications to the Town Board.
  - (1) Zoning Map and zoning text amendments require a public hearing on the part of the Town Board. Public hearings involving Zoning Map and text amendments must be advertised in the Town's official newspaper at least 10 calendar days prior to the hearing date.
  - (2) Further, a written notice of the public hearing is to be forwarded to the appropriate official if a Zoning Map amendment application involves property located within 500 feet of the following:
    - (a) The property of a housing authority erecting or owning a housing project authorized under the Public Housing Law. The officials to be notified are the Executive Director of the Housing Authority and the Chief Executive Officer of the municipality providing financial assistance thereto.
    - (b) The boundary of a city, village, or town. The official to be notified is the City, Village, or Town Clerk.
    - (c) The boundary of a county. The official to be notified is the Clerk of the board of legislature or other person performing like duties.

- (d) The boundary of a state park or parkway. The official to be notified is the commission having jurisdiction over such state park or parkway.
- (3) Additionally, as a courtesy, the Town will attempt to notify in writing all property owners whose properties are located within 500 feet of the property under consideration for rezoning of the pending public hearing.

**§ 270-151. Rehearing of Zoning Board of Appeals' applications.**

A motion for the ZBA to hold a rehearing to review any decision, order, or determination of the ZBA not previously reheard may be made by any member of the ZBA. An unanimous vote of all members of the ZBA then present, provided a quorum is present, is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing, the ZBA may reverse, modify, or annul its original decision, order, or determination upon the unanimous vote of all the members then present, provided a quorum is present, provided the ZBA finds the rights vested in persons acting in good faith in reliance upon the reheard decision, order, or determination will not be prejudiced thereby.

**§ 270-152. Zoning Map and zoning text amendments.**

- A. Town Board power to amend. The Town Board may, on its own initiative, or upon receipt of an application by a landowner, or on recommendation from the Planning and Zoning Commission, other Town commissions/boards, or Town departments, amend, supplement, or repeal the regulations of this chapter.
- B. Town Board not mandated to consider proposed zoning amendment applications. Applications to the Town Board to amend the Zoning Map or zoning text, regardless of the petitioner, need not be considered by the Town Board. Any applications not considered by the Town Board, including the application fee, shall be returned to the applicant within 90 days of receipt of said application.
- C. Referral to the Planning and Zoning Commission. Every Zoning Map or text amendment proposal to be considered by the Town Board, regardless of who initiated the proposal, shall be referred to the Planning and Zoning Commission for report thereon, prior to the Town Board holding a public hearing. In its recommendation to the Town Board, the Planning and Zoning Commission shall state its reasons either supporting or recommending denial of the Zoning Map or text amendment. In making its recommendations, the Planning and Zoning Commission shall take into consideration the policies, goals, and recommendations outlined in the Comprehensive Plan, and it shall consider the purposes set forth in this chapter in Article I.
- D. Approval of the Town Board. A majority vote of the Town Board is required to approve any Zoning Map or zoning text amendment, except as noted in Subsection D(1), (2), and (3) below, when a three-quarters-vote of the Town Board's membership is required, or in the case of Subsection D(4) below, when a majority-plus-one vote of the Town Board's membership is required (either way, four like votes are required in the following four instances):

- (1) Protest petition signed by the owners of 20% of more of the area of land included in such proposed Zoning Map amendment.
  - (2) Protest petition signed by the owners of 20% or more of the area of land immediately adjacent to that land included in such proposed Zoning Map amendment, extending 100 feet therefrom.
  - (3) Protest petition signed by the owners of 20% or more of the area of land directly opposite thereto, extending 100 feet from the street frontage of such opposite land.
  - (4) In those instances where approval of the Zoning Map amendment is contrary to the recommendation of the Schenectady County Planning Department, pursuant to §§ 239-l and 239-m of the General Municipal Law.
- E. Public hearing. Prior to a Town Board decision being rendered on a proposed Zoning Map or zoning text amendment, the Town Board is required to conduct a public hearing as detailed in § 270-150C of this article.
- F. Factors to be considered. In making a decision on a proposed Zoning Map or zoning text amendment, the Town Board shall consider the recommendations of the Planning and Zoning Commission, as well as those concerns and comments raised at the public hearing. Further, the following factors are to be considered by the Town Board:
- (1) Whether the proposed zoning amendment will be compatible with the Town of Glenville Comprehensive Plan.
  - (2) Whether the proposed amendment will be compatible with neighboring land uses.
  - (3) Whether the zoning amendment will preserve nearby land values.
  - (4) Whether the character of the neighborhood will be preserved following the amendment.
  - (5) Whether the proposed zoning amendment is compatible with the various other purposes of this chapter as identified in Article I of this chapter.
- G. Amendments to the Zoning Map and/or text. Any amendments to the Zoning Map and/or text shall be entered into the minutes of the Town Board. Such minutes shall describe and refer to any map adopted in connection with such amendment or supplement, and a copy, summary, or abstract thereof (exclusive of any map incorporated therein) shall be published in the Town's official newspaper. Affidavits verifying publication in the official newspaper shall be filed with the Town Clerk.

**§ 270-153. Referral to Schenectady County Planning Department.**

- A. Types of applications requiring referral and locational triggers. In accordance with §§ 239-l, 239-m, and 239-n of the General Municipal Law of New York State, any application for site plan review, subdivision, conditional use permit, use variance, area variance, sign variance, or the adoption or amendment of any zoning ordinance or map must be referred to the Schenectady County Planning Department, if it involves real property located within 500 feet of the following:

- (1) The boundary of any city, village, or town; or
  - (2) The boundary of any existing or proposed county or state park or other recreation area; or
  - (3) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road, or highway; or
  - (4) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
  - (5) The existing or proposed boundary of any county- or state-owned land on which a public building or institution is situated; or
  - (6) The boundary of a farm operation located in an agricultural district, as defined by Article 25AA of the Agriculture and Markets Law, except this provision does not apply to area variance applications.
- B. Time allotted for county review. The Schenectady County Planning Department is obligated to respond in writing to the zoning referral within 30 days receipt of said referral. If the county fails to respond within the thirty-day time frame, the appropriate Town review board/commission is free to render a decision on the application.
- C. Voting requirements upon receipt of county report. Should the Schenectady County Planning Department recommend modifications to or denial of the planning/zoning application, the appropriate Town commission or board may only approve such application by a majority-plus-one vote of the entire board/commission membership.

## ARTICLE XXI

### Violations and Enforcement

#### § 270-154. Zoning enforcement officers.

For the purposes of enforcement of this chapter, the Town Board has authorized the Town Building Inspector, Deputy Building Inspector, and Code Enforcement Officer to serve as zoning enforcement officers. The Building Inspector, Deputy Building Inspector, and Code Enforcement Officer are charged with administering all provisions outlined in this chapter, including inspections, investigations of complaints, and all enforcement actions.

#### § 270-155. Additional remedies.

In addition to any other remedies, the Town may institute any appropriate action or proceeding to prevent or remedy any unlawful construction, alteration, conversion, maintenance, use or division of land, occupation of building or property, or to prevent any illegal act, conduct, business or use in or about such premises in order to abate or correct said violation.

**§ 270-156. Violations.**

It shall be unlawful for any person, firm, or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy, or maintain any use of land, building, 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 zoning enforcement officer, or to construct, alter, or use and occupy a building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

**§ 270-157. Penalties for offenses.**

- A. Except as provided in § 270-42, a violation of any provision of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$350, or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. For conviction of a second offense which occurred within five years of the first offense, said conviction is punishable by a fine of not less than \$350 and not exceeding \$700, or imprisonment for a period not to exceed six months, or both. Upon conviction of a third or subsequent offense, all three of which were committed within a period of five years, said conviction is punishable by a fine of not less than \$700 and not exceeding \$1,000, or imprisonment for a period not to exceed six months, or both.
- B. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only the provisions of law relating to misdemeanors shall apply to such violations.
- C. Each week's continued violation shall constitute a separate additional violation.
- D. In the event that the property owner cannot be contacted, the enforcement officer shall so report to the Town Board, which by resolution may authorize that work be done and pay the cost thereof out of general Town funds to remedy the violation. Furthermore, the Town shall be reimbursed for the cost of the work performed or services rendered, by direction of the Town Board as herein provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered. The expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

**§ 270-158. Complaints of violations.**

The zoning enforcement officer may, on his own initiative, begin enforcement measures on any violation that he discovers in accordance with the provisions outlined in this chapter. Additionally, whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the zoning enforcement officer, who shall properly record such complaint and immediately investigate and report in writing to the Town Board if a violation is discovered. If a violation has occurred, the zoning enforcement officer is to commence enforcement proceedings outlined herein.



**§ 270-159. Enforcement procedures.**

- A. Upon discovery of a violation of any provision of this chapter by the zoning enforcement officer, either on his/her own initiative or in response to a written complaint, the zoning enforcement officer is to issue a written "Notice of Violation" form to the landowner via certified return-receipt mail.
- B. If the landowner fails to remedy the violation within 14 days of receipt of the certified return-receipt letter, or if the landowner fails to sign and accept such letter, the zoning enforcement officer is to immediately seek a court summons from the Town Justice Department.

**§ 270-160. Content of notice of violation form.**

The notice of violation form shall be written on Town Building Department letterhead, shall be specific as to the nature of the violation(s), and shall include the following:

- A. Property owner's name.
- B. Tenant or business name (if appropriate).
- C. Address of property in which the violation has occurred.
- D. If a street address has not been assigned to the property, the Tax Map number of the property on which the violation has occurred.
- E. The date upon which the zoning enforcement officer witnessed the violation.
- F. The name of the zoning enforcement officer.
- G. Reference to the section or sections of this chapter that are being violated.
- H. Written indication that the landowner must remedy the violation(s) within 14 days of receipt of the notice of violation.
- I. Indication that a court summons will be issued if the landowner fails to remedy the violation within 14 days.
- J. Reference to the penalties for conviction of a violation, as outlined in this article.

# ZONING

## 270 Attachment 1

### Town of Glenville Table of Dimensional Regulations [Amended 2-21-2007 by L.L. No. 1-2007]

Use	Minimum Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Maximum Building Height (feet)	Maximum Lot Coverage
RA Rural Residential and Agricultural District								
Single-family & two-family (w/o water)	3 acres	300	300	75	50	50	35	10%
Single-family & two-family (w/water)	2 acres	200	200	75	50	50	35	15%
Bed-and-breakfast establishments	Same as single-family and two-family							
Agricultural activities/farms	5 acres	200	200	50	50	50	35	10%
Home occupations and cemeteries	Not applicable							
All other permitted uses	2 acres	200	200	75	50	50	35	15%
Suburban Residential								
Single-family (w/o sewer)	20,000 s/f <sup>1</sup>	120	150	30	15	35	35	25%
Single-family (w/sewer)	15,000 s/f <sup>1</sup>	100	150	30	15	35	35	35%
Two-family (w/o sewer)	30,000 s/f <sup>1</sup>	140	180	35	20	40	35	25%
Two-family (w/sewer)	20,000 s/f <sup>1</sup>	120	150	30	20	40	35	35%
Bed-and-breakfast establishments	30,000 s/f <sup>1</sup>	140	180	35	20	40	35	25%
Day-care centers	40,000 s/f <sup>1</sup>	140	200	40	20	40	35	25%
Not-for-profit recreation facility	40,000 s/f	140	180	35	30	40	35	30%
Home occupations and cemeteries	Not applicable							
Multi-Family Residential								
Single-family (w/o sewer)	20,000	120	150	30	20	40	35	25%

# GLENVILLE CODE

Use	Minimum Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Maximum Building Height (feet)	Maximum Lot Coverage
	s/f <sup>1</sup>							
Single-family (w/sewer)	15,000 <sup>1</sup> s/f	100	150	30	15	35	35	35%
Two-family (w/o sewer)	30,000 <sup>1</sup> s/f	140	180	30	30	50	35	25%
Two-family (w/sewer)	20,000 <sup>1</sup> s/f	120	150	30	20	40	35	35%
Bed-and-breakfast establishments	30,000 <sup>1</sup> s/f	140	180	30	20	40	35	25%
Multifamily dwellings	3 acres <sup>1</sup>	200	180	30	40	40	35	35%
Professional Residential								
All uses except home occupations and cemeteries <sup>2</sup>	30,000 s/f	140	180	40	20	40	35	25%
Home occupations and cemeteries	Not applicable							
Community Business								
All uses	30,000 s/f	140	180	40	20	40	35	30%
General Business								
All uses except shopping centers	40,000 s/f	140	180	35	30	40	35	30%
Shopping centers	5 acres	300	300	35	35	60	35	25%
Research/Development/Technology								
All uses	40,000 s/f	160	200	50	50	50	50	30%
Riverfront Recreation/Commercial								
RV parks and campgrounds	20 acres	200	200	75	75	75	35	10%
All other permitted uses	2 acres	200	200	40	20	40	35	20%
Airport								
All uses	15,000 s/f	150	100	20	15	20	35	30%

Notes:

<sup>1</sup> Lot sizes must be 50% larger for corner lots.

<sup>2</sup> The maximum gross floor area per acre shall be 18,000 square feet. The maximum gross floor area per building shall be 6,000 square feet.

# ZONING

## 270 Attachment 2

### Schedule A Off-Street Parking Standards

Land Use	Minimum Number of Spaces	Maximum Number of Spaces
Adult entertainment	1 per 250 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Airport	1 for per 5 aircraft tie-downs	1 per 4 aircraft tie-downs
Amusement center/arcade	1 per 250 sq. ft. of gfa	1 per 150 sq. ft. of gfa
Antique store	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Art gallery	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Assisted-living facility	0.8 per bed	1.25 per bed
Asylum/sanitarium	1 per 3 beds	1 per 2 beds
Athletic field	15 per athletic field or diamond	20 per athletic field or diamond
Auction house	1 per 4 patron seats	1 per 2 patron seats
Auditorium	1 per 5 seats	1 per 3 seats
Auto body shop <sup>1</sup>	1.5 per service bay	2.5 per service bay
Auto parts store	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Auto rental facility	1 per maximum number of rental cars	1.5 per maximum number of rental cars
Automobile repair shop <sup>1</sup>	1.5 per service bay	3 per service bay
Bait shop	1 per 200 sq. ft. of gfa	1 per 100 sq. ft. of gfa
Bakery	1 per 250 sq. ft. of gfa	1 per 150 sq. ft. of gfa
Bank	1 per 250 sq. ft. of gfa	1 per 150 sq. ft. of gfa
Bar/Tavern	1 per 150 sq. ft. of gfa	1 per 80 sq. ft. of gfa
Barber shop	2 per chair	3 per chair
Beauty parlor	2 per chair	3 per chair
Bed-and-breakfast	1 per sleeping room	1.5 per sleeping room
Bicycle repair	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Billiard hall	1 per table	1.5 per table
Bingo parlor	1 per 3 seats	1 per 2 seats
Boardinghouse	1 per unit	1.75 per unit
Bookstore	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Bowling alley	2.5 per lane	4 per lane
Camera/Photo supply store	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Car wash - full service <sup>2</sup>	6 stacking spaces per washing bay	15 stacking spaces per washing bay
Car wash - self service <sup>2</sup>	1 stacking space per washing bay	3 stacking spaces per washing bay
Cemetery	1 per full-time employee	2 per full-time employee
Charitable organizations	1 per 500 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Church	1 per 5 seats	1 per 3 seats
Club/Lodge	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Community center	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Contractor's yard	1.5 per full-time employee	2.5 per full-time employee
Convenience store	1 per 250 sq. ft. of gfa	1 per 150 sq. ft. of gfa
Convent	1 per 2.5 beds	1 per 1.5 beds
Correctional facility	1 per employee of largest shift	1.5 per employee of largest shift
Dance hall	1 per 125 sq. ft. of gfa	1 per 80 sq. ft. of gfa
Day-care center	1.25 per employee	2 per employee
Delicatessen	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Drug store	1 per 250 sq. ft. of gfa	1 per 150 sq. ft. of gfa
Dry cleaning	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Employment agency	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Exterminator	1 per 600 sq. ft. of gfa	1 per 300 sq. ft. of gfa
Fire station	1 per employee of largest shift	1.25 per employee of largest shift
Florist	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa

# GLENVILLE CODE

Land Use	Minimum Number of Spaces	Maximum Number of Spaces
Fraternity/Sorority	1.5 per bedroom	2 per bedroom
Funeral home	1 per 5 seats of maximum capacity	1 per 4 seats of maximum capacity
Furniture store	1 per 800 sq. ft. of gfa	1 per 500 sq. ft. of gfa
Garden supply, tools, seeds, etc.	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Gas station with walk-in retail <sup>2</sup>	2 per gas pump	3.5 per gas pump
Gas station with no walk-in retail <sup>2</sup>	1.5 per gas pump	2.5 per gas pump
Gift shop	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Golf course	4 per hole	5.5 per hole
Golf driving range	1 per tee	1.5 per tee
Grocery store	1 per 200 sq. ft. of gfa	1 per 150 sq. ft. of gfa
Group home	1 per employee of largest shift	1.5 per employee of largest shift
Gunsmith	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Gymnasium	1 per 150 sq. ft. of gfa	1 per 100 sq. ft. of gfa
Hardware store	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Health club	1 per 250 sq. ft. of gfa	1 per 150 sq. ft. of gfa
Historic site	1 per 500 sq. ft. of gfa	1 per 350 sq. ft. of gfa
Home furnishings, carpeting	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Horse stable	1 per 4 stables	1 per 2.5 stables
Hospital	2 per bed	1 per bed
Indoor racquet club	2.5 per court	4 per court
Indoor soccer facility	40 per playing field	60 per playing field
Jewelry store	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Junkyard	1 per employee of largest shift	2 per employee of largest shift
Kennel	1 per 400 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Laboratories for medical use	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Laundromat	1 per 3 washing machines	1 per 2 washing machines
Library	1 per 400 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Liquor store	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Locksmith	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Lumberyard	1 per 400 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Machinery sales	1 per 600 sq. ft. of gfa	1 per 350 sq. ft. of gfa
Manufacturing operation or plant	1 per employee of largest shift	1.25 per employee of largest shift
Marina	1 per boat slip	1.5 per boat slip
Massage parlor	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Miniature golf course	1.5 per hole	2.5 per hole
Mobile home park	1.5 per dwelling	2 per dwelling
Motel/Hotel	0.9 per room or suite	1.2 per room or suite
Motorcycle service and sales	1 per 350 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Movie theater	1 per 5 seats	1 per 4 seats
Museum	1 per 600 sq. ft. of gfa	1 per 350 sq. ft. of gfa
Nightclub	1 per 150 sq. ft. of gfa	1 per 80 sq. ft. of gfa
Nursery/Greenhouse	1 per 350 sq. ft. of sales floor area	1 per 200 sq. ft. of sales floor area
Nursing home	1 per 4 beds	1 per 2.5 beds
Office - Dental	2 per examination room	3 per examination room
Office - General	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Office - Medical	2.5 per examination room	4 per examination room
Oil change shop <sup>2</sup>	2 per service bay	3 per service bay
Pawn shop	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Pet shop	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Photography studio	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Plumbing and heating supply	1 per 600 sq. ft. of gfa	1 per 350 sq. ft. of gfa
Post office	1 per 400 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Printing/Publishing shop	1 per 400 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Produce stand - no walk-in	3	8
Produce stand with walk-in	1 per 250 sq. ft. of gfa	1 per 150 sq. ft. of gfa

## ZONING

Land Use	Minimum Number of Spaces	Maximum Number of Spaces
Public assembly hall	1 per 200 sq. ft. of gfa	1 per 100 sq. ft. of gfa
Radio or television station	1 per employee of largest shift	1.25 per employee of largest shift
Recycling center	1 per employee of largest shift	1.5 per employee of largest shift
Rental of equipment	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Repair of appliances/electronics	1 per 350 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Residential - elderly apartments	0.8 per dwelling	1.25 per dwelling
Residential - multifamily	1.5 per dwelling	2.5 per dwelling
Residential - single-family	2 per dwelling	Paved area cannot exceed 10% of lot
Residential - two-family	2 per dwelling	Paved area cannot exceed 10% of lot
Restaurant - fast-food	1 per 3.5 seats	1 per 2 seats
Restaurant - sit-down	1 per 4 seats	1 per 2.5 seats
Retail not detailed elsewhere	1 per 350 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Rifle range	1 per target area	1.5 per target area
Sawmill	1 per employee of largest shift	1.25 per employee of largest shift
School - beauty	1 per 350 sq. ft. of gfa	1 per 200 sq. ft. of gfa
School - dance	1 per 300 sq. ft. of gfa	1 per 150 sq. ft. of gfa
School - elementary	1 per 25 classroom seats	1 per 15 classroom seats
School - middle or junior high	1 per 20 classroom seats	1 per 10 classroom seats
School - high school	1 per 15 classroom seats	1 per 8 classroom seats
School - trade	1 per 2 students of maximum enrollment	1 per student of maximum enrollment
Self-storage facility	1 per 200 sq. ft. of office area	1 per 100 sq. ft. of office area
Shoe repair	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Shopping center/mall	1 per 250 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Skating rink	1 per 150 sq. ft. of skating area	1 per 100 sq. ft. of skating area
Swimming club/pool	1 per 150 sq. ft. of water surface area	1 per 75 sq. ft. of water surface area
Tailor	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Tennis club	2.5 per court	4 per court
Tobacco and variety shop	1 per 300 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Toy/Hobby store	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Transit terminal	1 per 350 sq. ft. of gfa	1 per 200 sq. ft. of gfa
Travel agency	1 per 350 sq. ft. of gfa	1 per 250 sq. ft. of gfa
Truck terminal	1 per employee of largest shift	1.5 per employee of largest shift
Utility station/facility	1 per employee of largest shift	1.25 per employee of largest shift
Veterinarian	1.5 per employee of largest shift	2.5 per employee of largest shift
Warehouse	1 per employee of largest shift	1.5 per employee of largest shift
Wastewater treatment	1 per employee of largest shift	1.25 per employee of largest shift
Zoo	20 per acre	30 per acre

Notes regarding Schedule A:	
	gfa = gross floor area
1	For auto body shops, auto repair shops, car washes, and oil change shops, parking within the service or washing bays is not to be credited in the calculation of required number of parking spaces.
2	For gas stations, parking at the pumps is not to be credited in the calculation of required number of parking spaces.

Due to the peculiar nature of certain uses of land, or because of the flexible design nature of a use, there may be occasions when a land use will not have an assigned parking standard within this schedule. Uses that come to mind include amusements parks, campgrounds, automobile sales/dealerships, parks, camps, recreational vehicle parks, and crematoriums, to name a few. In these instances, the Planning Department is given the responsibility of determining the appropriate parking standard. In selecting a standard, staff of the Planning Department shall consult with the applicant/developer to ascertain if there is an "industry standard" or to see if there is a history that can be drawn upon to make a determination. Also, Planning Department staff may refer to research materials of the American Planning Association, New York Planning Federation, Institute of Transportation Engineers, and other credible organizations in determining a parking standard. If the landowner/developer disputes the determination of planning staff, he/she may file an appeal with the Zoning Board of Appeals, pursuant to Article XX, § 270-147D, of this chapter.

## **APPENDIX**

**LANDSCAPE AND DESIGN  
MANUALS**



# TOWN OF GLENVILLE LANDSCAPE MANUAL



Prepared by Kate Mance  
Town of Glenville Planning Department  
March 2004



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TOWN OF GLENVILLE  
LANDSCAPE MANUAL

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## INTRODUCTION

*Landscaping provides many community benefits. It softens architecture, provides shade, cleans the air, and treats stormwater. Tree-lined streets are often a source of civic pride and attractively planted developments can raise property values. Landscaping also reaps economic benefits by increasing customer patronage to retail outlets.<sup>1</sup> In addition, studies have shown that the presence of landscaping is tied to lower levels of crime and aggression in urban areas.<sup>2</sup>*

*This manual provides guidelines for the selection, placement, and installation of landscaping in the Town of Glenville. The standards included here are intended to integrate landscaping into the site and provide for the vitality and longevity of landscaping materials. The goal is not to restrict development. Rather, the intent is to extend the positive environmental and aesthetic benefits of landscaping to all commercial development within the Town.*

*This manual is intended to supplement Article 19 of the Town of Glenville Zoning Ordinance. This manual is not intended for use as strict interpretation of law, nor is it a regulatory document.*

Text printed in normal type is actual language from the zoning ordinance.  
*Text printed in italics is explanatory language.*

1 Source: Center for Urban Horticulture, University of Washington College of Forest Resources, 1998. "Urban Forest Values: Economic Benefits of Trees in Cities". Human Dimensions of the Urban Forest Fact Sheet No. 3. [http://www.cfr.washington.edu/Research/fact\\_sheets/29-UrbEconBen.pdf](http://www.cfr.washington.edu/Research/fact_sheets/29-UrbEconBen.pdf)

2 Source: Kuo, F. C., and W. C. Sullivan. 2001. "Environment and Crime in the Inner City: Does Vegetation Reduce Crime?". *Environment and Behavior* 33 (3):343-367. <http://www.herl.uiuc.edu/canopy.htm>



#### PURPOSE

- To provide visual screening of parking areas and along property boundaries so as to preserve the existing visual qualities of adjacent properties, and to generally improve aesthetics.
- To reduce surface runoff and minimize soil erosion through the filtering and soil retention capabilities of landscaped areas and green space.
- To moderate the microclimate associated with large development schemes by using vegetation that provides shading, heat absorption, carbon dioxide absorption, and oxygen production.
- To enhance the overall visual quality of new development by providing a variety of plant materials, in addition to green space, that is consistent with native vegetation.

#### APPLICABILITY

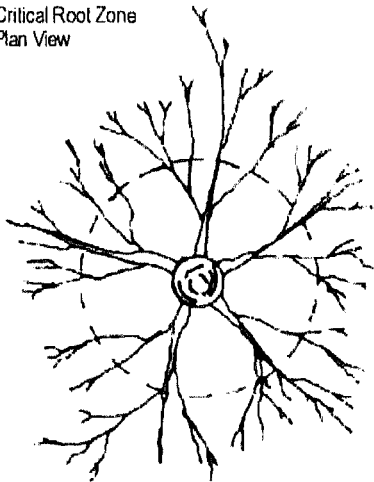
All projects requiring site plan review as identified in Article 5 of this Ordinance (including Planned Development Districts), all conditional use permits, and all use variances that involve new construction shall be subject to the requirements of this Article. Single-family dwellings, individual buildings used for two-family dwelling purposes, and residential accessory structures are not subject to the provisions contained herein.



## PRESERVATION OF EXISTING CONDITIONS

- All landscaping will attempt to preserve and retain, insofar as possible, the natural contours, soil, trees and plant life existing on the site.
- Where possible and reasonable, any trees greater than 10 inches in diameter at breast height of desirable species and in good health and sound structure shall be retained on the site and protected during development with a substantial fence not less than four feet high installed at the critical root zone.

FIGURE 1  
Critical Root Zone  
Plan View

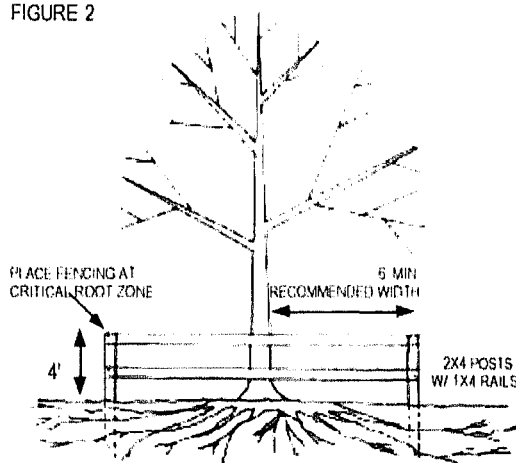


### WHAT ARE CRITICAL ROOT ZONES?

*Contrary to common belief, tree roots usually extend past the perimeter of the branches. In fact, the root zone of some trees is three times the area of the drip line. The critical root zone (fig. 1) is equal to one foot for every inch of diameter at breast height (DBH). This is the part of the root system which is most important to the survival of the tree.*

*When the retention of certain trees is integral to a landscape plan, it is necessary to protect as much of the root system as possible. Although cutting roots is the most common danger in construction areas, trees also can suffer if the soil around their roots is compacted by large equipment parked within the drip line. Fencing, like the example in figure 2, can protect the tree from some of the deleterious effects of nearby construction. Any damaged roots should be cut cleanly.*

FIGURE 2



### WHICH TREES SHOULD BE RETAINED?

*Deciding which trees on a site should be retained is a balancing act. The ordinance was not written to hamper development; however, neither does it condone the complete removal of all vegetation on commercial sites. Rather, the ordinance requires the developer to carefully consider the role of existing vegetation in a proposed site plan. Answering the following questions can guide the decision making process.*

- *Does the tree lie within the building envelope? Can site elements, like entrances or service roads, be shifted to retain desirable trees?*
- *What is the condition of the tree? Is it healthy, or does it suffer from disease or old age?*
- *Is the tree species compatible with the site plan? For instance, retaining a salt-sensitive tree may not be wise if it will be located next to a new road.*
- *Can a healthy tree be moved? Small trees can sometimes be moved on-site using a tree spade.*

### MINIMUM LANDSCAPE AREA

- All non-residential uses will retain at least 35 percent of the property as green space.
- All multi-family projects will retain at least 40 percent of the property as green space.
- Any property being developed for non-residential purposes or multi-family development will maintain a minimum of 25 feet of green space between the street right-of-way and the parking lot. Landscaping and/or curbing is required in order to prevent vehicle incursion. Furthermore, no vehicles will be parked in this 25 foot green area.

FIGURE 3

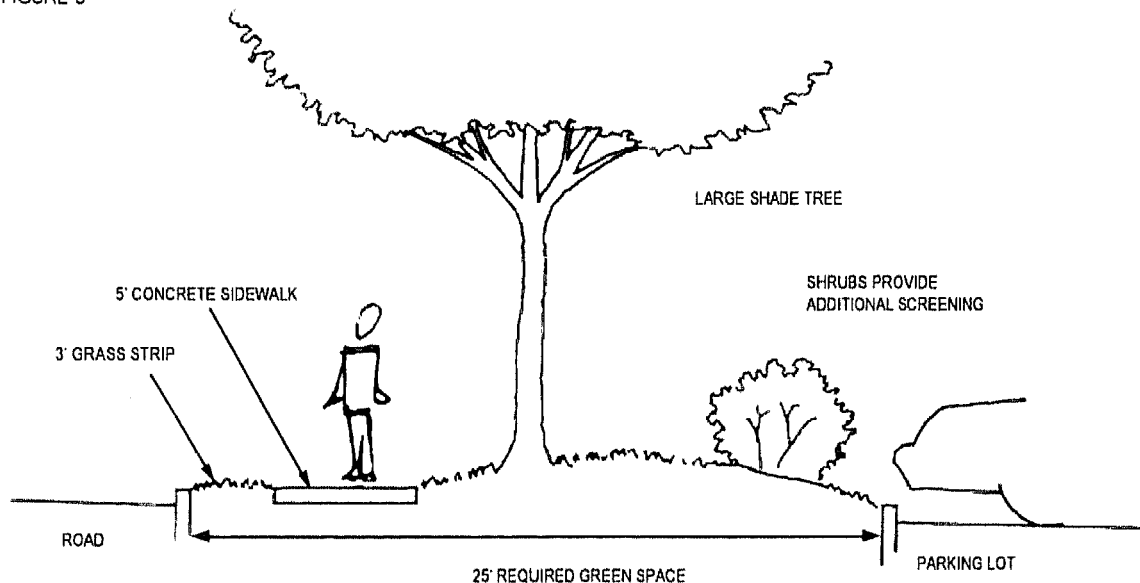


FIGURE 4

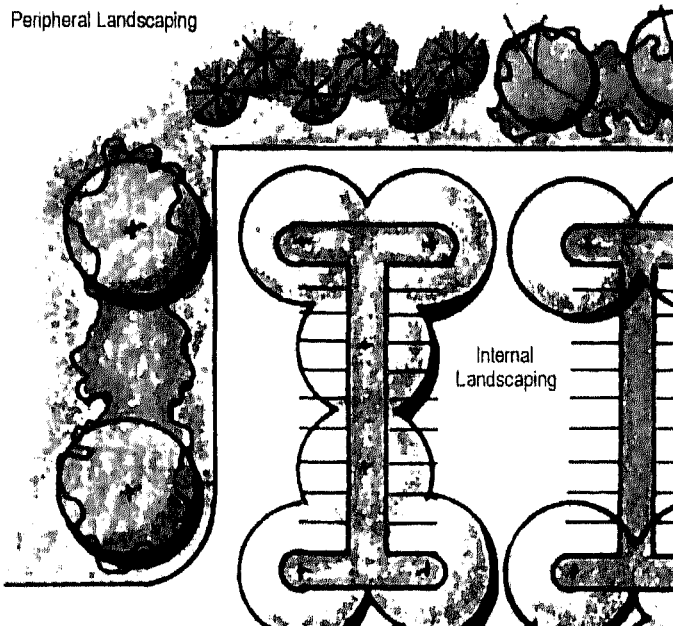
*Figure 3: A section diagram showing conceptual green buffer between the parking lot and the street. In this case, sidewalk requirements were integrated into the buffer area.*

*Figure 4: An example of a parking buffer which does not integrate sidewalks. Shade trees, groundcovers, and shrubs effectively provide shade and screen some cars.*



### LANDSCAPE AREAS IN PARKING LOTS

- All parking lots shall be landscaped around the periphery of the lot to buffer the visual impact of the parking lot on adjacent properties and streets.
- Parking lots with 20 or more spaces are to be subdivided by internal landscape islands. Landscape islands are to be equally distributed for maximum environmental and visual effect, with not less than one island for every ten parking spaces. Each landscape island should contain at least one medium or large shade tree.
- Landscape areas in parking lots may be used for stormwater management. Stormwater management areas which abut parking lots and do not have curbs must have concrete curb stops for each parking space to prevent vehicle intrusion into landscape areas. Landscape areas which are not to be used as part of stormwater management must have 6" concrete or granite curbs.



*Figure 5: This conceptual plan detail contains both internal and peripheral landscaping for a parking lot. The peripheral plant material features a mixture of small trees, conifers, and shrubs that buffer the lot from surrounding properties. The internal landscaping was chosen to maximize shade and uses medium to large deciduous trees. These I-bar landscape islands also provide adequate soil volume for healthy tree growth. However, smaller landscape islands may also be used to great effect, given enough soil volume and proper distribution throughout the parking lot. See page 8 for more information about the size of parking islands.*

FIGURE 5

## PEDESTRIAN AMENITIES

- All landscape plans must include grass strips and sidewalks along streets and roadways as specified in the Town of Glenville Sidewalk Ordinance. These should be located within the street right-of-way whenever possible. The Planning and Zoning Commission or Zoning Board of Appeals may, at its discretion, allow applicants to reserve eight feet along the pavement edge for future sidewalk construction.
- All landscape plans must include shade trees planted in a tree lawn located between 10-15 feet from the edge of pavement. Trees shall be planted no more than 30 feet apart.

FIGURE 6

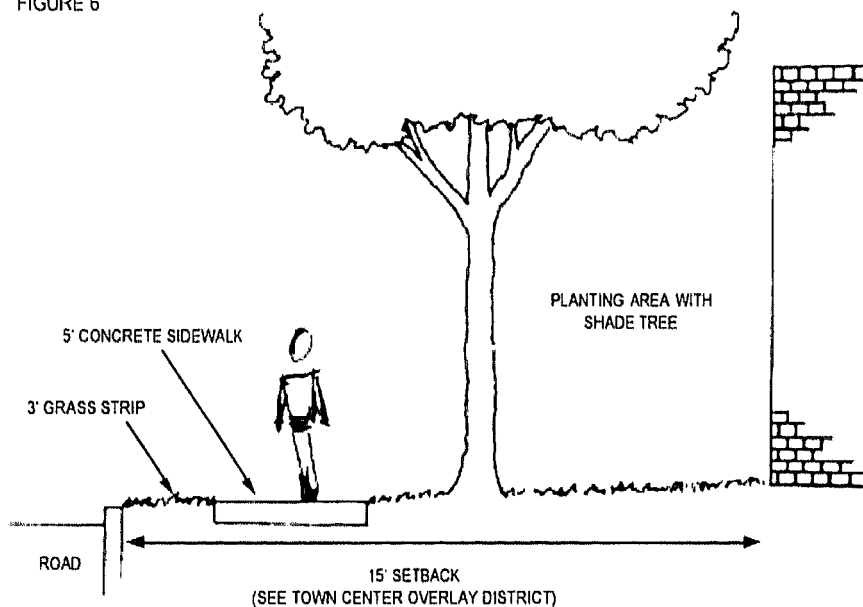


Figure 6: The Town Center Overlay District calls for commercial properties to be setback between 15–35 feet from the street right of way. This diagram illustrates how the decreased setbacks can work with the landscaping requirements for grass strips, sidewalks, and street trees. In this case, the shade trees have been integrated into the landscaping near the face of the building.

Figure 7: Another application of pedestrian amenities features landscaping combined with outdoor dining or plaza space. In this case, the developer should consider the use of structural soil in the planting pits to insure tree health.



FIGURE 7





## PLANT MATERIAL AND INSTALLATION

- Only nursery-grown plant materials shall be acceptable. All trees, shrubs and ground cover shall be planted according to the accepted standards of the American Association of Nurserymen.
- Minimum Size. All deciduous trees shall have a minimum caliper of 2 ½ inches DBH (diameter at breast height). Size of evergreen trees and shrubs shall be allowed to vary depending on location and type of plant material (species). Landscaping meant to screen will be effective immediately upon planting and will retain its usefulness as a screen year-round. Consequently, trees and shrubs meant to serve as a screen will be of such a height, width and density as to immediately act as an effective screen.

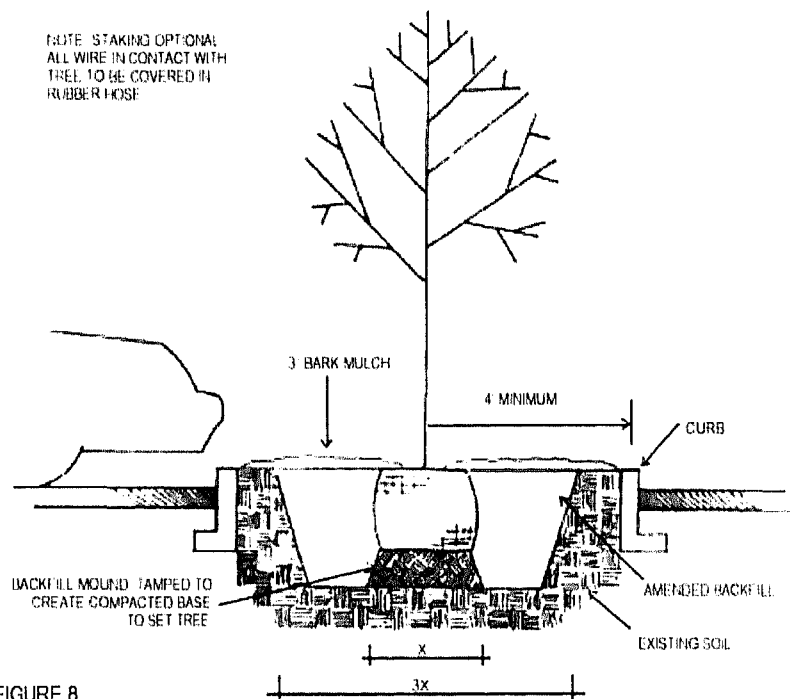


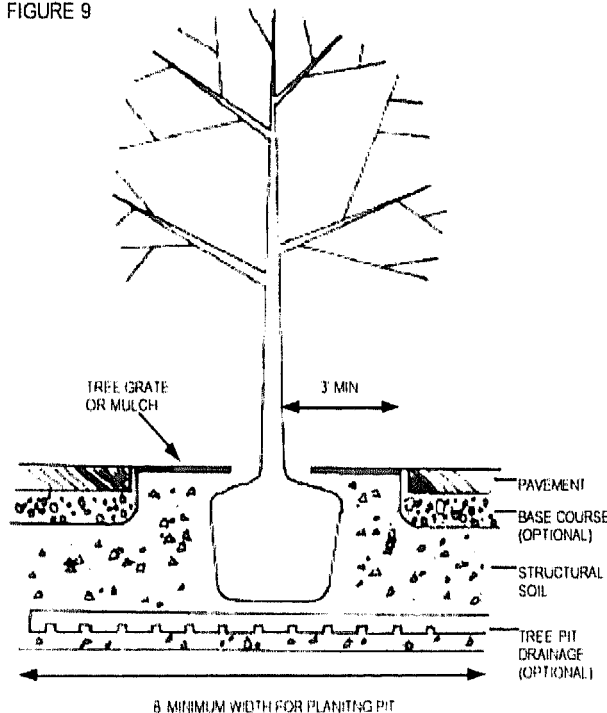
FIGURE 8

*Figure 8: This is an illustrative planting detail for a tree located within a parking lot island. Landscape plans do not need to include details for every plant which will be installed. However, one detail should be included for every type of plant (tree, shrub, or ground cover). Details should be technical construction drawings and rendered to scale.*

## MINIMUM PLANTING AREA

- No landscape island will be less than 81 square feet in area, and shall have no dimensions less than nine feet. Landscape islands may be smaller if structural soil is used, with the approval of the Town of Glenville Planning Staff.
- All landscape areas in parking lots shall be excavated to a depth of three feet and back-filled with amended soil. Backfill should be free of aggregate base, construction debris, or other materials detrimental to optimal plant growth.

FIGURE 9



### WHAT IS STRUCTURAL SOIL?

Structural soil is a new planting medium developed by researchers at Cornell University's Urban Horticulture Institute. This soil mix was designed to alleviate the problems caused by soil compaction found in urban environments. The load bearing requirements and engineering standards which support pavement, such as parking lots or sidewalks, are detrimental for root growth. These standards not only prevent roots from spreading to their full extent, but also limit the amounts of oxygen, nutrients, and water necessary for trees to survive. Consequently, urban trees typically live for only 7-10 years, compared to 50 years possible in better soil conditions. In addition, tree roots in urban settings often heave the pavement, as the roots attempt to work their way through the sub base material.

Structural soil provides a solution by creating a load bearing matrix which supports tree growth. It is a mixture of uniformly graded crushed stone and loamy soil, held together with a hydrogel slurry. The crushed stone bears the load required by the pavement, while the soil which fills the gaps allows for the oxygen, water, and nutrients necessary for tree health. Additional drainage can be added to insure that the planting pit does not flood.

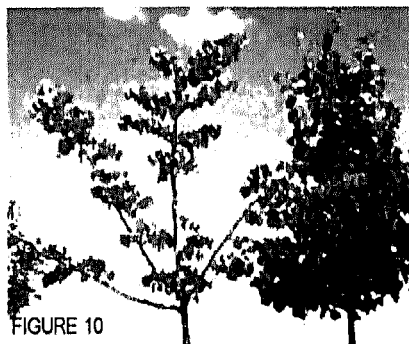


FIGURE 10

Figure 9: Construction detail showing installation of structural soil under pavement.

Figure 10: Two Littleleaf Lindens. Tree on left was grown in traditional sidewalk tree pit. Tree on right was grown in identical tree pit, using structural soil. Source: Urban Horticulture Institute, Cornell University. <http://www.hort.cornell.edu/departments/faculty/bassuk/uh/>



## LANDSCAPE MATERIALS

- Plant material shall be selected with respect to scale, purpose/function, and allotted amount of space. In addition, although plant materials may be listed under one category, they may also meet the requirements of another, depending on usage. A list of recommended plant material is on file with the Town of Glenville Planning Department. *This list is also included at the end of this manual.*
- Landscape Plans specifying more than 10 trees must provide a mix of tree species or cultivars.
- All areas not covered by main or accessory structures, walks, and vehicular use areas must be covered by one or more of the following materials: turf grass, organic mulch, ground cover, shrubs, vines, hedges, or landscape pebbles or rock.

### WHICH PLANT WHERE?

*The plants on every landscape plan should be chosen carefully to insure site suitability. A thorough site analysis should be performed before selecting plant material. The following are some factors to consider:*

- **Size.** One common mistake is the selection of plants which are too large for their environment. Soil volume and location of overhead wires or lights are common constraints on plant size.
- **Soil Conditions.** Some plants require specific soil conditions in which to thrive. Considerations include pH, compaction levels, drainage, and the presence of pollution.
- **Climate/Microclimate.** Glenville is in the USDA Plant Hardiness Zones 4b & 5a. Plants should be selected accordingly. In addition, available sunlight at the site should be considered when choosing trees and shrubs.
- **Disease/Insects.** Some plant material is more subject to damage by disease and insects. Avoid selecting species which are known to be susceptible.
- **Purpose.** Each plant on a landscape plan should serve a specific function, such as shading, screening, erosion control, or general beautification.

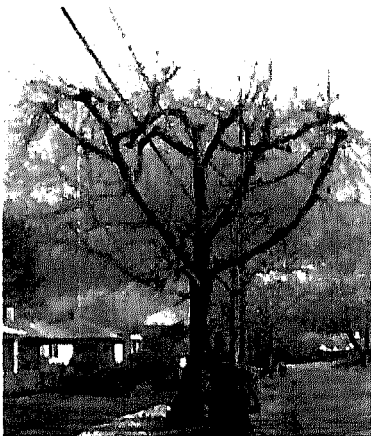


FIGURE 11



FIGURE 12

*Figure 11: An inappropriate choice of trees has led to a hazardous situation. Poor pruning has jeopardized the health and beauty of the tree. Source: City of Walnut Creek, California.*

<http://www.ci.walnut-creek.ca.us/tree%20care.htm>

*Figure 12: This tree pit is too small, leading to cracked and heaved pavement. Source: Urban Horticulture Institute, Cornell University.*  
<http://www.hort.cornell.edu/departments/faculty/bassuk/uh/outrreach/csc/ssoils/sld010.htm>



## MAINTENANCE

- All owners of land or their agents shall be responsible for the maintenance of all landscaping. This includes mowing and maintaining abutting rights-of-way, swales, and stormwater treatment areas. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be mowed or trimmed in a manner and at a frequency so as not to detract from the appearance of the general area. Landscaping shall be maintained to minimize property damage and public safety hazards, including removal of living, dead or decaying plant material, removal of low hanging branches and those obstructing street lighting.
- The owner shall replace dead, dying and/or seriously damaged plant materials within a reasonable period during the current (or immediate next) planting season. Any other damaged or missing elements, including but not limited to fences, bollards, signs, shrubs, street furniture, etc., of the approved plan must be similarly replaced by the owner. This will insure that landscaping remains in compliance with the final site plan as approved by the Planning and Zoning Commission.



### LANDSCAPE PLAN REQUIRED

All projects subject to the requirements of this Article shall submit a landscape plan as part of the application for site plan review, conditional use permit, or use variance. Landscape plans must be prepared by a licensed landscape architect, architect, or engineer and must contain the following information:

- A legible planting plan illustrated on reproducible material drawn to a scale of no smaller than 50 feet to one inch. The planting plan may be included on the site plan.
- The planting plan will show all existing significant vegetation. Trees over 10" DBH must be shown individually with accurate dimensions for drip lines and caliper as well as species. Masses of trees less than 10" DBH, and other vegetation, may be illustrated by drip line only. The planting plan must clearly indicate which existing vegetation is slated for removal.
- A planting schedule listing the botanical name, common name, cultivar (if appropriate), quantity, and initial size of all planting material specified on the planting plan.
- Construction details illustrating planting techniques and tree protection (if appropriate).
- Calculations showing that minimum landscape area requirements have been met.
- Name and signature of the professional engineer, landscape architect, and/or architect who prepared the plan.
- Graphic scale and north arrow.



## APPENDIX — RECOMMENDED PLANT MATERIAL

Small Trees					
Botanical Name	Common Name	Selected Cultivars	Max. Avg. Height/Width	Salt Tolerant?	Notes
<i>Acer campestre</i>	Hedge Maple	'Schictel's Upright' St. Gregory™	25'-35'/25'-35'	Somewhat	Full sun, may need pruning for street tree use
<i>Acer tartaricum</i> <i>ssp. ginnala</i>	Amur Maple	Beethoven™ 'Embers' 'Flame'	25'/25'	Somewhat	Full sun/partial shade, seed litter, may need pruning for street tree use
<i>Acer tartaricum</i>	Tartarian Maple	'Rubrum'	25'/25'	Somewhat	Full sun/partial shade, seed litter, may require pruning for street tree use
<i>Acer truncatum</i>	Shantung or Painted Maple	'Keithsform' 'Warrenred'	35'/25'	Unknown	Full sun, low branching may require pruning
<i>Carpinus caroliniana</i>	Ironwood, American Hornbeam	None	30'/25'	No	Partial shade, slow growing
<i>Cercis canadensis</i>	Eastern Redbud	'Northern Strain' 'Minnesota Strain'	30'/35'	Somewhat	Full sun/partial shade
<i>Cornus mas</i>	Cornelian cherry Dogwood	'Golden Glory'	20'/20'	Somewhat	Full sun/partial shade, fruit can stain concrete
<i>Crataegus crus-galli</i> var. <i>inermis</i>	Thornless Cockspur Hawthorn	Crusader®	25'/25'	Somewhat	Full sun
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	'Lustre'	30'/25'	Somewhat	Full sun, species has large thorns
<i>Malus spp.</i>	Flowering Crabapple	'Adams' 'Cardinal' 'Doubloons' 'Sentinel'	Max. 20'/20'	Somewhat	Full sun, should choose disease resistant cultivar
<i>Prunus sargentii</i> x <i>P. Subhirtella</i>	Flowering Cherry	'Accolade'	25'/25'	Somewhat	Full sun, short-lived, species susceptible to many problems – cultivar listed is more resistant than most



Botanical Name	Common Name	Selected Cultivars	Max. Avg. Height/Width	Salt Tolerant?	Notes
<i>Pyrus calleryana</i>	Callery Pear	Jack™ & Jill™ Valiant® Cleveland Pride®	20-30'/20'	Somewhat	Full sun, cultivars listed are small trees (species is large).
<i>Sorbus x hybrida</i>	Oak-leaf Mountainash	'Fastigata'	35'/30'	Unknown	Full sun/partial shade
<i>Syringa reticulata</i>	Japanese Tree Lilac	'Ivory Silk' 'Summer Snow'	25'/20'	Somewhat	Full sun for best flowering
<i>Tilia Cordata</i>	Littleleaf Linden	'Halka'	20'/10'	No	Full sun, cultivar listed is small tree (species is large)
<i>Zelkova serrata</i>	Wireless® Japanese Zelkova	'Schmidtlow'	25'/35'	Somewhat	Full sun, cultivar listed is small tree (species is large)

### Medium to Large Shade Trees

<i>Acer x freemanii</i>	Freeman Maple	'Armstrong' 'Jeffersred' Autumn Fantasy® Scarlet Sentinel™	50'-70'/25'-45'	Unknown	Full sun, possible graft in-compatibility
<i>Acer rubrum</i> *	Red Maple	Many	60'/50'-70'	No	Full sun, subject to chlorosis on high pH soil, some cultivars flood tolerant
<i>Acer saccharum</i> *	Sugar Maple	Many	50'-60'/40'-60'	No	Full sun, some cultivars drought tolerant
<i>Aesculus x carnea</i>	Red Horsechestnut	'Fort McNair' 'Briotii' 'O'Neill'	50'/30'	Unknown	Full sun, fruit litter
<i>Betula nigra</i>	River Birch	Heritage® Dura-Heat™	50'/40'	Unknown	Full sun/partial shade, cultivars listed less susceptible to insect and disease problems
<i>Carpinus betulus</i>	European Hornbeam	'Fastigata' 'Columnaris' 'Pyramidalis' 'Franz Fontaine'	60'/40'	No	Full sun, low branches may require pruning, narrow branch angles susceptible to winter breakage



Botanical Name	Common Name	Selected Cultivars	Max. Avg. Height/Width	Salt Tolerant?	Notes
<i>Celtis occidentalis</i>	Common Hackberry	'Prairie Pride'	60'/50'	Unknown	Full sun/partial shade
<i>Cercidiphyllum japonicum</i>	Katsura Tree	None	60'/50'	Unknown	Full sun/partial shade, drought sensitive
<i>Fraxinus americana</i>	White Ash	Many	70'/50'	Yes	Full sun, susceptible to ash yellows, fruit litter
<i>Fraxinus pennsylvanica</i>	Green Ash	'Marshall' 'Patmore'	60'/50'	Yes	Full sun, fruit litter
<i>Ginkgo biloba</i>	Maidenhair Tree	None recommended	80'/40'	Somewhat	Full sun, male cultivars only, fruit has noxious odor
<i>Gleditsia triacanthos var. inermis</i>	Thornless Honeylocust	Shademaster® Skyline® Halka™	80'/70'	Somewhat	Full sun, susceptible to disease and insects, cultivars listed are more resistant
<i>Liriodendron tulipifera</i>	Tulip Poplar	'Fastigiatum' 'Arnold'	90'/50'	No	Full sun, choose northern seed source, drought sensitive
<i>Nyssa sylvatica</i>	Sour Gum	None	60'/40'	Somewhat	Full sun, fruit litter
<i>Ostrya virginiana</i>	American Hophornbeam	None	50'/30'	No	Full sun/partial shade
<i>Prunus sargentii</i>	Sargent Cherry	'Columnaris'	50'/30'	Somewhat	Full sun, short lived, fruit litter
<i>Pyrus calleryana</i>	Callery Pear	'Autumn Blaze' 'Cleveland Select'	50'/30'	Somewhat	Full sun, choose cultivar with improved branching habit, 'Bradford' cultivar not acceptable due to poor branching
<i>Quercus bicolor</i>	Swamp White Oak	None	60'/60'	Unknown	Full sun, susceptible to chlorosis with high pH soil
<i>Quercus coccinea</i>	Scarlet Oak	None	70'/50'	Unknown	Full sun, acorn litter
<i>Quercus macrocarpa</i>	Bur Oak	None	80'/90'	Unknown	Full sun, may be too large for street tree use
<i>Quercus palustris</i>	Pin Oak	None recommended	70'/50'	No	Full sun, prone to chlorosis in high pH soil, pest and disease problems, may need pruning for lower branches





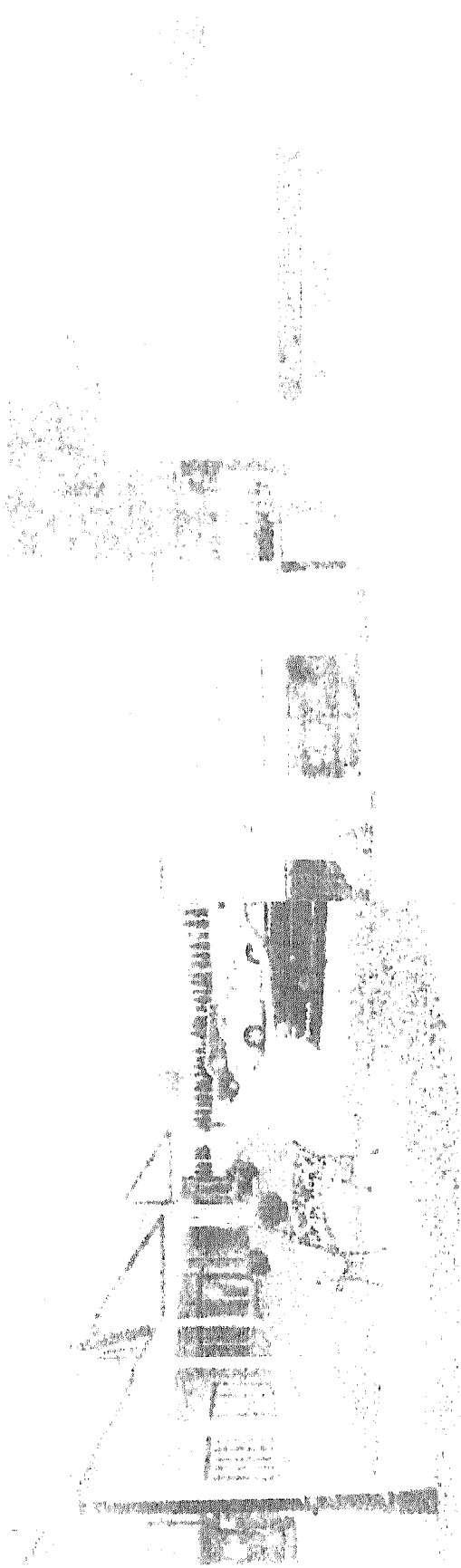
Botanical Name	Common Name	Selected Cultivars	Max. Avg. Height/Width	Salt Tolerant?	Notes
<i>Quercus rubra</i>	Red Oak	None	80'/70'	Yes	Full sun, acorn litter
<i>Sorbus alnifolia</i>	Korean Mountainash	None	40'/30'	Unknown	Full sun/partial shade
<i>Tilia americana</i>	Basswood	'Boulevard' 'Fastigata' 'Wandell' 'Lincoln' 'Sentry'	80'/60'	No	Full sun
<i>Tilia cordata</i>	Littleleaf Linden	'Glenleven' Greenspire® Shamrock®	70'/50'	No	Full sun
<i>Tilia tomentosa</i>	Silver Linden	Green Mountain® Sterling Silver™	70'/55'	Unknown	Full sun
<i>Ulmus</i> x species	Elm Hybrids	Many	70'/60'	Somewhat	Full sun, choose disease resistant cultivar
<i>Ulmus americana</i>	American Elm Cultivars	'New Harmony' 'Valley Forge' 'Delaware #2' 'Princeton' 'Washington'	80'/60-80'	Somewhat	Full sun, choose disease resistant cultivar
<i>Zelkova serrata</i>	Japanese Zelkova	'Green Vase' 'Village Green'	70'/60'	Somewhat	Full sun, choose cold hardy cultivar
<b>Coniferous Trees and Shrubs</b>					
<i>Chamaecyparis nootkatensis</i>	Yellow Cedar	'Pendula'	45'/20'	Unknown	Full sun
<i>Chamaecyparis obtusa</i>	Hinoki Falsecypress	'Crispii' 'Kosteri' 'Nana'	60'/20'	Unknown	Full sun/partial shade, dwarf form cultivars available
<i>Chamaecyparis pisifera</i>	Japanese Falsecypress	Many	70'/20'	Unknown	Full sun, dwarf form cultivars available
<i>Juniperus chinensis</i>	Chinese Juniper	Many	Varies with cultivar	Unknown	Tolerant of drought and pollution



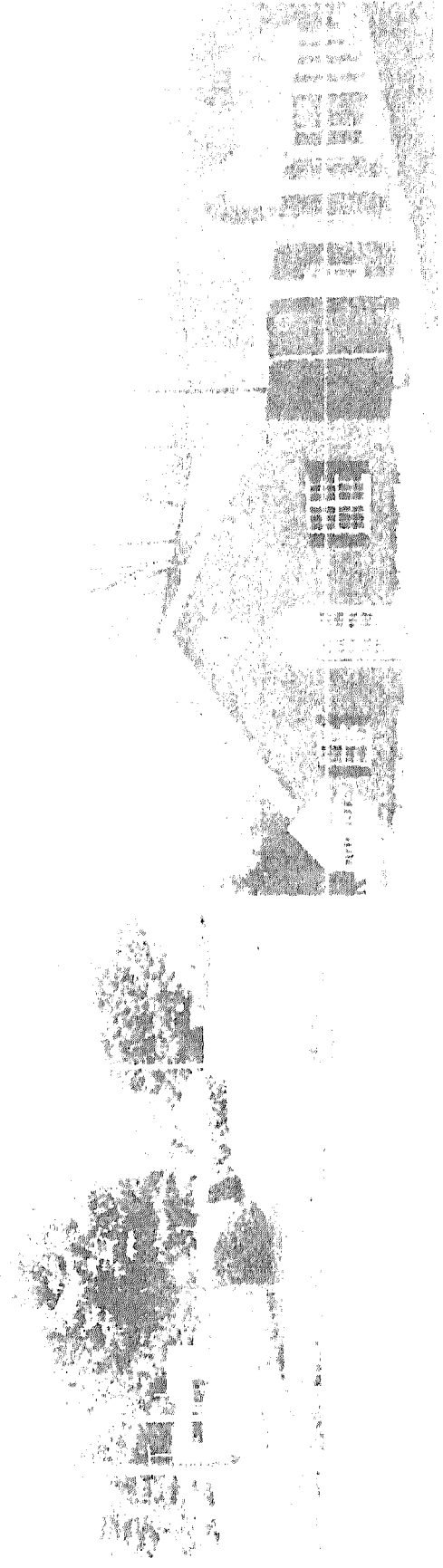
TOWN OF GLENVILLE  
LANDSCAPE MANUAL

Botanical Name	Common Name	Selected Cultivars	Max. Avg. Height/Width	Salt Tolerant?	Notes
<i>Juniperus horizontalis</i>	Creeping Juniper	Many	1'-4' / spread varies	Yes	Full sun, susceptible to blight
<i>Juniperus sabina</i>	Savin Juniper	'Broadmoor' 'Arcadia' var. <i>tamariscifolia</i>	4' / spread varies	Yes	Full sun, choose cultivar for blight resistance, tolerant of drought and pollution
<i>Picea glauca</i>	White Spruce	Many	60'/20'	Yes	Full sun, tolerant of drought and minor flooding
<i>Picea pungens</i>	Colorado Blue Spruce	Many	60'/20'	Yes	Full sun
<i>Pinus mugo</i>	Mugo Pine	Many	20'/20'	Yes	Full sun, cultivars for dwarf form available
<i>Pinus nigra</i>	Austrian Pine	Many	60'/40'	Yes	Full sun
<i>Pinus resinosa</i>	Red Pine	None recommended	60' / spread varies	No	Full sun, requires adequate drainage
<i>Pinus strobus</i>	Eastern White Pine	'Compacta' 'Fastigiata' 'Glauca' 'Nana'	80'/40'	No	Full sun, sensitive to air pollution and alkaline soil, cultivars for dwarf form available
<i>Pseudotsuga menziesii</i>	Douglas Fir	'Fastigiata' 'Fletcheri'	80'/20'	No	Full sun, needs shelter from winter wind
<i>Taxodium distichum</i>	Bald Cypress	None recommended	70'/30'	Somewhat	Intolerant of high pH soil, tolerant of wet sites
<i>Taxus cuspidata</i>	Japanese Yew	'Densa' 'Nana' Many Others	Varies with cultivar	Somewhat	Full sun/partial shade, tolerant of pollution, choose dwarf form for use as a shrub
<i>Taxus x media</i>	Anglo Japanese Yew	'Densiformis' 'Hicksii' 'Wardii' Many Others	Varies with cultivar	No	Susceptible to several diseases and insects, choose dwarf cultivar for shrub use
<i>Thuja occidentalis</i>	American Arborvitae	Many	40'/15'	Somewhat	Full sun, susceptible to ice damage, dwarf cultivars available
<i>Tsuga canadensis</i>	Eastern Hemlock	Many	60'/15'	No	Full sun/partial shade, intolerant of pollution





# TOWN OF GLENVILLE DESIGN MANUAL





CONFIDENTIAL

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## INTRODUCTION

This manual is intended to supplement the codes for commercial development outside the Town Center Overlay District. The goal of the ordinance is for building design and site layout to contribute to the unique character of the Town of Glenville. This manual is not intended for use as strict interpretation of law, nor is it a regulatory document.

- Text printed in normal type is actual language from the zoning ordinance.
- Text printed in italics is explanatory language.

The focus of this manual is to provide overall design guidelines for commercial development. However, these guidelines should not outweigh the importance of the suitability and limitations of each development parcel, such as hydrology, utilities, site context, and the availability of streets.

The basic standards included here are intended to shift development away from impersonal patterns and reinforce traditional neighborhood character. The emphasis on parking lots and garages is replaced by inviting streets and sidewalks. Walkways that connect to the street form a network that is reinforced by the location of rear and side parking. Buildings should be designed as part of a public space to be inhabited by people. Accordingly, these standards require building materials, architectural details, textures, and color be chosen for visual interest and human scale. The long-term goal of both this manual and the Town of Glenville Zoning Ordinance is a community laid out as a fabric of walkable neighborhoods.

**PURPOSE AND OBJECTIVES**

The following guidelines and standards are intended to encourage building designs and site layouts for commercial developments that contribute to the Town of Glenville as a unique place by reflecting its physical character and adding to it in complementary ways. The guidelines and standards have been developed to promote a basic level of architectural variety, compatible scale, pedestrian access and use of open space, which is reflective of the goals and objectives of the Town Comprehensive Plan. They are by no means intended to limit creativity; they are intended to augment the requirements of site plan review of Article 16 with additional criteria that are specific to commercial developments.

The guidelines and standards are intended to be used as a basis for design by developers proposing commercial projects. They are also an evaluation tool to aid the site plan review process. Guidelines are not mandatory, but explain the design objectives. Standards are mandatory unless their strict application will result in undue hardship as determined by the Planning and Zoning Commission.



## BUILDING FEATURES: FACADES

## Guideline:

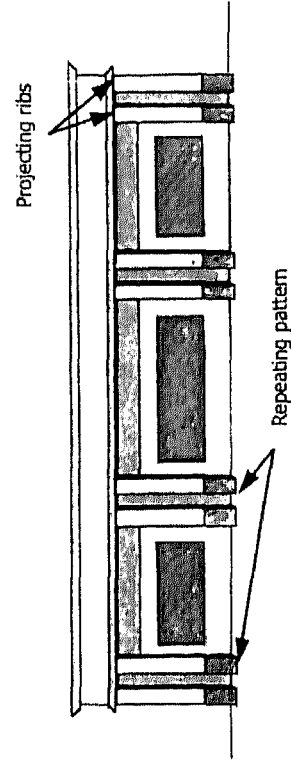
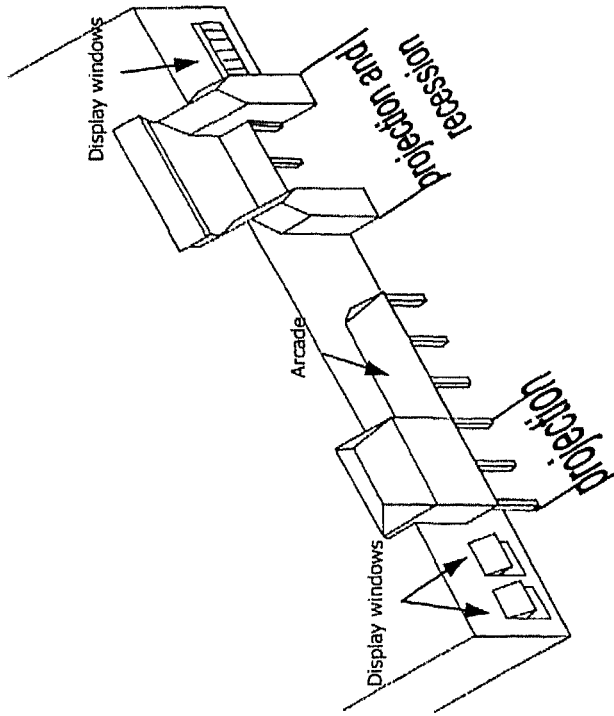
Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of commercial buildings and provide visual interest that will be consistent with the Town's identity, character and scale. Further, standards should be integral parts of the building fabric, and not superficially applied trim, graphics, paint, etc.

## Standard:

- Facades, measured horizontally, shall incorporate wall projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% of the length of the façade. For large commercial establishments, no uninterrupted length of any façade shall exceed 100 horizontal feet.
- Ground floor facades that face public streets shall have a combination of arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.
- Building facades shall include a repeating pattern that shall include no less than two of the elements listed below. At least one of these elements shall repeat horizontally. All elements that repeat horizontally, shall repeat at intervals of no more than thirty (30) feet horizontally.

1. Color change
2. Texture change
3. Module to module material change

- Building facades shall include an expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.



top: schematic building design illustration which includes wall projections and adequate ground floor façade features

bottom: example of repeating pattern and change in plane

## BUILDING FEATURES: ROOFS

## Guideline:

Variations in rooflines should be used to add interest to smaller buildings, and reduce the massive scale of large buildings.

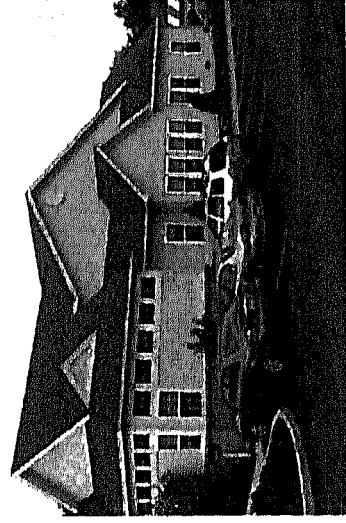
## Standard:

Roofs shall have no fewer than two of the following features:

- Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view.
- Overhanging eaves, extending no less than 3 feet past the supporting walls.
- Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- Three or more roof slope planes.



*Barnes and Noble, Wilton, New York*



*Professional Building, Malta, New York*

*top: roofline which effectively combines parapets and overhanging eaves  
bottom: appropriately sloped roof with three or more slope planes.*



## BUILDING FEATURES: BUILDING MATERIALS

### Guideline:

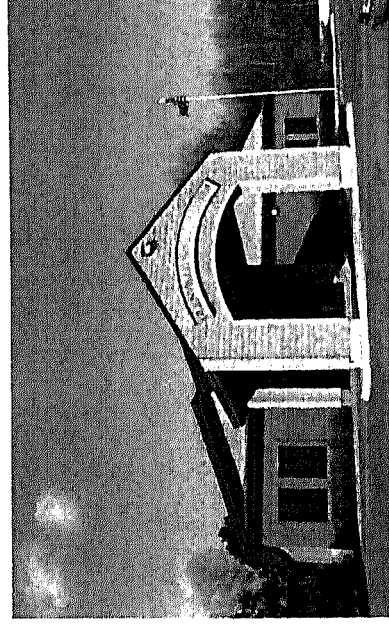
Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with traditional materials and colors.

### Standard:

- All exterior building materials shall consist of high quality materials. Permitted materials are brick, wood, stone, or tinted, textured, concrete masonry units, or a combination thereof.
- Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- Exposed neon tubing is not an acceptable feature for building trim or accent areas.
- Predominant exterior building materials shall not include the following: smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels.



*Lewis Place, Glenville, New York*



*Senior Center, Glenville, New York*

*top: use of traditional materials and color schemes  
bottom: creative use of color updates the appearance of traditional materials*

## BUILDING FEATURES: ENTRYWAY DESIGN

### Guideline:

Entryway design elements and variations should give orientation and aesthetically pleasing character to the building.

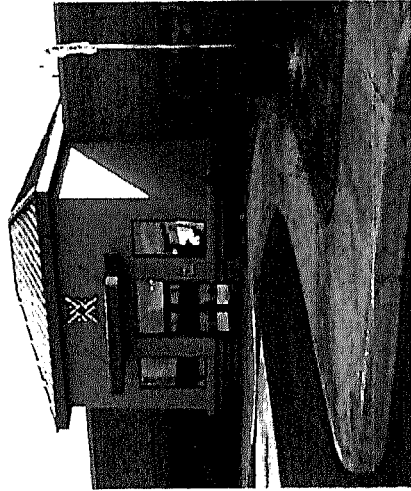
### Standard:

Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following elements:

- outdoor patios
- raised cornice parapets over the door
- recesses/projections
- peaked roof forms
- arcades
- canopies or portico
- arches
- display windows
- architectural details such as tile work and moldings which are integrated into the building structure and design
- integral planters or wing walls that incorporate landscaped areas and/ or



*Applebee's Restaurant, Wilton, New York*



*Trustco Bank, Glenville, New York*

*top: combination of peaked roof, seating area, canopy, and projection in an entryway*  
*bottom: use of projection, display windows, and architectural detail to enliven the entrance*

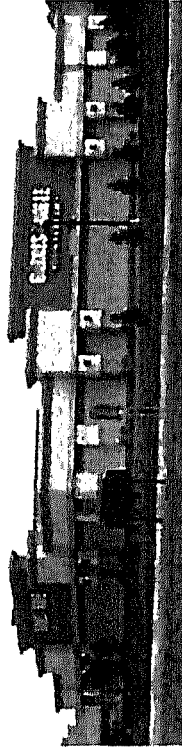
## BUILDING FEATURES: REAR FACADES

## Guideline:

All facades of a building which are visible from adjoining properties, public streets and/ or on-site roadways should contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front façade.

## Standard:

- All building facades which are visible from adjoining properties, public streets and/ or on-site roadways shall comply with the requirements of Section 3A of this Article.



*Barnes and Noble, Wilton, New York*



*Congress Plaza, Saratoga Springs, New York*

*top: rear façade treatment for large commercial establishment, as seen from state highway*

*bottom: rear façade treatment for mixed use building, as seen from internal parking lot*

**Guideline:**

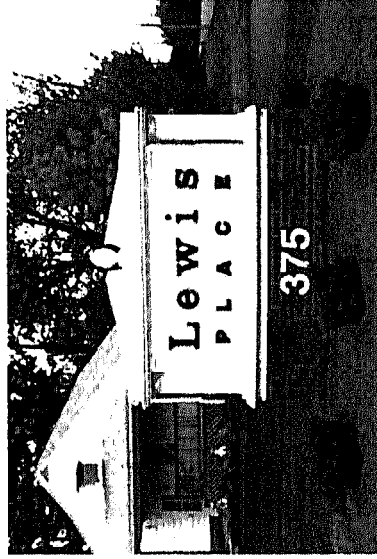
Signs serve not only practical purposes, but also help define the character and attractiveness of the building facades and general site location. Signs can be either potentially detrimental to community aspirations and sense of place or provide aesthetically pleasing elements and enhance the overall shopping experience and attractiveness of the site. The purpose of these standards is to promote the latter; signs should be visually compatible with their surroundings.

*The standards dealing with signage are too detailed to be included in this manual. However, there are a few important points which should be noted. As the guidelines stated above, the goal of the sign standards is to integrate signage with architecture and community. This is achieved by regulating the following features:*

- *Sign type. The use of façade or monument or ground signs is encouraged, although other sign types are allowed. No moving, flashing, neon, or animated signs are permitted.*
- *Sign materials. Signs, including directional or secondary signs, must be composed of the same materials as the façade of the building.*
- *Height. Monument signs may be no more than eight feet in height.*
- *Size. Freestanding signs may be up to 65 square feet, while façade signs may be up to 50 square feet, depending on the amount of linear frontage of the building.*
- *Illumination. Signs may not be internally lit, except for signs with lettering, which may be backlit.*
- *Logos. Logos may not compromise more than 30% of a sign.*
- *Colors. Up to three colors may be used, and must match the predominant building color.*
- *Lettering. Two lettering styles may be used on a sign, not including logos.*
- *Location. Signs must be located at least ten feet from all property lines.*
- *Number of signs. Each building is permitted one façade sign. One freestanding sign per driveway is permitted as well, with a maximum of three for very large commercial establishments.*



Glenville, New York



Glenville, New York

*top and bottom: two examples of appropriate sign color, size, material, and location*

## SITE LAYOUT AND PARKING

## Guideline — Entrances:

Large retail buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and areas that often characterize building facades that face bordering land uses.

## Standard:

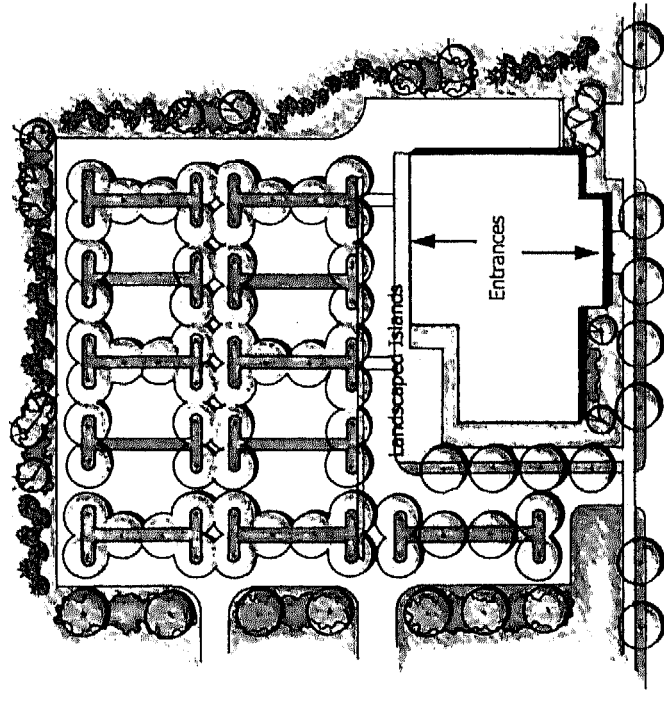
- Where a building consisting of 20,000 square feet or more of gross floor area faces two or more public streets or on-site roadways, at least two sides of the building shall have at least one customer entrance, with one of the sides being the side of the building facing the primary street or on-site roadway, and the other being the side of the building facing the second street or on-site roadway.

## Guideline — Parking:

Parking areas should provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

## Standard:

- Islands with landscaping shall be utilized to delineate parking and provide aesthetic benefits.



*Note: The Town of Glenville Zoning Ordinance lays out other standards for off street parking, including minimum green space, minimum and maximum amount of spaces per use, screening, and layout geometries. The above illustration incorporates these standards. For more information, please see Article 10 of the zoning ordinance.*

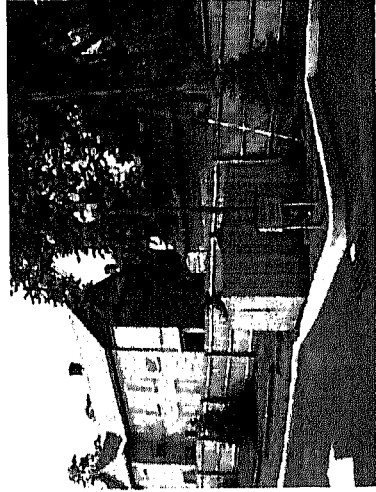
## LOADING AREAS/OUTDOOR STORAGE

## Guideline:

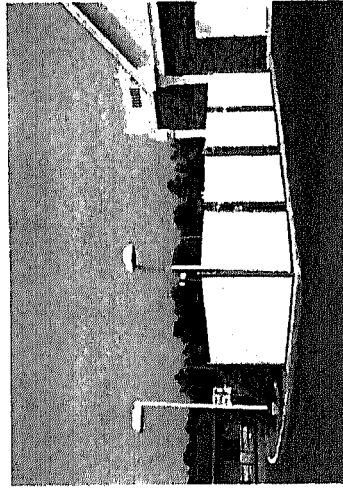
Loading areas and outdoor storage have visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, must be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

## Standard:

- Areas of outdoor storage, trash collection or compaction, loading, or other such uses shall not be located between the building and any public street or within 20 feet of any public sidewalk, on-site roadway or internal pedestrian way. These provisions shall not apply to individual outdoor trash receptacles and recyclable materials receptacles intended for use by pedestrians or visitors.
- Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties, public streets, and on-site roadways. No attention shall be attracted to these elements by the use of screening materials that are different from or inferior to the principal materials of the building and landscape. These provisions shall not apply to individual outdoor trash receptacles and recyclable materials receptacles intended for use by pedestrians or visitors.
- Non-roofed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences that screen such areas from public view. Materials, colors, and design of screening walls, fences or covers shall be compatible with those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.



*CVS, Scotia, New York*



*Cumberland Farms, Rotterdam, New York*

*top and bottom: appropriate screening of trash collection areas.*

**Guideline:**

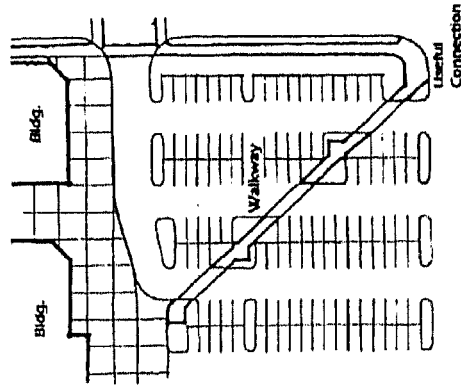
Pedestrian accessibility opens developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly access as well as pedestrian safety, shelter, and convenience.

**Standard:**

- Sidewalks at least 5 feet in width shall be provided along all sides of the lot that abut a public street. Sidewalks shall conform to the requirements of the Town of Glenville Sidewalk Ordinance (when adopted).
- Continuous internal pedestrian walkways, no less than (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, outdoor benches and seating areas, and building entry points, and shall feature adjoining landscaped areas no less than three (3) feet in width that include trees, grass, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50% of their length.
- Internal pedestrian walkways no less than eight (8) feet in width, shall be provided along any facade featuring a customer entrance, and any facade abutting public parking areas. Such walkways shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- Internal pedestrian walkways provided in conformance with the regulations above shall provide weather protection features such as awnings or arcades within 15 feet of all customer entrances.
- All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete or other materials acceptable to the Planning and Zoning Commission to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.



*Malta Commons, Malta, New York*



*top: commercial center layout which promotes pedestrian activity  
bottom: Schematic walkway layout, courtesy of Fort Collins, Colorado*



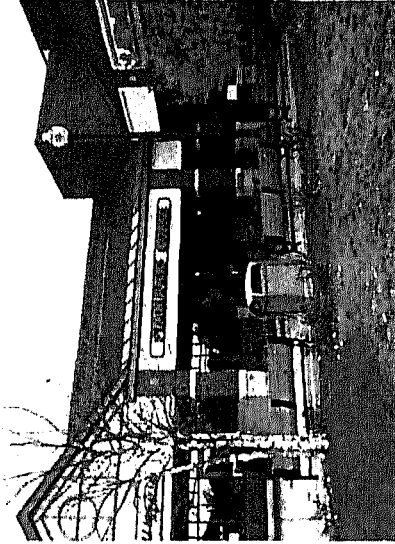


#### Guideline:

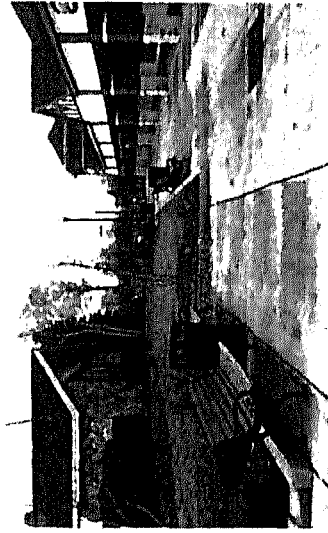
Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/ pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, architectural lighting, planter walls, and other architectural elements and amenities that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas.

#### Standard:

- Large commercial establishments shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: Patio/seating area, pedestrian plaza, playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or focal feature or amenity that enhances such community and public spaces.
- Bike racks and trash receptacles. Each large commercial development site plan shall include bike racks and trash receptacles. Trash receptacles shall be Victor Stanley Concourse series FC-12 or equal. These amenities are to be provided on the site plan and will be privately owned and maintained.
- Any such areas or amenities constructed or included pursuant to the above, shall have direct access to the public sidewalk network and such features shall be constructed of materials that are compatible with the principle materials of the building and landscape.
- Architectural/pedestrian-scaled lighting shall be required for all internal pedestrian walkways and areas of congregation. Architectural/pedestrian-scaled lighting shall be Sternburg Vintage lighting, Old Town Series or equal. In general, pole mounted architectural lighting shall not exceed a pole height of 18 feet from the finished grade.



*St. James Plaza, Niskayuna, New York*



*St. James Plaza, Niskayuna, New York*

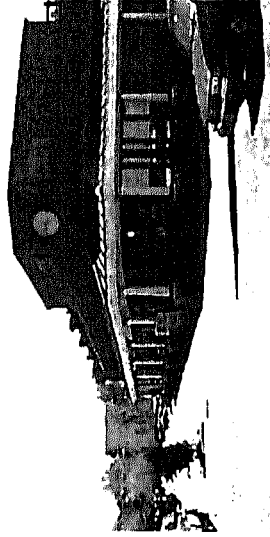
*top and bottom: two examples of public spaces with appropriate amenities located in a commercial center*





## FRANCHISES

*It is desirable for franchises and outlets to respect existing town scale rather than reflect national, corporate images. Establishments developed by national chain operators can be designed to reflect local context. Thoughtful consideration of design elements such as façade and roof design, landscaping and signage, reviewed within the context of the existing architectural heritage, will help raise the overall quality of commercial development in Glenville.*



*Dunkin' Donuts, Albany, New York*



*Wendy's, Glenville, New York*

*top: a national franchise which reflects local urban context  
bottom: the use of tasteful, aesthetic building details in a national franchise*

**DERIVATION  
TABLE**

# DERIVATION TABLE

## Town of Glenville

### Derivation Table of 1966 Code to 2005 Code

Chapter/Title From 1966 Code		Location in 2005 Code
Ch. 2	Abandoned Motor Vehicles	REP
Ch. 2A	Alarms	Ch. 80
Ch. 2B	Alternate Members of Planning Board and Zoning Board of Appeals	Ch. 9
Ch. 3	Alcoholic Beverages	Ch. 84
Ch. 3A	Appearance Tickets	Ch. 13
Ch. 4	Approval of Plats	REP
Ch. 6	Bingo	Ch. 93
Ch. 7	Blasting	Ch. 97
Ch. 8	Building Construction Administration	Ch. 101, Art. I
Ch. 9	Buildings, Unsafe	REP
Ch. 11	Dance Halls	REP
Ch. 13	Dogs and Other Animals	Ch. 88
Ch. 14	Drainage Control	REP
Ch. 15	Empire Zone	Ch. 128
Ch. 16	Environmental Quality Review	Ch. 132
Ch. 17	Electrical Code	REP
Ch. 18	Ethics, Code of	Ch. 27
Ch. 18A	Fees	Ch. 139
Ch. 19	Firearms and Explosives	REP
Ch. 19A	Fireworks and Pyrotechnics	Ch. 147
Ch. 20	Fire Prevention	Ch. 110
Ch. 21	Fire Prevention Code	REP
Ch. 21A	Freshwater Wetlands	Ch. 156
Ch. 21B	Flood Damage Prevention	Ch. 151
Ch. 21C	Games of Chance	Ch. 160
Ch. 22	Garbage and Refuse	Ch. 232, Art. I
Ch. 23	Hemlock Hollow Park	Ch. 195, Art. I
Ch. 25	Insurance	Ch. 34

**NCM** = Not Code material (legislation is not general or permanent in nature).

**REP** = Repealed effective with adoption of Code; see Ch. 1, Art. I.

**NI** = Not included in Code but saved from repeal.

**NLP** = New legislation is pending.

# GLENVILLE CODE

Chapter/Title From 1966 Code		Location in 2005 Code
Ch. 26	Park Regulations	Ch. 195, Art. II
Ch. 27	Massage Businesses	Ch. 175
Ch. 27A	Mass Gatherings	Ch. 179
Ch. 28	Mobile Home Parks	Ch. 184
Ch. 28A	Notification of Defects	Ch. 190
Ch. 29A	Officers and Employees Article I – Defense of Officers and Employees Article II – (Reserved) Article III – Salaries of Town Clerk and Town Highway Superintendent Article IV – Salary of Supervisor Article V – Term of Town Clerk Article VI – Administrator Article VII – Terms of Office of Supervisor and Superintendent of Highways	Ch. 22  NI; see Ch. 60  NI; see Ch. 60 Ch. 65, Art. I Ch. 5 Ch. 65, Art. II
Ch. 30	Ordinances, Adoption of	REP
Ch. 30A	Police Department	Ch. 46
Ch. 31	Public Exhibitions and Entertainment	Ch. 204
Ch. 31A	Public Works, Department of	Ch. 51
Ch. 34	Septic Disposal Systems, Individual	Ch. 213
Ch. 35	Sewers	Ch. 217
Ch. 36	Sidewalks	Ch. 221
Ch. 37	Streets and Highways	Ch. 238
Ch. 39	Tax Exemptions	Ch. 245
Ch. 40	Television Antenna and Communications	NI
Ch. 41	Vehicles and Traffic	Ch. 255
Ch. 43	Vendors, Hawkers, Peddlers and Solicitors	Ch. 200
Ch. 44	Water and Sewers Department	Ch. 72
Ch. 45	Water Distribution Systems	Ch. 259, Art. I
Ch. 46	Water Usage Regulations	Ch. 259, Art. II
Appendix	Police Rules and Regulations	NCM

**NCM** = Not Code material (legislation is not general or permanent in nature).  
**REP** = Repealed effective with adoption of Code; see Ch. I, Art. I.  
**NI** = Not included in Code but saved from repeal.  
**NLP** = New legislation is pending.

**DISPOSITION  
LIST**

## Chapter DL

### DISPOSITION LIST

#### § DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Glenville adopted since the 2005 republication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the 2005 recodification was L.L. No. 3-2005, adopted 10-19-2005.

---

#### § DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
L.L. No. 4-2005	12-7-2005	Zoning fees amendment	Ch. 139
L.L. No. 5-2005	12-7-2005	Vehicles and traffic amendment	Ch. 255
L.L. No. 1-2006	1-18-2006	Vehicles and traffic amendment	Ch. 255
L.L. No. 2-2006	2-15-2006	Veterans tax exemption amendment	Ch. 245, Art. II
L.L. No. 3-2006	4-5-2006	Adoption of Code	Ch. 1, Art. I
L.L. No. 4-2006	9-6-2006	Vehicles and traffic amendment	Ch. 255
L.L. No. 5-2006	11-1-2006	Vehicles and traffic amendment	Ch. 255
L.L. No. 1-2007	2-21-2007	Zoning amendment	Ch. 270
L.L. No. 2-2007	3-7-2007	Building construction and fire prevention	Ch. 101
L.L. No. 3-2007	4-18-2007	Zoning amendment	Ch. 270
L.L. No. 4-2007	6-20-2007	Subdivision of land amendment; zoning amendment (stormwater)	Chs. 242; 270
L.L. No. 5-2007	7-18-2007	Fireworks and pyrotechnics: public display of fireworks	Ch. 147, Art. II
L.L. No. 6-2007	10-17-2007	Storm sewers: illicit discharges, activities and connections	Ch. 235, Art. I

Enactment	Adoption Date	Subject	Disposition
Res. No. 50-2008	2-6-2008	Fees amendment	Ch. 139
Res. No. 61-2008	3-5-2008	Fees amendment	Ch. 139
L.L. No. 1-2008	3-19-2008	Flood damage prevention	Ch. 151
L.L. No. 2-2008	8-20-2008	Taxation: Cold War veterans exemption	Ch. 245, Art. III
L.L. No. 3-2008	8-20-2008	Vehicles and traffic amendment	Ch. 255
L.L. No. 4-2008	9-3-2008	Zoning amendment	Ch. 270
L.L. No. 5-2008	12-17-2008	Zoning amendment	Ch. 270
L.L. No. 1-2009	3-4-2009	Vehicles and traffic amendment	Ch. 255
L.L. No. 2-2009	4-15-2009	Telephone directory distribution	Ch. 201

# INDEX



# GLENVILLE INDEX

**DEFINITIONS NOTE:** For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

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