

Town of Northumberland

Subdivision Regulations and Design and Construction Standards

Adopted December, 1999

PART I

SUBDIVISION REGULATIONS

TOWN OF NORTHUMBERLAND
SUBDIVISION REGULATIONS
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THE FOLLOWING RELATED TOWN LOCAL LAWS MAY APPLY TO A SUBDIVISION.
COPIES ARE AVAILABLE FROM THE TOWN CLERK.

DRIVEWAY PERMIT REGULATION
 RIGHT TO FARM LAW
 SOIL DISTURBING ACTIVITIES LAW
 WATERCOURSE PROTECTION LAW
 DEVELOPMENT IN FLOOD HAZARD AREAS

SECTION I - DECLARATION OF POLICY

Declaration of Policy - By the authority of the resolution of the Town Board of the Town of Northumberland, adopted on the 15th day of November 1973, as amended by action of the Town Board on July 11, 1988 pursuant to provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Northumberland is authorized and empowered to approve Plats showing lots, blocks or site, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the clerk of the county and to conditionally approve preliminary plats, within the part of the Town of Northumberland outside the limits of any incorporated city or village. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces, parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, these regulations which shall be known as, and which may be cited as, the "Town of Northumberland Subdivision Regulations" have been amended, adopted and approved by the Planning Board on June 2, 1988.

These subdivision regulations were revised on March 19, 1990, December 9, 1991, and December 29, 1999.

SECTION II - DEFINITIONS

For the purpose of these regulations, the following words and terms shall have the meanings indicated:

Board - Means the Planning Board of Northumberland or any person authorized by the Planning Board to act as its representative.

Cluster Development - A development pattern in which uses are grouped or "clustered" through a density transfer within a particular development, rather than spread evenly throughout as in conventional lot-by-lot development. (See Town Law Section 278 and the Cluster Zoning Ordinance of the Town of Northumberland.)

Common Open Space - A parcel or parcels of land or an area of water, of combination of land and water, designed and intended for private or public use or enjoyment of the space. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of space.

Construction - Refers to paving, utility and miscellaneous construction in public rights-of-way or easements as shown on the Subdivision Development Map and not privately owned construction covered by building permits.

Developer - The owner or owners of the properties that are to be developed or their designated representative.

Double Frontage Lots - Are lots with the rear and front lot lines abutting existing or proposed streets.

Final Plat - Means the final map upon which the owner's plan of subdivision is presented to the Planning Board for approval, and which, if approved shall be submitted to the County Clerk for recording. The Final Plat is submitted as part of the Final Submission.

Final Review - Refers to the complete process of reviewing a Final Submission and issuing final approval or disapproval by the Board.

Final Submission - Refers to the Final Plat and all other documents the subdivider is required to submit for Final Review of a subdivision by the Board.

Home Owners Association - A contract agreed to by owners of homes in an area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space, and, may provide regulations for the appearance of structures.

SECTION II - DEFINITIONS (Cont'd)

Keyhole Lots - keyhole lot is any lot that has a narrow frontage at the road and is wider behind other lots to provide the minimum lot width required for building.

Letter of Credit - An irrevocable letter of credit from a bank located in, and authorized to do business in New York State. The letter of credit shall be approved by the Town Board and the town attorney as defined in the New York State Town Law.

Lot Line Alteration - Any alteration of lot lines or dimensions of lots or sites shown on a plat previously approved and filed in the office of Saratoga County Clerk.

Maintenance Bond - A security provided by the developer to cover the cost of correcting any defects in the highway and/or drainage structures, for the periods specified in these regulations, in the event that the developer does not make the required corrections.

Master Plan - Is a comprehensive plan for the development of the Town as authorized in Section 272-a of the Town Law.

Official Map - Is a map established by the Town Board under Section 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under provisions of the Town Law.

Open Space - Land not covered by buildings, or parking lots, open storage, mining operations, or any other use that visually obscures the natural or improved landscape, except for recreational facilities.

Owner - The person(s) or organization that is recorded on the current deed to the property, or as filed in the County Clerk's office.

Parking Lot - Any space used for short term storage of more than three (3) vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.

Parking Space, Off Street - An off street area or berth which is at least nine (9) feet in width and eighteen (18) feet in length, with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.

SECTION II - DEFINITIONS (Cont'd)

Performance Bond - An obligation in writing, under seal, issued by a Surety Company satisfactory to the Town Board binding the obligor to pay a sum of money to the Town if the obligor fails to satisfactorily install and/or maintain improvements as required under Section 277.9 of the New York State Town Law, as amended.

Preliminary Plat - Means a drawing showing the salient features of a proposed subdivision submitted to the Planning Board for its consideration prior to submission of the Final Plat. The Preliminary Plat is submitted as part of the Preliminary Submission.

Preliminary Review - Refers to the complete process of reviewing a Preliminary Submission and issuing a conditional approval, conditional approval with modifications, or disapproval by the Board.

Preliminary Submission - Refers to the Preliminary Plat and all other documents required for Preliminary Review of a Subdivision by the Board.

Reverse Frontage Lots - Are lots with the rear lot line abutting an existing or proposed street.

Roadway - Refers to the portion of a street which is designated for vehicle use.

Street - Means a way for vehicle traffic, whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, cul-du-sac, place or however otherwise designated and includes the entire area within the right-of-way.

- a. Arterial streets and highways are those used or destined to be used primarily for fast or heavy traffic whether existing or proposed.
- b. Collector streets are those which carry traffic from minor streets to major system of arterial streets and highways. Collectors may also serve as secondary arteries to carry some through traffic. A street which is the outlet toward an arterial street for more than one hundred (100) acres or is a main entrance to a residential development shall be considered a collector street.
- c. Local streets are those which are used primarily for access to abutting properties.
- d. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways which provide access to abutting properties

SECTION II - DEFINITIONS (Cont'd)

and protection from through traffic.

Subdivision - Is the division of any parcel of land into two or more lots, plots, sites or other division of land for immediate or future sale or for building development whether or not the subdividing creates a street. The term "Subdivision" is used to denote the act of subdividing or the property which is subdivided. The term "Subdivision" may include lot line alterations.

Subdivision - MAJOR The division of a single parcel into at least two (2) or more lots in such a way it requires construction of a new street or public utility or the expansion or the extension of an existing street or public utility for the parcels to be developed. A major subdivision is also defined as the creation of more than four (4) lots.

Subdivision - MINOR - The division of a single parcel into at least two (2) but not more than four (4) lots in such a way that it does not require the construction of a new street or public utility or the expansion or extension of an existing street or public utility for parcels to be developed.

Town - Means the Town Board of Northumberland, Highway Superintendent of Northumberland or other official responsible by law for the function referred to. It may also refer to the person authorized to act as the representative of the responsible official or officials.

SECTION III - ADMINISTRATION

The Subdivision Regulations for the Town of Northumberland apply to any person, partnership, association, joint venture or corporation who wishes to effect a subdivision after the effective date of these regulations.

The Subdivision Regulations for the Town of Northumberland shall be administered by the Planning Board in cooperation with the Town Board, the Zoning Administrator, the Town Engineer and other agencies. All requests for information, application forms or other related materials shall be directed to the Secretary of the Town of Northumberland Planning Board.

SECTION IV - PROCEDURES

A. General: It is recommended that any potential applicant for subdivision review contact the Planning Board or the Zoning Administrator to discuss the nature of his proposal on an informal basis prior to initiating a formal request for review. At such a meeting the proposed subdivision will be classified either major or minor subdivision as defined by these subdivision regulations. If there is no meeting, the proposed subdivision will be classified by the Planning Board at the time of formal application submission. Whenever a time limit is specified in these regulations, the Planning Board may extend the limit upon request by the owner provided the Board is legally empowered to do so.

Whenever any subdivision of land as hereinbefore defined is proposed to be made and before any contract for the sale or any offer to sell such subdivision or any part thereof is made, the subdivider shall apply in writing to the Planning Board using the application form in Appendix A for approval of such subdivision. The subdivider shall conform to the Schedule of Review as outlined in the application and the requirements of these subdivision regulations.

B. The applicant shall apply for inclusion on the Planning Board's agenda no later than fifteen (15) days before any meeting at which the applicant wishes to address the Board. For preliminary or final review, one complete set of all drawings shall be submitted at this time to the Town Engineer for his review. Presentation of the drawings for the review by the Town Engineer before the Planning Board meeting is to expedite the review of the project, and is not to be construed as the date of the submission to the Planning Board.

The name and phone number of the developer or his or her representative shall be provided to answer questions and to set up a field walk if required by the Town Engineer. The Planning Board may contract for an independent engineering firm to perform the engineering review.

C. Four steps are prescribed for both the minor and major subdivision review process. The entire process is described in this section and the detailed requirements of the major and minor subdivision review process are described in Sections V through IX.

SECTION IV - PROCEDURES (Cont'd)

1. Step one - Pre-Application Conference:

The purpose of this step is to determine the feasibility of the project before the Owner has invested a substantial amount of money. The Owner shall present such information as the Board may require. The Board will inform the Owner of the general subdivision requirements as well as particular requirements for the subdivision under review as directed by the Master Plan, Official Map, or other regulations.

2. Step two-Preliminary Review:

The owner shall present a Preliminary Submission, including the proposed plat and all other required materials, at a Planning Board meeting. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with provision of the state environmental quality review act.

a. A field walk by the Board with the owner may be required. Temporary stakes showing street centerlines and proposed drainage facilities may be required. All state and federally regulated wetlands shall be delineated.

b. The Board shall hold a public hearing on the proposed preliminary plat within sixty-two (62) days after the plat is considered complete or within the time frame set forth in the current New York State Town Law. Notice of such public hearing shall be advertised in a newspaper of general circulation in the Town at least five (5) days before such hearing. A notice of the hearing shall also be sent, by certified mailings, to all owners of the property that adjoins the proposed subdivision, the fire departments, and other persons or organizations as deemed appropriate by the Board. The notifications will be published by the Board secretary and the cost of the notices will be paid by the applicant. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred and twenty (120) days after it has been opened.

c. The Planning Board shall approve, with or without modification, or disapprove such Preliminary Submission within sixty-two (62) days after the public hearing. The grounds for modification(s), if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions of this subdivision, the period in which the Planning Board may take action on the Preliminary

SECTION IV - PROCEDURES (Cont'd)

Submission may be extended by mutual consent of the owner and the Planning Board. When so approving a Preliminary Submission, the Planning Board shall state in writing any modifications it deems necessary for submission of the subdivision in final form.

d. If the Preliminary Submission is disapproved, the Board shall state the reasons for disapproval.

e. The action of the Board shall be noted on two (2) copies of the APPLICATION FOR SUBDIVISION, to which shall be attached reference statements of any conditions and requirements determined by the Board. Within five (5) days a certified copy shall be mailed to the owner and the other copy filed in the Board Secretary's office.

f. Within six (6) months of the approval of the Preliminary Submission the owner must submit the plat in final form. If Final Submission is not made within six (6) months, approval of the Preliminary Submission may be revoked by the Planning Board.

g. If the Preliminary Submission is disapproved, the resubmission may be made within six (6) months from the date of disapproval. A resubmission made after six months from the date of disapproval may be treated like a new submission and may require a new Preliminary Review and all applicable fees.

h. In the event the Planning Board fails to take action on a Preliminary Submission within the time prescribed therefore, such Preliminary Submission shall be deemed granted preliminary approval. The certificate of the Planning Board Secretary as to the date of submission, and the failure of the Planning Board to take action within the prescribed time, shall be issued on demand and shall be sufficient in lieu of written endorsement of other evidence of approval herein required.

3. Step three - Final Review:

Final submission shall be presented to the Planning Board within the time limits defined above.

a. When a final plat is submitted which the Planning Board deems to be in substantial agreement with the approved preliminary plat, the Planning Board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-

SECTION IV - PROCEDURES (Cont'd)

two (62) days of its receipt by the secretary of the Planning Board, or as amended by the time frames set forth in the current New York State Town Law.

b. When a final plat is submitted which the Planning Board deems not to be in substantial agreement with the approved preliminary plat, the following shall apply:

(i). Final plats not in substantial agreement with the approved preliminary plats may require further review under the State Environmental Quality Review Act.

(ii). The Board shall hold a public hearing on the proposed final plat within sixty-two (62) days after the plat is considered complete or within the time frames set forth in the current New York State Town Law. Notice of such public hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing. A notice of the hearing shall also be sent, by certified mailings, to all owners of property that adjoins the proposed subdivision, the fire departments, and other persons or organizations as deemed appropriate by the Board. The notifications will be published by the Board secretary and the cost of the notices will be paid by the applicant. The hearing on final plat shall be closed upon motion of the Planning Board within one hundred twenty (120) days after it has been opened.

(iii). The Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days after the close of the public hearing. The grounds for modifications, if any, or the grounds for disapproval shall be stated by the Board.

c. Notwithstanding the foregoing provisions of this subdivision, the period in which the Planning Board must take action on such final plat may be extended by mutual consent of the owner and the Planning Board.

d. In the event the Planning Board fails to take action on a final plat within the time prescribed herein, or for such extended period established by mutual consent by the owner and the Planning Board, the plat shall be deemed approved, and a certificate of the

SECTION IV - PROCEDURES (Cont'd)

Planning Board secretary as to the date of submission and the failure to take action within the prescribed time, shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

e. If the Planning Board grants conditional approval of the final plat, then within five days (5) of such resolution the Planning Board secretary shall mail to the owner a statement of the conditions to be fulfilled in order to obtain final approval. Conditional approval of the final plat shall expire within one hundred eighty days after the date of such resolution granting conditional approval unless such requirements have been certified completed. Notwithstanding the foregoing provisions of this section, the Planning Board may extend the time in which a conditionally approved plat in final form must be submitted for signature if, in its opinion, such extension is warranted by the particular circumstances thereof, which time shall not exceed two additional periods of ninety (90) days each.

f. If the final submission is approved by the Board, or all the conditions are fulfilled for a conditional approval, (and provided that all the required fees have been paid) an appropriate notation to that effect shall be made on the face of the original or mylar prints of the Final Plat submitted to the Board and signed by the chairman of the Planning Board. One (1) copy shall be returned to the Owner for filing with the County and one copy shall be retained by the Board for its records. A third copy may be submitted for stamping if the developer so desires.

g. In granting conditional or final approval of a plat in final form, the Planning Board may permit the plat to be subdivided and developed in two or more sections. The Board, in its resolution granting conditional or final approval, may state such requirements as it deems necessary to insure the orderly development of the plat to be completed before such sections may be signed by the duly authorized officer of the Planning Board. Conditional or final approval of the sections of the final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning Board.

h. The signature of the Planning Board Chairman indicating the approval of the final plat, or the certificate of the Planning Board secretary as to the date of submission of the final plat and failure of the Planning Board to take action within the time herein provided, shall expire within

SECTION IV - PROCEDURES (Cont'd)

sixty-two (62) days from the date of such approval, or from the date the certificate is issued, unless within such sixty-two (62) day period such plat, or a section if permitted by the Planning Board, shall have been duly filed or recorded by the owner in the office of the County Clerk. If the owner files only a section of the approved plat, as permitted by the Planning Board, the approval of the remaining sections of the approved plat shall expire unless such sections are filed within a period of three years (3) after the filing of the subdivision plat or first section thereof.

i. Performance Bond/Letter of Credit:

(i). If the subdivision includes construction of infrastructure which will be dedicated to the Town, the Planning Board resolution to approval the final plat will be conditional on the owner providing a performance bond or letter of credit to the Town prior to the signing of the plat, to cover the full cost of the improvements, including roads, signs and drainage structures, which will be ceded to the Town and/or built on easements assigned to the Town.

(ii.) The developer may request an extension of time to fulfill this conditional approval, if required, as defined in paragraph 3.e above.

(iii). The amount of the performance bond or letter of credit shall be determined from a construction cost estimate prepared by the owner's engineer and submitted to the Planning Board. The original bond shall be for three (3) years. The Planning Board shall pass a resolution either approving or adjusting the performance bond/letter of credit estimate and shall provide copies signed by the Chairperson, for use by the developer in obtaining and posting a performance bond or letter of credit.

(iv). The developer shall present the performance bond/letter of credit along with a copy of the approved estimate to the Town Attorney at least one (1) week before the Town Board agenda meeting for approval as to form and sufficiency. If the performance bond/letter of credit is acceptable, the Town Attorney will have the Town Clerk place the performance bond/letter of credit on the next Town Board meeting agenda. If the Town Board approves the performance bond/letter of credit it will be forwarded to the Town Clerk for recording and the Planning Board Chairman will be notified of this action.

SECTION IV - PROCEDURES (Cont'd)

(v). The value of the performance bond/letter of credit may be reduced as construction is completed as defined in SECTION VI.D.3 of these regulations.

(vi). if within thirty (30) months of the issuance of a performance bond/letter of credit the developer has not completed the required improvements then the Town may declare the performance bond/letter of credit in default and use these funds to complete construction.

j. No Building Permits shall be issued, and construction of subdivision improvements shall not be started, until all Letters of Credit/or Performance Bonds are accepted by the Town and the final plat is filed with the County.

k. If the final submission is disapproved, resubmission may be made within six (6) months of the date of disapproval with no additional fee required. A resubmission made after six (6) months from the date of disapproval may be treated like a new submission and require Preliminary and Final Review with all applicable fees.

4. Step Four - Construction, Inspections, "As Built" Drawings and land dedication to the Town:

a. The Highway Superintendent and Town Engineer shall be notified of the intent to start construction of roadways and drainage structures at least five (5) days prior to the starting date, and shall subsequently be notified in time to permit each of the required inspections.

b. With prior approval of the Planning Board, minor change from the development map and plan/profiles, as required by conditions of the work site, may be allowed in actual construction.

c. When a period of one (1) year has passed after construction is completed on roads and drainage structures, the owner may apply for their dedication to the Town. Application for road and drainage structure dedications to the Town can occur on a section by section basis in compliance with Section VI.C.1.g. At the time a final inspection shall be performed by the Town Representatives to assure compliance with these Subdivision Regulations and the approved drawings and specifications.

d. When construction has been approved, final plats and plans/profiles shall be provided to the Town by the Owner to show construction "As Built".

SECTION IV - PROCEDURES (Cont'd)

e. The Letter of Credit and Performance Bond may be reduced by the Town as construction progresses in compliance with Section VI. D.3. The Letter of Credit or Performance Bond shall be replaced with a Maintenance Bond or Letter of Credit at the time that the Town Board accepts the road and drainage easements.

f. After the highways and drainage structures have passed inspection, and all required documentation has been accepted by the Planning Board, the Town Board shall act on the application for acceptance of roads and easements.

SECTION V - MINOR SUBDIVISION

A - PRE-APPLICATION CONFERENCE

1. The Pre-Application conference may take place at any time acceptable to the Board.

2. The Owner shall furnish three (3) copies of a sketch plan of the proposed subdivision and all adjacent land owned by the owner or under option to him or her. The sketch shall include a street layout, lot lines, and proposed building locations. The sketch shall be to scale not less than two hundred (200) feet per inch.

3. Information that the Board shall require for the pre-application conference will include:

a. A conventional sketch plan showing the proposed subdivision layout as defined in the Zoning Regulations for the applicable district(s).

b. A recent aerial photo of the site (Available from Saratoga County).

c. A copy of the soils map of the area. (Available from the Saratoga County Soil and Water Conservation District).

d. A U.S.G.S. 7 1/2 topo map of the site.

e. Other information that the Board may require.

4. The Planning Board shall advise as to feasibility and any special considerations for the subdivision design. A field walk with the owner may be required.

B. - PRELIMINARY SUBMISSION

1. The Preliminary Submission for a MINOR subdivision shall include the following:

a. A Preliminary Plat, in triplicate, to a scale not smaller than one hundred (100) feet to the inch drawn accurately to scale with appropriate dimensions shown and including all the information required for a minor subdivision Final Plat except monuments and iron pipes and the certification standards of accuracy. The Preliminary Plat shall include:

(i). All contiguous land owned or under option by the Owner shall be shown with a street and lot plan for its development.

SECTION V - MINOR SUBDIVISION (Cont'd

(ii). Soils percolation tests.

(iii). Ground contour elevations at ten (10) foot intervals.

b. All sheets shall be 30" x 42", 22" x 34", 17" x 22", 11" x 17" or 8 1/2 x 14" in size. When more than one sheet is required, all shall be the same size and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale along with the location of the match lines.

c. In addition to the required drawings, the following information shall be submitted as part of the Preliminary Submission.

(i). Completed Town of Northumberland Application for Subdivision form;

(ii). Draft of any protective covenants whereby the owner proposes to regulate land use in the Subdivision and otherwise protect the proposed development;

(iii). Completed Environmental Assessment Form per SEQRA.

(iv). A copy of the current deed(s) to the property(ies) for which the subdivision is being proposed.

d. An application fee shall be paid at the time the Preliminary Submission of a MINOR subdivision is placed on the Planning Board agenda. The fee shall be set and published by the Town Board, and shall consist of a base fee plus a per lot assessment. The applicant shall also pay the cost of publishing the public hearing notice and the certified notification by mail of the contiguous property owners adjoining the proposed subdivision.

e. The applicant will be responsible to reimburse the Town for any engineering or legal expenses which are incurred to evaluate the plans and documentation for the subdivision. At the time that the preliminary plat is submitted to the Board secretary the applicant shall establish an escrow in the amount established by the Town Board as listed in the fee schedule to cover these costs. All costs of reviewing the application by the Town Counsel, the Town Engineer,

SECTION V - MINOR SUBDIVISION (Cont'd)

and/or an engineering consultant retained by the Planning Board, will be charged against this account. The account shall be administered through the Supervisor's Office. A positive balance must be maintained in the account until the project receives final approval and is filed with the County Clerk's Office. If at any time the cost of the review exceeds the funds available the applicant will be advised and the review stopped until the escrow is renewed. All funds remaining in the account at the time that the subdivision is filed at the County will be returned to the applicant.

f. More detailed information may be required by the Planning Board as part of the Preliminary Submission for a Minor Subdivision in special cases. The Planning Board at its discretion, reserves the right to waive any of the aforementioned Preliminary MINOR Subdivision Requirements.

C. FINAL SUBMISSION

1. The Final Submission for a Minor Subdivision shall include the following:

a. Final Plat, including two reproducible copies on mylar plus five (5) prints to a scale not smaller than one-hundred (100) feet to the inch showing the following:

(i). All existing and proposed property lines properly identified by a licensed land surveyor, present zoning and building setback lines, easement and right-of-way lines with dimensions, azimuth or angle data and curve data;

(ii). All monuments, iron pipes and bench marks;

(iii). Lot sizes;

(iv). Names of owners of all adjacent property;

(v). Ground contour elevations at five (5) foot intervals;

(vi). All property reserved by the owner and all properties to be dedicated to the public for public use.

(vii). A house number for each lot as specified in Section IX.E.

SECTION V - MINOR SUBDIVISION (Cont'd)

(viii). Water supply and sewage disposal locations for all proposed lots and adjacent existing lots, showing the distance between the wells and the septic systems are adequate to meet the State Department of Health requirements.

(ix). A north arrow and scale designation.

(x). A location map.

(xi). A proposed use of each lot including locations of all existing and proposed buildings and structures.

(xii). Standards of accuracy meeting the Town of Northumberland's requirements shall be noted on the map and certified by a land surveyor registered in New York State.

(xiii). Watercourses, marshes, rock outcrops and other important land features (including one hundred (100) year federally designated flood hazard areas, New York State regulated wetlands and federally regulated wetlands).

(xiv). Sanitary sewers, well locations, storm drains, gas lines, water lines and buried cables, including all appurtenances to these facilities.

(xv). Location and results of percolation tests which were conducted and certified by a qualified Licensed Engineer, certified Professional Soil Scientist or Land Surveyor who is qualified under Section 7208 (paragraph n) of the State Education Law. The number and location of tests shall be adequate to define the conditions where the drainage fields will be installed.

(xvi). Water elevations and subsurface information including groundwater elevation shall be noted where appropriate. Adequate test borings shall be made to establish the subgrade conditions encountered, the mottling elevation, and elevation of groundwater to a depth of six (6) feet below existing or final cut grade, which ever is lowest. Test borings shall be witnessed and certified by a qualified Licensed Engineer, or a certified Professional Soil Scientist.

SECTION V - MINOR SUBDIVISION (Cont'd)

b. All Sheets shall be 30" x 42", 22" x 34", 17" x 22", 11" x 17" or 8 1/2" x 14". When more than one (1) layout sheet is required, all shall be the same size, and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.

c. In addition to the required drawings, the applicant shall provide such certificates, affidavits, endorsements, agreements or other agency permits as may be required by the Planning Board in enforcement of these regulations.

d. The recreation fee shall be paid at the time that the final plat is submitted to the Board secretary for including on the agenda.

e. More detailed information may be required by the Planning Board as part of the Final Submission for a Minor Subdivision in special cases. The Planning Board at its discretion reserves the right to waive any of the aforementioned MINOR Subdivision requirements.

SECTION VI - MAJOR SUBDIVISION

A - PRE-APPLICATION CONFERENCE

1. The Pre-application conference may take place at any time acceptable to the Board.
2. The Owner shall furnish three (3) copies of a sketch plan of the proposed subdivision and all adjacent land owned by the Owner or under option to him or her. The sketch shall include a street layout, lot lines, and proposed building locations. The sketch shall be to scale not less than two-hundred (200) feet per inch.
3. Information that the Board shall require for the pre-application conference will include:
 - a. A conventional sketch plan showing the proposed subdivision layout as defined in the Zoning Regulations for the applicable district(s).
 - b. A recent aerial photo of the site. (Available from Saratoga County).
 - c. A copy of the soils maps of the area. (Available from Saratoga County Soil and Water Conservation District).
 - d. A U.S.G.S. 7 1/2 topo map of the site.
 - e. On Major subdivisions, the Board may also require an alternate cluster development design (in addition to the conventional sketch design) as authorized by Section 278 of the New York State Town Law.
 - f. Other information that the Board may require.
4. The Planning Board shall advise as to feasibility and any special consideration for the subdivision design. A field walk with the owner may be required.

B. - PRELIMINARY SUBMISSION

1. The Preliminary Submission for a MAJOR subdivision shall include ten (10) copies of all drawings. These will be distributed as follows: One (1) copy each for the 1. Planning Board secretary for Board files, 2. Town Engineer, 3. SEQRA review, 4. Highway Superintendent, 5. County Planning Board, 6. County Soil and Water, and 7. Fire Department, plus three (3) copies for the Planning Board members. Additional copies shall be provided if required by the Planning Board.

SECTION VI - MAJOR SUBDIVISION (Cont'd)

a. A Preliminary Plat to scale not smaller than fifty (50) feet to the inch, drawn accurately to scale, with dimensions shown. This shall show all the information required for a Major Subdivision Final Plat except monuments and iron pipes, and the certification of standards of accuracy. The plat shall be clearly marked "Preliminary Plat" and shall include:

(i). All highways or other major public or private improvements planned for future construction on or near the proposed subdivision, including those shown on the Official Map or Master Plan, shall be shown.

(ii). All contiguous land owned or under option by the Owner shall be shown with a street and lot plan for its development.

(iii). Percolation tests as required by the Town and/or New York State Department of Health.

(iv). Ground contour elevations at five (5) foot intervals.

(v). If a cluster development is to be considered, then the plats shall include both the conventional plan to comply with the appropriate zone(s), and the proposed cluster plan. (See the "Cluster Zoning Regulation" in Section VIII.

b. Plan/Profile for each street with a horizontal scale of fifty (50) feet to the inch and vertical scale of four (4) feet to the inch showing all information required for the Final submission of a plan/profile except the approximate stationing may be shown. In addition, profiles of present surface shall be shown on centerline and both right-of-way lines of all streets and on centerline of all easements.

c. All sheets shall be 30" x 42", 22" x 34", 17" x 22", 11" x 17" or 8 1/2" x 14" in size. When more than one sheet is required, all shall be the same size and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale along with the location of the match lines.

d. In addition to the required drawings, the following information shall be submitted as part of the Preliminary Submission.

(i). Completed Town of Northumberland Application for Subdivision form;

SECTION VI - MAJOR SUBDIVISION (Cont'd)

(ii). Request for any zoning changes proposed for the area to be subdivided.

(iii). Conditions of dedication of areas proposed to be dedicated to public use. The submittal shall define who will own the property, what uses will be permitted, who will maintain the property, and what deed restrictions will be required.

(iv). Preliminary design of bridges and culverts;

(v). Draft of any protective covenants whereby the owner proposes to regulate land use in the subdivision and otherwise protect the proposed development. Provide a copy of any proposed deed restrictions, conservation easements, and/or documentation to establish a Home Owner's Association. Note that the implementation of a Home Owner's Association will require the approval of the Attorney General's Office before the Plat can be approved by the Planning Board.

(vi). Location of any identified one hundred (100) year flood hazard areas, state regulated wetlands and and federally regulated wetlands.

(vii). Completed Environmental Assessment Form per the State Environmental Quality Review Act (SEQRA).

(viii). A copy of the deed(s) to the property(ies) on which the subdivision is proposed.

(ix). If the proposed subdivision consists of a disturbance of five (5) acres or more of land, a Stormwater Pollution Prevention Plan and a copy of the SPDES Notice of Intent form shall be provided as required by Article 17, Part 17-0808 of the NYS Environmental Conservation Law.

e. An application fee shall be paid at the time that this Preliminary Submission of a MAJOR Subdivision is placed on the Planning Board Agenda. The fee shall be set and published by the Town Board, and shall consist of a base fee plus a per lot assessment. The applicant shall also pay the cost of publishing the public hearing notice and certified notification by mail of the contiguous property owners adjoining the proposed subdivision.

f. The applicant shall be responsible to reimburse the Town for any engineering or legal expenses which are incurred to evaluate the plans and documentation for the subdivision.

SECTION VI - MAJOR SUBDIVISION (Cont'd)

At the time that the preliminary plat is submitted to the Board secretary the applicant shall establish an escrow in the amount established by the Town Board as listed in the fee schedule to cover these costs. All costs of reviewing the application by the Town Counsel, the Town Engineer, and/or an engineering consultant retained by the Planning Board will be charged against this account. The account shall be administered through the Supervisor's Office. A positive balance must be maintained in the account until the project receives the final approval and is filed in the County Clerk's office. If at any time the cost of the review exceeds the funds available the applicant shall be advised and the review will be stopped until the escrow is renewed. All funds remaining in the account at the time that the subdivision is filed at the county will be returned to the applicant.

g. If due to the complexity of the subdivision or due to excess requirements of the developer, the Town Engineer has to make extra visits to the site, or the Town has to hire an engineering consultant, the developer will be billed for the extra costs. These costs must be paid before the Town will accept the roads.

h. More detailed information may be required by the Planning Board as part of the Preliminary Submission for a MAJOR Subdivision in special cases.

i. If required by the Board, the area shall be flagged to show proposed roads and drainage locations, and to define the one hundred (100) foot limits from wetlands and waterways for a walk through by the owner and members of the Board.

C. - FINAL SUBMISSION

1. The Final Submission for a Major Subdivision shall include five (5) copies of all drawings including plats and road and drainage plans/profiles for consideration by the Planning Board. These will be distributed as follows: one (1) copy each for 1. The Planning Board secretary for Board files, 2. The Town Engineer, and three (3) copies for the Planning Board members. Additional copies shall be provided if required by the Planning Board.

a. The Final Plat shall be to scale not smaller than fifty (50) feet to the inch, shall be clearly marked "FINAL PLAT", and shall include the following:

SECTION VI - MAJOR SUBDIVISION (Cont'd)

- (i). All existing and proposed property lines properly identified by a licensed land surveyor, present zoning and building setback lines, easement and right-of-way lines with dimensions, azimuths or angle data, and curve data;
- (ii). All monuments, iron pipes and bench marks;
- (iii). Names of owners of all adjacent property;
- (iv). Proposed street names (See Section IX.A.6.)
- (v). All properties and access easements to be dedicated to the Town to include streets, walks, drainage structures, recreation areas and any passive open areas not specifically reserved by the owner. If required by the Board there may be a payment of a recreation fee in lieu of the offer of recreation open areas. Approval of the plat does not constitute acceptance by the Town of all lands shown as public properties. If the owner wishes to exclude any streets, highways, parklands or other properties from the dedication to the Town, a notation shall be made on the plat to the effect that no offer of dedication is being made to the public for the specifically listed properties.
- (vi). A house number for each lot as specified in Section IX.E.
- (vii). A north arrow and scale designations.
- (viii). A standard title block in the lower right corner of all drawings;
- (ix). A key map;
- (x). Proposed use of each lot including locations of all existing and proposed buildings and structures;
- (xi). Standards of accuracy meeting Northumberland requirements shall be noted on the map and certified by a land surveyor registered in New York State;
- (xii). Contour lines at two (2) feet intervals to U.S.G.S. datum showing existing and proposed contours;

SECTION VI - MAJOR SUBDIVISION (Cont'd)

(xiii). Watercourses, marshes, rock outcrops and other important land features including one hundred (100) year federally designated flood hazard area, New York State regulated wetlands and federally regulated wetlands;

(xiv). Right-of-way lines, street paving and street stationing;

(xv). Sanitary sewers, well locations, storm drains, gas lines, water lines and buried cables including all appurtenances to these facilities;

(xvi). If on-site water supply is to be utilized, a note stating "All lot sales shall be contingent upon a contract addendum for the location of water, flow capacity and potability in accordance with the Town of Northumberland and the New York State Department of Health Standards";

(xvii). Street name sign and traffic control sign locations.

(xviii). The final plat shall contain the signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208, paragraph (n) of the Education Law.

(xix). Location and results of percolation tests which were conducted and certified by a qualified Licensed Engineer, certified Professional Soil Scientist, or land Surveyor who is qualified under Section 7208, paragraph (n) of the Education Law;

(xx). Water elevations and subsurfaces information, including ground water elevation shall be noted where appropriate. Adequate test borings shall be made to establish the subgrade conditions throughout the subdivision, and to determine the conditions under the proposed roadway and drainage structures as required for adequate structural design. The plat shall show the existing surface elevation at the bore location, the soil conditions encountered, the mottling elevation, and elevation of groundwater to a depth of six (6) feet below existing or final cut grade, whichever is lowest. Test borings shall be witnessed and the report certified by a qualified Licensed Engineer, or a certified Professional Soil Scientist.

SECTION VI - MAJOR SUBDIVISION (cont'd)

b. Plan/Profile of each street and utility easement, with a horizontal scale of fifty (50) feet to the inch and vertical scale of four (4) feet to the inch showing the following:

(i). All pavement, storm drains, sanitary sewers, gas lines, buried cables and water lines with all appurtenances;

(ii). Pavement and utility stationing including all horizontal and vertical control points and grades;

(iii). Signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Section 7208, paragraph (n) of the Education Law;

(iv). A North arrow;

(v). A standard block in the lower right corner of all drawings;

c. Final Plat, and plan/profiles shall show all facilities which the subdivision standards require. All lettering shall be neat and legible.

d. All Sheets shall be 30" x 42", 22" x 34", 17" x 22", 11" x 17" or 8 1/2" x 14". When more than one (1) layout sheet is required all shall be the same size, and an index sheet of the same size shall be provided showing the entire subdivision to an appropriate scale.

e. In addition to the required drawings, the following documents shall be submitted as part of the Final Submission.

(i). Certificate of adequacy of the proposed water supply and sewage service as required by the Public Health Law and/or the Environmental Conservation Department of New York State.

(ii). Copies of all required permits and letters from federal, state and county agencies, listing all requirements and any restrictions that apply to the development of the subdivision.

(iii). Protective covenants in form for recording, including covenants governing the maintenance of uncaded public spaces or reservations and copies of deed restrictions, if any, for all properties in the

SECTION VI - MAJOR SUBDIVISION (Cont'd)

subdivision including lands set aside for perpetual open space.

(iv). Final design of bridges and culverts unless included in Preliminary Submission.

(v). Such other certificates, affidavits, endorsements, agreements or other agency permits of the applicant may be required by the Planning Board in enforcement of these regulations.

(vi). Proof of compliance with the State Environmental Quality Review Act (SEQRA).

(vii). A Stormwater Management Plan designed to prevent environmental damage on or off the site and to size the stormwater structures for the projected flows as required in this Subdivision Regulation. The Stormwater Management Plan shall be designed to limit the water flow (volume and rate of runoff) from the site, during and after construction, to be no more than the flows prior to the start of the project. The design shall comply with recommendations in the New York Guidelines for Urban Erosion and Sediment Control as printed by the Empire State Chapter, Soil and Water Conservation Society. A copy of all design calculations shall be provided to the Town Engineer.

(viii). A soil erosion and sediment control plan (as required in the Town of Northumberland Local Law No. 2 of the year 1991) which will adequately minimize the impact of the proposed soil disturbing activity upon the soil, water and vegetative resources of the Town. The Plan shall include description of the methods to be employed to prevent washing, tracking and/or blowing of the soil off from the site. The application of the Soil Disturbing Activities Law to the Subdivision shall be at the discretion of the Planning Board as specified in the Law, including fees and bonds or letter of credit. (A copy of this Town law is available from the Town Clerk).

(ix). A watercourse protection permit if required by the Planning Board as defined in Local Law No. 1 of the year 1991. (A copy of this Town Law is available from the Town Clerk).

(x). Copies of the Covenants for Home Owners Associations if such are to be established.

SECTION VI - MAJOR SUBDIVISION (Cont'd)

f. The recreation fee shall be paid at the time that the final plat is submitted to the Board secretary for inclusion on the agenda.

g. PARTIAL DEDICATION OF ROADS

(i). if the developer wishes to develop the subdivision in sections, and to dedicate a portion of the roads and drainage structures at various stages, a schedule shall be submitted showing the portion that is to be in each stage and the proposed schedule for the dedications. The Board will check that the request is feasible and that it complies with the intent of these regulations.

(ii). No section shall contain less than ten percent of the total number of lots in the approved plat.

(iii). All roads in each stage must be connected at each end to an existing town, county or state road or an approved turnaround must be provided for snow plows. The turnaround shall be shown on the plat and shall remain until the next section of road has been accepted by the Town. Adequate storm water run off control and erosion protection must be designed for each section to be effective without construction of the subsequent sections.

(iv). If the Board approves filing of the plat in sections a performance bond/letter of credit shall be provided to cover the construction of the infrastructure in each section of the subdivision including the cost of any temporary construction required. The owner shall not be permitted to begin construction of buildings in any section until such section has been filed in the office of the County Clerk and a performance bond/letter of credit has been provided to the Town.

(v). If the complete plat is filed with the County Clerk it must indicate the section divisions approved by the Planning Board. A performance bond/letter of credit shall be provided to cover the construction of the infrastructure in each section of the subdivision including the cost of any temporary construction required. The owner shall not be permitted to begin construction of buildings in any section until a performance bond/letter of credit has been provided to the Town.

SECTION VI - MAJOR SUBDIVISION (Cont'd)

h. More detailed information may be required by the Planning Board as part of the Final Submission for a MAJOR Subdivision in special cases. The Planning Board, at its discretion, reserves the right to waive any of the aforementioned final MAJOR subdivision requirements.

i. When the subdivision has received final approval and conditions required by the Planning Board have been met, seven (7) copies of all plats reflecting the design as approved by the Board shall be provided at the time that the mylar plats are submitted for signature. The seven (7) copies of plats shall be distributed as follows:

- (1.) Planning Board secretary for Board files,
- (2.) Town Engineer,
- (3.) Highway Superintendent,
- (4.) Fire Department,
- (5.) Zoning Officer,
- (6.) School District,
- (7.) Post Office.

Three (3) copies of the road and drainage plans/profiles shall be submitted for the

- (1.) Planning Board secretary,
- (2.) Town Engineer,
- (3.) Highway Superintendent.

Additional copies shall be provided if required by the Planning Board.

j. Two (2) mylar copies of the plat(s) that reflect the design as approved by the Planning Board shall be submitted for signatures and filing.

k. If the Final Submission is deemed approved due to failure of action by the Planning Board, the Owner shall still provide the two (2) required mylars and seven (7) copies of the plats and three (3) copies of the road and drainage plans/profiles for distribution as noted above.

SECTION VI - MAJOR SUBDIVISION (Cont'd)

D. - INSPECTION OF INFRASTRUCTURE, CONSTRUCTION,
"AS BUILT" DRAWINGS AND HIGHWAY DEDICATION

1. The owner or his representative shall submit all reports and samples and shall notify the Town officials as required by these Subdivision Regulations, in a timely manner as required to permit the required inspections. These shall include:

a. A soils information report on the proposed subbase materials, to the Town Engineer, prepared by the applicant's Engineer, which includes testing data on the proposed materials.

b. A one hundred (100) pound sample of the proposed subbase material to the Town Engineer for final review.

c. Notification to the Highway Superintendent shall be made forty-eight (48) hours prior to the proof rolling of the subbase. All unsatisfactory subbase, as determined by the Town Engineer, shall be excavated and replaced with new subbase material to the Engineer's satisfaction.

d. Notification to the Highway Superintendent shall be made forty-eight (48) hours prior to starting the paving.

2. The Town Highway Superintendent and Town Engineer shall be notified prior to the start of the following phases of the highway and storm drainage construction so that one or both may make the appropriate inspections as required by the Town.

a. After grubbing and stump removal, before cutting and filling.

b. Placement of underdrains, culverts, drywells and other stormwater structures.

c. Placement of subbase material.

d. Placement of each paving course.

3. After various items of construction are inspected and approved, the amount of the Letter of Credit or Performance Bond may be reduced, provided that it shall not be reduced to less than the amount determined for the construction which is still uncompleted, plus twenty percent of the amount determined for that construction which is completed and approved. At the time of the dedication to the Town

SECTION VI - MAJOR SUBDIVISION (Cont'd)

it shall be replaced with a maintenance bond or letter of credit equal to twenty percent of the value of the improvements, including storm drainage systems being ceded to the Town. The maintenance bond or letter of credit shall remain in effect for one year after the final inspection or until seventy-five percent of the total lots within the subdivision have been developed, whichever is later. It shall then be released provided the owner has submitted "as-built" plans.

4. When the Developer is ready to dedicate the roads and easements to the Town, as determined by Section IV paragraph C.4.c. of the Regulations, he shall submit an APPLICATION FOR ACCEPTANCE OF TOWN ROADS AND DRAINAGE EASEMENTS form (Appendix B) to the Planning Board. The completed improvements which are to be ceded to the Town shall be inspected and approved by the Highway Superintendent, the Town Engineer, and one member of the Planning Board.

5. The final plat and plan/profile shall be corrected as-built and one reproducible copy on mylar plus three prints shall be furnished to the Planning Board secretary.

6. All highways and drainage easements to be dedicated to the Town must be accepted by the Town Board no earlier than the first Town Board meeting in May and no later than the first Town Board meeting in November. If the developer wants the road(s) to be accepted before the winter season the APPLICATION FOR ACCEPTANCE must be submitted to the Planning Board secretary by October 1 to implement the final inspection. If the inspection shows that the construction meets the plans and specifications then the signed APPLICATION FOR ACCEPTANCE and all other required documentation has to be submitted to the Planning Board secretary no later than 10 days before the October Planning Board meeting. If the documentation is complete and acceptable to the Planning Board it will by resolution submit it to the Town Clerk for inclusion on the November Town Board agenda, and to the Town Attorney to review for legal sufficiency.

7. The following items are required for dedication of highways and drainage easements to the Town of Northumberland. They shall be submitted to the Planning Board to assure that they are complete, and in compliance with these regulations, and with all requirements of the subdivision as approved. When complete and approved, this material shall be turned over to the Town Clerk for the required actions by the Town Board.

SECTION VI - MAJOR SUBDIVISION (Cont'd)

a. One set of reproducible mylars and three sets of prints of the "as-built" drawings of the streets, drainage systems and utilities as described in paragraph "5" above. The prints will be distributed to the Highway Superintendent, the Town Engineer, and Zoning Officer.

b. The maintenance bond or letter of credit equal to twenty percent of the value of the improvements, including storm drainage systems being ceded to the Town. As noted above, this maintenance bond or letter of credit is to remain in effect for one year after the final inspection or until seventy-five percent of the total lots within the subdivision have been developed, whichever is later.

c. The escrow to cover the cost of providing and installing all required traffic signs not already in place (See Section IX.F.3.).

d. Original and two copies of the proposed deed(s). The deed(s) shall state that the Town of Northumberland is a "municipal corporation, organized and existing by virtue of the laws of the State of New York". The first paragraph of the deed should state, not only the date and title and preparer of the survey, but also the date of filing thereof in the Saratoga County Clerk's Office and the drawer number assigned thereto.

e. A title insurance policy in the full value of the land and improvements that will be dedicated to the Town.

f. Certification from the owner's engineer, architect and surveyor that all construction has been performed in accordance with the final plans.

g. A completed and signed APPLICATION FOR ACCEPTANCE OF TOWN ROADS AND DRAINAGE EASEMENTS including signatures of the Highway Superintendent, the Town Engineer, and a member of the Planning Board indicating that the construction was completed in accordance with approved plans and specifications.

h. Payment of all charges by the Town that have not been previously paid.

SECTION VI - MAJOR SUBDIVISION (Cont'd)

8: The developer shall correct all construction failures which develop in the highway and drainage systems during the period that the maintenance bond is required. If the corrections are not completed within a reasonable period of time, the Town shall make repairs and charge the costs to the bond or letter of credit. When the time period and development density requirements have been fulfilled, the Town shall release the maintenance bond or letter of credit, provided that no unsatisfactory defects remain.

SECTION VII - LOT LINE ALTERATION

A. Although Section 276 of Town Law states that the term "subdivision may include any alteration of lot lines or dimensions of any lots on sites shown on a plat previously approved and filed in the Office of the County Clerk...", lot line alterations may also involve the combining of existing parcels which do not constitute a subdivision of real property. The latter lot line alterations are not subject to these regulations. The Town of Northumberland has determined that lot line alterations of lots previously subject to the Town's subdivision regulations which meet all of the following criteria are eligible for a waiver from these regulations, providing the applicant re-files a corrected subdivision map with the Office of the Saratoga County Clerk.

B. WAIVER FOR LOT LINE ALTERATION

1. An applicant may request that the complete subdivision process be waived when a proposed subdivision meets all of the following conditions.

a. It does not result in an additional lot being created.

b. It is the conveyance of a portion of one parcel to an adjoining parcel.

c. It results in lots that are equal to or exceed the minimum zoning requirements for the district.

d. Does not require extension of roads or public utilities.

2. To request such a waiver the applicant shall complete the subdivision application, submit a sketch plan showing the lot line alterations, a copy of the plat previously approved by the Planning Board that was filed with the County Clerk and a narrative describing the proposed alteration with an explanation why the change is required.

If the filed plat is not available, the sketch plan shall include the following:

a. All existing property lines, proposed property lines, easement lines, right-of-way lines, driveways, present zoning lines and building setback lines on the affected lots.

b. Lot sizes:

SECTION VII - LOT LINE ALTERATION (Cont'd)

c. House/building number for each lot;

d. Septic system and well locations for affected and adjacent lots.

3. When such a waiver is requested, the Planning Board shall review the sketch plan and approve or deny the waiver request. Approval may be granted when it is determined that such lot line alteration would not adversely affect the site's development; adversely impact the neighborhood or negatively impact the health, safety or welfare of the town residents.

4. If the waiver is granted, the applicant shall file mylar copies of the approved subdivision survey map, with the Saratoga County Clerk and Town Planning Board. Any amendments to a previously filed map shall be referenced and identified on the survey map to be filed. The survey map shall include the following:

a. All existing property lines, revised property lines, easement lines, right-of-way lines, driveways, present zoning lines and building setback lines, with dimensions, azimuth or angle data and curve data;

b. All monuments, iron pipes and bench marks;

c. Lot sizes;

d. House/building number for each lot;

e. A title block, north arrow and scale designations;

f. A location map;

g. All federal and state regulated wetlands.

The survey map shall have an original stamp and seal of a licensed surveyor and the signature of the duly authorized official of the Town Planning Board.

5. The proposed lot line alteration shall not be subject to further SEQRA review as long as the following conditions have been met.

a. SEQRA review of the original subdivision application has resulted in the issuance of a negative declaration and

b. The proposed lot line adjustment meets all of the conditions listed in Section VII.B.1 above.

SECTION VII - LOT LINE ALTERATION (Cont'd)

6. If the Planning Board denies the request for waiver, the applicant may initiate a full subdivision review proceeding with the submission requirements as outlined in this regulation.

C. A fee in the amount established and published by the Town Board shall be paid at the time that the application is submitted to the secretary of the Planning Board. This fee is to cover any expenses for engineering review that the Board requires and can be waived by resolution of the Board if these expenses are not required.

SECTION VIII - CLUSTER DEVELOPMENT

A. PURPOSE

The purposes of authorizing the use of cluster zoning are to enable and encourage the flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands consistent with the goals and objectives of the Town of Northumberland Master Plan. The granting of design and development flexibility should promote superior land planning, affording greater economy, efficiency and convenience in the arrangement of land uses and their supporting infrastructure while maximizing the preservation of valuable open space, thereby protecting and preserving the natural and scenic qualities of such areas.

Specifically, the purposes of cluster development within the Town of Northumberland are to:

1. Promote the most appropriate uses of land;
2. Facilitate the adequate and economical provision of streets and utilities;
3. Result in improved living and working environments;
4. Preserve open space and the natural and scenic qualities of open lands including environmentally sensitive feature of development sites;
5. Preserve significant tracts of forested lands;
6. Preserve active agricultural lands;
7. Protect flood plains, wetlands, lakes, ponds, streams and other natural features.
8. Promote development in harmony with the goals and objectives of the Town of Northumberland Master Plan.

B. AUTHORITY

Authorization is hereby granted to the Town of Northumberland Planning Board pursuant to Section 278 of the Town Law to vary the zoning requirements of the Town's local zoning law simultaneously with the approval of any proposed residential development or subdivision plat within the Town subject to the purpose standards, procedures, and open space requirements set forth in this regulation and the Town of Northumberland's Subdivision Regulations. Consistent with the requirements of Section 278 of the Town Law and this regulation, the Town of Northumberland Town Board, hereby requires the Town of Northumberland Planning Board to adopt rules and regulations which set forth the criteria pursuant to which such application may be required.

SECTION VIII - CLUSTER DEVELOPMENT (Cont'd)

C. STANDARDS

1. The Planning Board shall make the determination whether the utilization of an alternate cluster development design shall benefit the Town of Northumberland.

2. The applicaiton of this procedure shall result in a permitted number of building plots or dwelling units which shall in no case exceed the number which could be permitted in the Planning Board's judgment if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance applicable to the district or districts in which such land is situated and conforming to all other applicable requirements.

3. The use of clustering shall be allowed in all residential and agricultural zones located within the Town of Northumberland. The Planning Board in its discretion may specify the amount of the various housing units permitted providing that the total number of units does not exceed that permitted for the applicable zone in which the site is located.

4. Cluster density shall be determined by the Planning Board and shall be based upon dividing the "net buildable area" of the site, as shown on a conventional subdivision sketch plan to be submitted by the applicant, by the minimum lot area permitted in the applicable zoning district. The net buildable site area shall be determined by taking into consideration the following: any unbuildable land such as but not limited to wetlands, slopes exceeding 15%, flood hazard areas, watercourses, water bodies, lands occupied by public utilities, structures, drainage control areas or rights-of-way,

5. All cluster housing stock must be compatible with the existing neighborhood character and the community setting.

6. Whenever possible, cluster applications should discourage the locating of structures upon active agricultural or scenic open space areas of the site while encouraging the use of natural land contours, relief, and native vegetation in the selection of suitable cluster building locations upon the site.

7. The variance of zoning requirements by the Planning Board for clustering applications may include, but not be limited to, lot size, lot width, lot depth and other various yard requirements. The Planning Board shall consider the availability of public sewer and water facilities at the proposed site as an important factor in determining the lot size and lot coverage requirements of any cluster subdivision design. The degree of lot size reduction and building coverage, shall be determined on a case by case basis by the Planning Board, dependent upon

SECTION VIII - CLUSTER DEVELOPMENT (Cont'd)

the soil conditions and the site's suitability for on-site sewerage disposal system(s) to be utilized on any cluster site, must meet the design and operational standards of N.Y.S. Department of Health.

8. Building lots and roadways of cluster developments shall not exceed fifty (50) percent of the total site area. The Planning Board in its design review of large cluster subdivisions should consider requiring the applicant to examine the layout of small building clusters within the development, each having some open space immediately surrounding it, as a goal of proper site planning. This technique will avoid a large massive concentration of building units, with little or no differentiation, and will more appropriately match the character of the neighborhood in which the cluster development is located.

9. The permitted gross building coverage of any cluster development site shall not exceed fifteen (15) percent of the gross land area of the site.

10. A minimum suitable fifty (50) foot vegetative buffer shall be required between all cluster developments and neighboring land uses.

11. In unique circumstances, the Planning Board may vary the aforementioned numerical standards, providing such variance does not alter the established density and is not inconsistent with the stated purpose of this regulation.

12. All cluster applicants are required, prior to the granting of final subdivision approval by the Planning Board, to make legal provisions consistent with Section VIII.E. and approval of the Town of Northumberland Town Board for the future protection/management of the open space resulting from the utilization of cluster zoning.

D. CLUSTER APPLICATION PROCEDURES

1. A cluster alternative design may be initiated by petition of the applicant or upon the direction of the Planning Board, if in said board's judgment, its usage would benefit the Town. The Planning Board shall, within five (5) days of the receipt of the cluster information specified in 3. below, transmit a copy of said information to the Town Board. The Planning Board may require any applicant coming before it for subdivision review to submit an alternative cluster design subdivision plan in any residential and agricultural zone located within the Town of Northumberland.

SECTION VIII - CLUSTER DEVELOPMENT (Cont'd)

2. The submission and review of all cluster zoning applications shall conform to the Town of Northumberland conventional subdivision review procedures and regulations as well as the requirements of the Town of Northumberland Cluster Zoning Regulations.

3. Prior to submission of any alternative cluster designed subdivision application, all applicants shall submit to the Planning Board at the pre-application stage of subdivision review the following:

a. A conventional and a cluster subdivision sketch plan which establishes, to the satisfaction of the Planning Board, the "net buildable area" density as specified in Section VIII C.4 of this regulation.

b. A recent aerial photograph of the proposed site

c. A copy of a 7 1/2' U.S.G.S. topographic map, which includes N.Y.S. regulated wetlands, of the proposed site.

d. A copy of the soils map of the proposed site

e. Information regarding the current land use of the proposed site and surrounding area

f. Information regarding the availability of public sewer and water services to the proposed site

g. A statement regarding the proposed management of the resultant open space.

4. The applicant shall provide the Planning Board at the preliminary subdivision application stage with written information regarding the method which will be utilized for ownership/management of any open space resulting from such application. A copy of this information shall also be provided to the Town Board.

5. The Planning Board, in its deliberations on whether to approve or disapprove any cluster or alternative designed subdivision application, shall give great consideration to how closely such application conforms to the cluster standards set forth in Section VIII.C. of this regulation.

6. Prior to the Planning Board's granting of any final cluster subdivision approval, the Town Board shall approve the method of ownership/management of the resultant open space. As a basis for determining this, the Town Board shall receive and forward to the town attorney copies of any required legal instruments, deeds, covenants, or conserva-

SECTION VIII - CLUSTER DEVELOPMENT (Cont'd)

tion easements which relate to the final disposition and management of the open space prior to approval by the Town Board.

7. Upon the filing of the final subdivision plat in the Office of the County Clerk, a copy shall also be filed with the Town Clerk, who shall make appropriate notations and references thereto in the town zoning ordinance or map. The applicant shall provide the town assessor with copies of all legal instruments relating to any land use restrictions which may affect the use of any real property located within the filed subdivision plat.

8. All legal instruments, deeds, covenants, or conservation easements relating to the final disposition, ownership and management of any open space resulting from the Planning Board's approval of any cluster zoning application, shall be established and filed of record prior to the conveyance of any cluster subdivision lots. The establishment of any Homeowner Associations shall conform to the conditions specified in Section VIII.E.10. of this regulation.

E. OWNERSHIP/MANAGEMENT REQUIREMENTS FOR OPEN SPACE

1. The setting aside of open space, forested land, or active agricultural land in a clustered subdivision shall in no case preclude the Planning Board from requiring the dedication of parks, playgrounds or recreation lands or the payment of fees in lieu of land, within a subdivision pursuant to the Town of Northumberland subdivision regulations.

2. The amount of land to be set aside as open space shall be, at a minimum, no less than the percentage of the entire subdivision parcel by which the lot sizes have been reduced via clustering.

3. Re-subdivision and/or development of any open space resulting from the use of clustering shall be prohibited.

4. Open space lands set aside in a cluster subdivision for parks, playgrounds or recreation purposes shall be provided in such a manner that the lands are usable for recreation or other activities and are accessible to all residents of the subdivision or, where such lands have been conveyed to the Town, accessible to the public.

5. The Planning Board shall discuss with the applicant which of the following open space ownership and management options would be most suitable in fulfilling the purposes of this cluster regulation prior to the Planning Board granting a final approval of any cluster

SECTION VIII - CLUSTER DEVELOPMENT

subdivision. The open space/management method selected must be approved by the Town Board. The applicant, as a condition of Town Board approval, shall provide a copy of the legal instrument(s) which provide for the protection and management of the open space to the Town Board and town attorney for their review.

- a. Ownership/management by a single subdivision property owner.
- b. Open space ownership/management by several subdivision property owners.
- c. Open space ownership/management by a single private non-subdivision property owner.
- d. Open space ownership/management by a not-for-profit conservation organization.
- e. Open space ownership/management by a homeowners' association (HOA).
- f. Open space ownership/management by the developer.
- g. Open space ownership/management by a municipality.

6. The method of dedication of all open space land resulting from the use of clustering shall be referenced on the final subdivision plat. Such map notations shall also include specific references to any legal instruments utilized to effect such dedication.

7. The grant of a conservation easement to ensure the perpetual ownership and management of the open space resulting from clustering shall be required in all instances. All conservation easements shall be established and filed of record, prior to the conveyance of any cluster subdivision lots.

8. Wherever possible, active agricultural lands which are included in a proposed cluster design shall remain undeveloped and protected as an open space resource of the community.

9. Each deed to each lot sold by the original developer, his successor, and all subsequent owners, shall include by reference all recorded declarations, such as covenants, dedications, and other restrictions, including assessments and the provision for liens for nonpayment of such.

SECTION VIII - CLUSTER DEVELOPMENT (Cont'd)

10. Homeowners' Associations

The following conditions shall govern the utilization of a Homeowners' Association, if selected as the preferred open space ownership/management option for a cluster subdivision.

a. The homeowners' association shall be established as an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner any and succeeding owner is automatically a member, and each lot is automatically subject to a charge for a proportionate share of the expenses of the organization's activities, said proportion to be determined by the tax assessments on the properties.

b. Title to all common property, exclusive of land set aside for public schools if any, shall be placed in the homeowner's association, or definite and acceptable assurance shall be given that it automatically will be so placed within a reasonable period of time to be determined by the Planning Board.

c. Each lot owner shall have equal voting rights in the association and shall have the right to the use and enjoyment of the common property.

d. Once established, all responsibility for operation and maintenance of the common land facilities shall lie with the homeowners' association.

e. Dedication of all common land areas shall be recorded directly on the subdivision plat or be referenced on the plat to a dedication in a separately recorded document. Re-subdivision of such areas is prohibited. The dedication shall:

(i). Save the title to the common property to the homeowners' association free of any cloud or implied public dedication.

(ii). Commit the developer to convey the areas to the homeowners' association at the approved time to be determined by the Planning Board.

(iii). Grant easements of enjoyment over the common land area to the lot owners.

(iv). Give the homeowners' association the right to borrow for improvements upon the security of the common areas.

SECTION VIII - CLUSTER DEVELOPMENT (Cont'd)

(v). Give the homeowners' association the right to suspend membership rights for nonpayment of assessment or infraction of published rules.

f. The life of the homeowners' association shall be perpetual; and it shall purchase insurance, shall pay taxes, shall specify in its charter and bylaws an annual homeowner's fee and provision for assessments, and shall establish that all such charges become a lien on each property in favor of said association. The association shall have the right to proceed in accordance with all necessary legal action for the foreclosure and enforcement of liens, and it also shall have the right to commence action against any member for the collection of any unpaid assessments in any court of competent jurisdiction.

g. In the event that the maintenance, preservation and/or use of the common land for open space or recreational use ceases to be in compliance with any of the above requirements or any other requirements specified by the Planning Board when approving cluster developments, the Town shall be granted the right to take all necessary action to assure such compliance and to assess against each individual dwelling unit or lot owner within the development or subdivision all costs incurred by the Town for such purposes. Such costs shall be apportioned among each dwelling or lot on the basis of its assessed value taken from the most recent tax roll. In the event of the failure or refusal of any property owner to pay the charges when due, the unpaid amount thereof shall become a lien against that person's property and, together with interest from the due date thereof, shall be included in the annual tax levy of the Town upon such property for each such fiscal year, and the amount so levied shall be collected in the same manner as other Town taxes.

h. The establishment of any homeowners' associations pursuant to this regulation shall be completed prior to the sale of any dwelling units and/or lots within the development or the subdivision. The building inspector shall not issue a certificate of occupancy for any dwelling unit within the development until the homeowners' association has been established, any conditions or requirements made by the Planning Board have been satisfied and all other requirements of these cluster regulations have been met. However, the developer shall assume all responsibilities as previously outlined for the homeowners' association until fifty (50) percent of the dwelling units and/

SECTION VIII - CLUSTER DEVELOPMENT (Cont'd)

or lots are sold, at which time the homeowners' association shall automatically assume the aforementioned responsibilities.

SECTION IX - GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND

The owner shall observe the following general requirements and principles of land subdivision.

A. STREETS

1. The arrangement, character, extent, width and location of all streets shall conform to the Master Plan and to the Official Map, if any, and shall be considered in their relation to other existing and planned streets, to topographical conditions, to public conveniences and safety, and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

2. Where such is not shown in the Master Plan, the arrangement of streets in a Subdivision shall either:

a. Provide for the continuation of appropriate projection of existing principal streets in surrounding areas; or

b. Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance to existing streets impracticable or undesirable.

3. Local streets shall be so laid out that their use by through traffic will be discouraged.

4. Where a Subdivision abuts or contains an Arterial Street, the Planning Board may require Marginal Access Streets, Reverse Frontage Lots with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

5. Where a Subdivision abuts or contains a railroad right-of-way or controlled access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in a residential district or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

SECTION IX - GENERAL REQUIREMENTS (Cont'd)

6. Before assigning names to the streets, the proposed names shall be submitted in writing to the two fire departments that service the Town. A written copy of their acceptance of the names shall be provided to the Planning Board before it can approve the final plat.

7. Public access shall be provided to streets, water plants, sewage treatment plants or to other land dedicated or to be dedicated for public use.

8. Where a subdivision is traversed by a water course, there shall be a storm water easement not less than twenty-five (25) feet in width conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate to confine a design storm as specified in the subdivision storm drainage design standards. Parallel streets or parkways may be required in connection therewith.

9. Where a subdivision with a single access road exceeding 800 feet in length or a dead-end street from an intersection exceeding 800 feet in length is proposed, either a second means of access or an emergency access road must be provided.

B. BLOCKS AND LOTS

1. The lengths, widths, and shapes of blocks and lots shall be determined with due regard to:

a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;

b. Zoning requirements;

c. Needs for convenient access, circulation control and safety of street traffic;

d. Limitations and opportunities of topography;

e. Block length which generally shall not exceed 2,000 feet, nor be less than 600 feet;

f. Intersections with Arterial Streets which should be held to a minimum and preferably spaced at least 1,000 feet apart; and

SECTION IX - GENERAL REQUIREMENTS (Cont'd)

g. Need for pedestrian walks, not less than ten (10 feet in width, property line to property line, which shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities.

2. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard. Compliance with all Town of Northumberland Laws regulating development is also required.

3. The subdividing of the land shall be such as to provide that each lot abut a public street which provides satisfactory access via public streets to an existing public street or highway, with the minimum frontage consistent with the frontage requirements for appropriate zoning district which the subdivision occurs.

4. Double Frontage and Reverse Frontage Lots should be avoided except where seential to provide separation of residential development from Arterial Streets or other disadvantageous use (See Section IX. A, paragraph 4), or to overcome specific disadvantages of topography and orientation.

5. Side lot lines shall be substantially at right angles or radial to street right-of-way lines.

6. In case a tract is subdivided into larger parcels than normal building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further subdivision.

C. RECREATION DEDICATION

At the time of Final Approval of a Subdivision, the Owner shall, pursuant to Article 277 Subsection 4 of Town Law. offer to the Town "useable land" equal in size to five (5%) percent of the Owner's subdivided tract. This land shall be used by the Town for parks, playgrounds or for other specific public recreational uses as deemed desirable by the Town, when deemed desirable by the Town.

SECTION IX - GENERAL REQUIREMENTS (Cont'd)

However, if the Planning Board should consider that five percent of the total area would not be useful for public purpose or if the dedication of land within the Subdivision would not conform to the Master Plan or Official Map, the owner shall pay to the Town a recreation fee which shall be set by and published by the Town Board. This fund shall be used by the town exclusively for neighborhood parks, playgrounds or recreational purposes including the acquisition of property.

D. UTILITIES

1. It shall be the responsibility of the Owner to provide water lines, storm drains, sanitary sewers, bridges and street pavement to the limits of the Subdivision. If required by the Town Board, it shall also be the responsibility of the Owner to provide appropriate street lighting at the intersection of a proposed street with an existing arterial street. These facilities shall be constructed as required for inclusion in future Town systems. Each owner shall be responsible for the complete construction even though larger than normal sizes may be required.

2. If it will be necessary to construct utilities within the right-of-way of an existing Town Road, it will be the responsibility of the Owner to apply for a Permit for Construction of Utilities from the Town Highway Department. It shall be the responsibility of the Owner, following approval of the application, to comply with all conditions and restrictions set forth in the permit.

E. LOT/BUILDING/HOUSE NUMBERING

1. Lot/building numbers shall be assigned to comply with the Saratoga County 911 emergency service requirements.

2. The numbers for north/south roads will begin at the south end with the even numbers on the right (east side) and the odd numbers on the left (west side). The numbers for east/west roads will begin at the east end with the even numbers of the right (north side) and the odd numbers on the left (south side). Numbers will be assigned at intervals equivalent to 50 feet along the center line of the road starting at the south or east end. The lot or building number shall correspond to the assigned number that is nearest to the front door, or if the front door is not visible from the road, the driveway entrance.

SECTION IX - GENERAL REQUIREMENTS (Cont'd)

3. For building lots that are on existing roads that do not correspond to the 911 emergency service specifications, the building numbers will be assigned temporary numbers to correspond to the existing numbers for that road.

F. SIGNS

1. All street name signs and traffic control signs shall be provided and installed by the developer per these regulations. Signs shall comply with New York State specifications and are to be installed under the supervision of the Town Highway Superintendent.

2. The Town Board will make application to the State to establish speed limits and other required traffic sign requirements.

3. At the time that the application is submitted for the Town to assume ownership of the roads, the developer shall establish an escrow fund to cover the cost of providing and installing any traffic signs not already in place. The amount required for each sign will be established and published by the Town Board. After the developer installs the required signs the Town will return the balance of the escrow.

G. ROAD AND DRIVEWAY ENTRANCE PERMITS

1. The developer will obtain a driveway permit for all roads entering on to existing roads and for all driveways. They shall be installed as specified in the permits.

2. For driveways entering on to existing Town roads and on to roads that will be turned over to the Town of Northumberland, the Town Highway Superintendent is to be consulted to review the proposed driveway location. This is to assure that there will be adequate sight distances, turning paths and drainage design and that all requirements are met. (See Town of Northumberland Local Law Number 1 dated 1997 or later if applicable).

SECTION IX - GENERAL REQUIREMENTS (Cont'd)

H. ROAD MAINTENANCE

1. Before the first building permit is issued, the developer shall install signs at all entrances to the development with the following wording:

THE ROADS WITHIN THIS DEVELOPMENT ARE
CURRENTLY PRIVATE ROADS

THEY ARE NOT MAINTAINED BY THE
TOWN OF NORTHUMBERLAND AT THIS TIME

2. The signs will remain in place until the Town assumes ownership of the roads.
3. The signs will be at least four feet wide by three feet high and will have black lettering on a white background.
4. All certificates of occupancy issued for houses on a road that is not a Town road will have the following note attached:

"Please note: Although the Town is issuing the certificate of occupancy for this house, the property is not on a public highway and therefore the road will not be maintained by the Town."

5. If any emergency requires that the Town Highway Department enter the subdivision to clear the road or make it passable for emergency vehicles, the cost of this work will be charged to the developer.

I. KEYHOLE LOTS

1. The use of keyhole lots is discouraged. They may be permitted by the Planning Board in rare instances due to unusual conditions.
2. The lot shall be large enough to contain the minimum lot area for the zone, as required by the zoning ordinance, without including the area within the driveway access strip. The lot width and setbacks shall comply with the zoning requirements for the zone that the lot is in.
3. The width of the entrance to a keyhole lot shall not be narrower than twenty-five feet. No more than two entrances to keyhole lots shall be adjacent.

SECTION IX - GENERAL REQUIREMENTS (Cont'd)

4. All driveways to keyhole lots must be accessible to and able to hold a fifty-thousand pound, thirty foot long vehicle, as determined by a licensed engineer. All lots with driveways longer than 200 feet shall have facilities for a turn around with sufficient stabilized surface area for fire trucks within 100 feet of any structure. Prior to the issuance of a Certificate of Occupancy for the building, the developer shall provide a written statement from his/her engineer to the Building Inspector that the driveway has been installed to comply with the approved plats and this regulation.

5. The developer shall install a permanent house number sign at the entrance to each keyhole lot. The following note is to be placed on the final plat of any subdivision containing a keyhole lot and on the copy of the plat plan provided to the home buyer.

STANDARD NOTE FOR ADDRESS IDENTIFICATION

The street number of a building situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than twenty-five (25) feet from the road pavement. The sign shall be displayed for both directions of travel along the highway and the lettering shall be reflective. Identification markers must also be placed at any location where a common drive splits.

SECTION X - REQUIRED IMPROVEMENTS

All improvements granted final approval shall be constructed in each new subdivision in accordance with the standards and requirements established by the Town Planning Board and in accordance with the conditions of the final approval. The Owner may install such improvements at his own cost and expense or may secure the formation of a special district to install such improvements pursuant to pertinent laws of the State of New York.

The standards and specifications for single family residential subdivisions are contained in these regulations and design and construction standards. Additional improvements or improvements meeting more stringent standards and specifications may be required by the Planning Board for multi-family dwellings, commercial and industrial subdivisions.

SECTION XI - VARIANCES AND MODIFICATIONS

Where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed Subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured; provided that no such waiver shall be granted which will have the effect of nullifying the intent and purpose of the Official Map, Zoning Ordinance, these regulations or any ordinance of the Town. In granting changes and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.

The standards and requirements of these regulations may be modified by the Planning Board in the case of a plan and program for a complete community or other planned development which in the judgment of the Planning Board provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the community when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

SECTION XII - SEPARABILITY

A declaration of the invalidity of any provision contained in these Subdivision Regulations shall not invalidate or affect any other provision thereof.

PART II

SUBDIVISION DESIGN

AND

CONSTRUCTION STANDARDS

SECTION I - INTRODUCTION

These standards are issued as guides for design and construction of facilities by private developers. They are formulated so that all facilities may eventually be accepted for maintenance by the Town. With this objective, adequate design life, ease of operation and maintenance, and standardization have been given primary consideration. Each facility shall be designed and constructed as part of a future complete system.

Any standard or specification referred to shall be understood to be the current version of that standard or specification. The Board may require higher standards where it believes they are justified. The Board will also consider approval of a design or construction method which is not included in these standards.

The list of approved materials is under constant review by the Board and submission of requests for inclusion of new material is encouraged. Such requests should be substantiated by test results, specifications and other data. Listing of a material or component in the list of approved materials or approval of a new material does not prevent the Board from requiring inspections or tests deemed by the Board to be necessary before such material or component is installed.

In general, the Subdivision Plat, development map, and the plan/profiles included in the final submission shall include enough detail to show compliance with design standards. The Board may require the submission of design calculations for review by the Board's Engineer. In some cases, at the discretion of the Board, construction methods shall also be shown.

Compliance with construction standards, approved materials list and the approved Final Submission shall be required during construction. Final approval of the development construction and release of the Letter of Credit shall be dependent upon such compliance. Construction methods shall conform to manufacturer recommendations unless otherwise specified in these standards.

SECTION II - DESIGN STANDARDS

1. SURVEYING AND MAPPING

1.0 General

Procedure shall include temperature and slope corrections to distance measurements; adjustment of closed baseline traverses; presentation of all necessary data clearly and completely; and the use of proper methods to obtain the required standards of accuracy.

1.1 Surveying Accuracy

The position closure of a traverse after distribution of azimuth errors shall not exceed 1 : 5,000. Discrepancies in levels between forward and backward runs shall not exceed one tenth of a foot times the square root of the length of section in miles.

1.2 Mapping Accuracy

The limits of error in any map shall not exceed one-tenth inch (1/10") between points as scaled on the original map. The elevation error shall not exceed one-half (1/2) the contour interval.

1.3 Monuments and Bench Marks

Monuments shall be located in sufficient number to control the subdivision but at minimum they shall be located at every point of tangency, point of curvature, point of deflection, and all intermediate points necessary to provide visibility between adjacent monuments along one right-of-way line of each street. All easements shall be similarly monumented. Iron pipes shall be located at all lot corners and shall be located by reference to monuments.

Bench marks shall be set and marked with U.S.G.S. elevation unless an assumed datum is allowed by the Board. One bench mark shall be required for every twenty-five (25) acres developed.

Monuments and bench marks shall be carried from existing monuments or bench marks and their origin noted on the subdivision plat. Suitable primary control points shall be shown on the plat and all other dimensions, bearings, angles and similar data shall be referred to them.

1.4 Certification

The following certification accompanied by the imprint of the New York registration seal of the land surveyor and his name shall be included on the subdivision plat; "I hereby certify this map to be substantially correct and in accordance with the accuracy required by the Town of Northumberland Subdivision Standards".

2. STREETS

2.0 General

Streets shall follow low land whenever feasible. When a subdivision street intersects an existing street, the Planning Board may require the Owner to improve the existing street as necessary to meet the requirements of these regulations for intersection design.

2.0.1 Street/Roadway Cross Section

The street or roadway cross section shall comply with the details shown on drawings 2.1 or 2.1.1 of these Subdivision Construction Standards. Approval of the cross section to be used shall be obtained from the Planning Board.

2.1 Street Width

Subdivisions shall be laid out to provide the following street and roadway widths unless otherwise shown on the Master Plan or Official Map.

<u>Street Type</u>	<u>Street R.O.W. Width</u>	<u>Roadway Width</u>
Collector	60 feet	30 feet
Local & Marginal Access	60 feet	30 feet

Roadways shall be centered in the right-of-way except in unusual cases. Half streets shall be prohibited.

2.2 Street Alignment

A curve shall be required whenever a Collector or Local Street deflects more than ten (10) degrees. A curve shall be required for any deflection in an Arterial street. Minimum centerline radius for horizontal curves shall be as follows:

<u>Street Type</u>	<u>Minimum Radius</u>
Collector	300 feet
Local	300 feet
Marginal Access	300 feet

A tangent of at least one hundred fifty feet (150') shall be required between reverse curves.

2.3 Street Grades

Maximum street grades shall be as follows:

<u>Street Type</u>	<u>Maximum Grade</u>
Collector	6 percent
Local	7 percent
Marginal Access	7 percent

Street grades shall not be less than 0.5 percent (0.5%). Grades at street intersections shall be held to a maximum of three percent (3%) for a distance of one hundred (100) feet from the edge of pavement of the intersecting street. Vertical parabolic curves shall be introduced at changes of grade exceeding an algebraic difference of one percent (1%) and shall provide the following distances:

<u>Street Type</u>	<u>Minimum Sight Distance</u>
Collector	250 feet
Local	100 feet
Marginal Access	100 feet

2.4 Street Intersections

T-intersections shall be used in residential areas where practical. Intersections of more than two streets shall be prohibited. Intersecting streets shall be laid out so as to intersect at 90 degrees if feasible. An angle of intersections of less than 75 degrees shall not be permitted. Any change in street alignment to meet this requirement shall be at least 100 feet from the pavement edge of the intersecting street.

Street right-of-way lines and roadways at intersections shall be rounded with a radius determined from the following table by the higher type of street in the intersection:

<u>Street Type</u>	<u>Minimum R.O.W. Radius</u>	<u>Minimum Roadway Radius</u>
Arterial	varies	varies
Collector	28 feet	40 feet
Local	10 feet	25 feet
Marginal Access	5 feet	20 feet

The radii given are for 90 degree intersections and shorter radii at obtuse angles and greater radii at acute angles may be required. Intersections with arterial streets shall be held to a minimum and preferably spaced at least 1,000 feet apart.

Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 feet between their centerlines.

Street lighting shall be provided at the intersection of subdivision streets with existing arterial streets.

2.5 Dead End Streets

Dead end streets shall not be longer than eight hundred (800) feet and shall be provided with a turn-around at the closed end having a street right-of-way diameter of at least two hundred forty (240) feet and an outside edge of pavement of at least two hundred (200) feet. The island in the turn-around shall have a two (2) percent slope to the ditch for drainage. The turn-around pavement shall match the highway cross section selected for the subdivision as defined in article 2.0.1., and the grade shall not exceed two (2) percent. The pavement radius at the entrance to the turn-around shall be at least seventy five (75) feet for symmetrical turn-arounds and greater for offset turn-arounds. When a street is extended beyond an intersection to make provision for its further extension, a temporary turn-around shall be provided at the end of the street unless no lots are served by the extension. The temporary turn-around shall meet the requirements for a permanent turn-around.

When a street is extended a distance greater than eight hundred (800) feet beyond an intersection, a second means of access must be provided to the end of the street. Generally an intersection with a cross-street which connects to another street within the subdivision is sufficient.

In the event that these additional roadways will not be constructed at the time the street is extended beyond eight hundred (800) feet, an emergency access road shall be provided to ensure a second means of access. This emergency access road shall be designed in such a manner as to support 56,000 pound emergency vehicles and shall be maintained by the owner at his own expense. As such, proposed access road designs should be submitted to the Town for review and approval with the Final Submission and prior to Final Submission approval. The specific design requirements for this access shall depend upon the existing environmental conditions.

2.6 Street Access

Access to Arterial Streets shall be restricted as far as practicable.

2.7 Street Setbacks

Setbacks from existing streets shall be in accordance with the zoning law.

2.8 Fill and Cut Slopes

Where streets are constructed on new fill, or where embankments are cut the slopes of the fill shall be as follows:

<u>Fill Height</u>	<u>Slope (Vertical and Horizontal)</u>
0 - 15 feet	1 to 4 or flatter
Higher than 15 feet	1 to 2 or flatter

The width of the top of embankment shall be at least twenty (20) feet wider than the width of pavements.

2.9 Guard Railing

Where streets are constructed on fills of greater than fifteen (15) feet in height, guard railing shall be installed along the side of the road, eight (8) feet from the edge of the pavement.

3. STORM DRAINAGE

3.0 General

In designing for storm drainage, the Water Pollution Control Federation Manual of Practice on Design and Construction of Sanitary and Storm Sewers (MOP-9) shall be used as a guide. The procedures of the Manual are not binding and other good engineering practices may be accepted by the Town.

3.1 Design Criteria

All components shall be designed for runoff from the entire contributing watershed taking future development into account. In addition, the design shall be considered as part of a larger storm drainage system and shall provide drains to the limits of the subdivision.

The following shall be used in designing for storm drainage:

1. Rational method shall be used for all drainage areas smaller than 100 acres. An approved method shall be used for larger areas.

2. Runoff coefficient of not less than 0.35.

3. Inlet time not greater than 20 minutes from the farthest point to the first inlet.

4. Rainfall-intensity-duration-frequency curves of the U.S. Weather Bureau for the Albany area shall be used.

a. Five year storm for local and collector streets and residential districts.

b. Twenty-five year storm for arterial highways, potentially highly developed commercial or industrial districts, and culverts carrying major streams.

5. Surface flow on streets shall be limited to a maximum of three hundred fifty (350) feet and discharge shall be carried to a stream with bed and banks.

3.1.5.1 Drainage easement

A 50 foot wide easement or R.O.W. shall be deeded to the town, from the roadway to the stream bed, to permit maintenance of all storm water discharge courses.

3.1.5.2 Drainage pipe termination

The discharge end of the storm sewer pipe shall terminate with a flared end section, or head wall. The embankments and drainage channel shall be protected with rip-rap laid on filter fabric.

6. Gutter profiles may be required at intersections which involve steep grades.

3.2 Pipe

Required pipe sizes shall be determined by use of the Manning formula. Full pipe velocities shall not be less than three (3) feet per second. Full pipe velocities greater than ten (10) feet per second shall be avoided whenever possible. If such velocities are unavoidable, measures shall be taken to protect pipe from scour. The minimum size of pipe to be used shall be twelve (12) inches. All pipe shall be installed with a minimum of three (3) feet of cover. Pipe shall be designed for the overburden and live loads it will be subject to. Type and class of pipe and bedding conditions shall be specified. All pipe junctions shall be in manholes or catch basins. Storm drainage shall be designed to the limits of the Subdivision and the upper end shall terminate at a catch basin or manhole.

3.2.1 Subsoil drainage

In areas where the test borings show that the water table is less than three (3) feet below the highway pavement, perforated drainage pipe shall be installed as required to carry the water away to natural drainage channels. Under drains shall be installed to comply with New York state Department of Transportation specifications, Section 605 Dated January 2, 1985 as revised with later addendums.

3.3 Catch Basins and Manholes

Catch basins, manholes, frames, covers and grates shall conform to Town standards.

Storm inlets shall be located to intercept runoff before it enters an intersection and at all low points. Catch basins on storm mains shall be provided with sumps where required by the Board.

3.4 Trash Racks

Trash racks may be required where the intake of branches, or debris to the storm system may clog the line. The design of the trash rack shall be based on conditions and requirements of each particular case.

3.5 Grading

Lots shall be graded so that runoff from roofs, drives and other impervious surfaces flows toward a street except that such runoff may flow to the rear where a watercourse abuts the rear of a lot. If it is not practicable to direct runoff to the street, a grading plan for the area may be required by the Board. Such grading plan shall show that grading is designed to prevent ponding and to direct water away from all buildings.

3.6 Driveways

Culverts shall be installed at the ditch line for all driveways. Culvert pipe shall be sized to carry the full ditch flow.

Lots having driveways sloping away from streets shall have driveways paved so as to provide a "high-point" at or near the R.O.W.. It is intended that this high point prevent street runoff from entering the lot.

4. SANITARY SEWERAGE

4.0 General

All components of sewage collection and disposal systems shall be designed in accordance with the following standards whichever is applicable.

1. Recommended Standards for Sewage Works adopted by Great Lakes - Upper Mississippi River Board of State Sanitary Engineer.

2. Standards for Waste Treatment Works - municipal sewage facilities and Standards for Waste Treatment Works - Institutional and Commercial Sewerage Facilities published by the New York State Department of Environmental Conservation.

3. Sewage Disposal Systems for the Home Part III, Bulletin No. 1, published by Division of Environmental Health Services, State of New York.

4.1 Collection System

A collection system consisting of house services and mains designed for the ultimate tributary population shall be provided within the entire Subdivision. The requirement for an active collection system may be waived by the Planning Board.

4.2 House Service

A typical house service shall be shown on the plans. In cases where a house is served by an individual septic tank, the drawing shall show how the house service is to be connected to the sewer main and describe the method to be used to transfer sewage disposal from septic tank to public sewer. The method is subject to Board approval.

5. WATER SYSTEM

5.0 General

All components of the water system shall meet the Recommended Standards for Water Works Adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers (New York State Department of Health Bulletin No. 42), latest edition, including all addenda thereto. Water lines, valves and hydrants shall, in addition, meet the Recommended Water System Design Standards of the Insurance Services Office of New York. The design shall provide that additions to the system can be constructed without interrupting normal service or decreasing fire flows. All components shall be designed to provide present and future service as required by the Master Plan, Official Map and any water system plan adopted by the Town of Northumberland. Subdivision water systems shall be connected to any Town system, if feasible.

5.1 Water Supply

A source of supply shall be developed which will yield one hundred (100) gallons per resident in approximately sixteen (16) hours over a prolonged period of time without disturbing the normal ground water reserve.

5.2 Water Quality

Water supplies shall meet all requirements of the New York State Public Drinking Water Standards.

5.3 Hydro-Pneumatic Pressure System

Pumps, tanks and accessory equipment shall provide adequate pump capacity and pressure with one day storage.

5.4 Chlorination

Chlorination equipment shall be provided which will supply a minimum of eight and one-third pounds of chlorine per million gallons of water supplied.

5.5 Water Mains

Pipe and fittings shall be of approved materials and class. Class of pipe and type of material shall be specified according to ground conditions, external loading using specified bedding, and internal pressure as determined by immediate conditions and Town of Malta water system plans. Main sizes shall be as required by the Town in accordance with Town water system plans with no main less than eight (8) inches in size. Dead end mains shall be avoided whenever feasible. When permitted, however, a

blowoff or hydrant shall be installed. An eight (8) inch main loop longer than the maximum length permitted by the Recommended Water System Design Standards may be permitted provided it is temporary and final construction drawings show intersecting mains conforming to these design standards.

5.6 Valves

Valves shall be AWWA gate valves of a type approved by the Town. Valves shall be installed on every branch of an intersection, at every stub provided for future expansion and as required by the New York Fire Insurance Rating Organization, Recommended Water System Design Standards. The Owner may be allowed to omit the valve on one branch line at intersections of lines of minor importance. Valve boxes shall be installed for each valve.

5.7 Hydrants

Hydrants shall be of a type approved by the Town and shall be installed as required by the New York Fire Insurance Rating Organizations Recommended Water System Design Standards.

5.8 Services

Services shall be of approved material at least three-fourths (3/4) inch inside diameter.

SECTION III - CONSTRUCTION PRACTICES

1. GENERAL CONSTRUCTION PRACTICES

1.0 General

These construction standards shall govern all construction indicated in Final Submission of Subdivisions within the Town both on private land and on public land. Construction not covered by these standards shall be in accordance with recognized good practice such as that contained in the State of New York's Department of Transportation Specifications or recommendations of manufacturers' associations. All such methods not covered by these standards require approval of the Town before construction begins.

1.1 Maintenance and Protection of Traffic

The Owner shall maintain traffic and protect the public from damage to person and property while construction is being performed in any public right-of-way or any private street. Travel shall be maintained over a reasonably smooth

traveled way which shall be marked as necessary for the type of street so that a person who has no knowledge of conditions can safely, and with a minimum of discomfort and inconvenience, drive or walk over all or any portion of the street. The Town shall determine whether one-way or two-way traffic shall be maintained. See paragraph 6.2 for related informatiton concerning excavation.

1.2 Clean Up and Repair

The Owner shall clean up all debris or materials left as a result of his work and completely repair damage caused by him to any public or private property including any existing street he may have used. Resetting of surveying points and reseeding roadside areas are included in repairs required.

1.3 Restoration of Paved Street Surfaces

All utilities within street rights-of-way shall be installed before streets are paved. However, repairs or reconstruction after paving may require pavement restoration which shall be accomplished as follows:

Backfilling shall be as required for backfill within a street right-of-way. The edge of the pavement shall be cut evenly with a chisel or saw at least one foot beyond the edge of the excavation. Base material and paving equal in thickness and quality to that of the original paving shall be constructed in accordance with the standards for pavement construction. The joint between original pavement and the patch shall be sealed with a crack sealer approved by the Town.

Additionally, construction within existing Town Road right-of-ways will require a permit for construction from the Town Highway Department. It will be the responsibility of the owner to comply with all conditions and restrictions set forth in said permit.

1.4 Land for Public Usage

Land which the Owner has offered for cession to the Town for recreation purposes shall be cleared of all debris, construction shanties or materials belonging to the Owner's operations shall be graded and restored to a neat and acceptable condition.

1.5 Construction Modifications in Field

The Town may require construction of a type not contemplated at the time of FINAL Review provided such requirements are for a higher type of construction. This is to allow for proper construction to meet conditions not known at the time of Final Review. Such construction change shall be shown on "as built" drawings.

2. ROADWAY CONSTRUCTION

2.0 General

Roadway construction materials which meet State of New York's Department of Transportation Specifications shall generally be approved for construction. Other materials may be approved by the Town to be used instead of items from the Department of Transportations Specificatitons. All roadway construction shall be controlled by stakes for grade and alignment. Also, see Town of Northumberland Street Specifications in Section II, subsection 2, STREETS.

2.1 Subgrade Preparation

All trees, brush, topsoil, stumps, roots more than one-half (1/2) inch in diameter, and rubbish shall be removed from the area of the roadway. Boulders shall be removed to a depth of two feet below the subgrade surface.

Muck, spongy material or other unsuitable material shall be completely removed and the excavation filled with suitable material.

The subgrade shall be compacted to ninety-five percent (95%) Proctor (ASTM D 698). The final compacted surface shall not be more than one-half (1/2) inch higher than design subgrade in any location and shall be generally the same cross-sectional shape as the final design grade. It shall also be proof-rolled where required to determine if underdrain filters may be required.

2.2 Embankment

No organic material, frozen material or other unsuitable material shall be used in embankments. The compacted embankment shall have a minimum dry density of 95 percent of the maximum density. The maximum density shall mean the maximum dry weight density as determined by the AASHO designatiton T-99, Method C.

The slopes of all embankments which slope steeper than 1 on 5 shall be stabilized by spreading and rolling topsoil and seeding to obtain a satisfactory stand of grass.

Embankments shall be placed and rolled in layers of maximum eight (8) inch depth, measured before compaction. The embankment subgrade shall be prepared as required under "Subgrade Preparatiton".

2.3 Sub-Base Construction

Materials and construction methods for pavement sub-base course shall conform to Type 2 Item 304.03 or Type 4, Item 304.05 of the New York State Department of Transportation Standard Specifications, January, 1985 (See Drawing 2.1).

2.4 Surface Construction

Materials and construction methods for the binder course and wearing course shall conform to Section 403 of the New York State Department of Transportation. Pavement thickness shall be at least two and one-half (2-1/2) inches, after compaction. It shall be placed in two (2) courses, the first asphalt binder course one and one-half (1-1/2) inches thick shall consist of Type 3 Item 403.13 and secondly an asphalt wearing course one (1) inch thick shall consist of Type 6, Item 493.16 as specified in the aforementioned NYS Department of Transportation Standard Specifications dated January, 1985.

2.5 Curbs

Curbs shall comply with Item 609-3.01, 609-3.02 (Stone Curbs) or Items 609-3.03, 609-3.04 (Concrete Curbs) of the NYS Department of Transportation Standard Specifications dated January, 1985.

2.6 Portland Cement Concrete

Portland cement concrete pavement and curb of a comparable cross-section will be permitted. Design and construction procedures recommended by the Portland Cement Association shall be employed.

2.7 Underdrains

Materials and construction methods for underdrain filters shall conform to the requirements of Section 605 - Underdrain, New York State Department of Transportation Specifications dated January 1985. Pipe used shall be perforated ADS or approved equal.

3. STORM DRAINAGE SYSTEM

3.0 General

The construction of storm drainage facilities shall be controlled by these standards and all other applicable Town standards.

4. SANITARY SEWERAGE SYSTEM

4.0 General

Construction of sanitary sewerage facilities shall be controlled by these standards and all other applicable Town standards.

4.1 Maintaining Existing Services

The Owner shall maintain full service in the existing sewer system continuously. No discharge of sewage to a point outside the system shall be permitted at any time.

4.2 House Service

A "Y" branch and house service extending to the edge of the right-of-way or beyond shall be installed for each lot. A hardwood stake extending from the sewer to the ground surface shall be installed at the end of each house service before backfilling. The end of the house service shall be sealed with an approved stopper manufactured for the purpose and the stopper shall be wedged in place with stone or masonry before backfilling. The house service shall eventually be connected to the building it serves before the Town approves the building construction. The house service shall be a minimum ten (10) feet from any water service (horizontal).

4.3 Tests

It is the intention of these construction standards to secure a system with a minimum amount of infiltration.

To check the amount of infiltration, the Town shall require infiltration, exfiltration tests or low pressure air tests, depending upon the existing site condition.

These tests must be completed before House Services are connected to the system.

INFILTRATION TESTS: Infiltration testing is an acceptable leakage test only when the ground water level is suitably higher than the pipe. The Owner shall furnish and maintain a "V" notch sharp crested weir in a wood frame tightly secured in the sewer system at the locations directed by the Town. The maximum allowable infiltration shall be two hundred (200) gallons per mile, per inch of diameter of sewer main, per twenty-four (24) hour day at any time. The period of testing shall be a minimum of one (1) hour.

EXFILTRATION TESTS: Exfiltration testing is an acceptable leakage test only in dry area or when the ground water level is suitably low. The Owner shall furnish and maintain the necessary plugs, stoppers, water supply and measuring devices at locations required by the Town. All openings in the section of the system to be tested shall be securely stopped and the section filled with water to provide a minimum of two (2) feet of head over all sewers in the section, or two (2) feet higher than the ground water level, whichever is higher.

After filling, the system shall be allowed to stand a minimum of twelve (12) hours before conducting the tests. The maximum allowable exfiltration shall be fifty (50) gallons per mile per inch diameter of the sewer per twenty-four (24) hour day at any time. The maximum internal pressure at the lowest point may not exceed twenty-five (25) feet of water.

LOW PRESSURE AIR TESTS: The owner shall furnish and maintain the necessary plugs, fittings, gauges and pumping system at locations directed by the Town. The duration of the testing shall be determined by the Town Engineer from Table 4.3.1, taken from UNI-BELL recommended practice for low pressure air testing of installed sewer pipe. The prescribed pressure drop shall not exceed 0.5 psi from 3.5 psi to 3.0 psi in excess of the ground water pressure above the top of the pipe.

DEFLECTION TEST: Sewers must be straight between manholes, and shall be tested for straightness by flashing a light from manhole to manhole, lamping, or by other suitable means. Sections found to be unacceptable shall be subject to further deflection testing by means of pulling an appropriately sized mandrel through the pipe. The Town Engineer may also require this type of deflection testing where construction encountered unstable trench walls or bottoms, heavy rainfall, frozen soil, high groundwater levels, deep lines, or improper compaction.

The owner shall furnish and maintain the appropriate size mandrel for the pipe size being tested, as determined from Table 4.3.2 based on seven and one-half inch (7-1/2") allowable deflection. All necessary rope, fittings and labor shall also be the owner's responsibility. Any sections found to be unacceptable will be replaced to meet Town standards.

TABLE 4.3.1

SPECIFICATION TIME REQUIRED FOR A 0.5 PSIG PRESSURE DROP
FOR SIZE AND LENGTH OF PIPE INDICATED

PIPE DIAMETER (in.)	MINIMUM TIME (min:sec)	LENGTH FOR MINIMUM TIME (ft)	TIME FOR LONGER LENGTH (sec)(L in Feet)	SPECIFICATION TIME FOR LENGTH (L) SHOWN (min:sec)							
				100 ft	150 ft	200 ft	250 ft	300 ft	350 ft	400 ft	450 ft
4	1:53	597	.190 L	1:53	1:53	1:53	1:53	1:53	1:53	1:53	1:53
6	2:50	398	.427 L	2:50	2:50	2:50	2:50	2:50	2:50	2:51	3:12
8	3:47	298	.760 L	3:47	3:47	3:47	3:47	3:48	4:26	5:04	5:42
10	4:43	239	1.187 L	4:43	4:43	4:43	4:57	5:56	6:55	7:54	8:54
12	5:40	199	1.709 L	5:40	5:40	5:42	7:08	8:33	9:58	11:24	12:50
15	7:05	159	1.671 L	7:05	7:05	8:54	11:08	13:21	15:35	17:48	20:02
18	8:30	133	3.846 L	8:30	9:37	12:49	16:01	19:14	22:26	25:38	28:51
21	9:55	114	5.235 L	9:55	13:05	17:27	21:49	26:11	30:32	34:54	39:16
24	11:20	99	6.837 L	11:24	17:57	22:48	28:30	34:11	39:53	45:35	51:17
27	12:45	88	8.653 L	14:25	21:38	28:51	36:04	43:16	50:30	57:42	46:54

TABLE 4.3.2

SPECIFIED MANDREL SIZE FOR PIPE DIAMETER INDICATED

<u>PIPE DIAMETER (INCHES)</u>	<u>MANDREL O.D. (INCHES)</u>
6	5.31
8	7.09
10	8.85
12	10.51
15	12.86
18	15.70
21	18.50
24	20.80
27	23.43

GENERAL: Any section of the sewer system that shows leakage in excess of the allowable limits shall be repaired by means satisfactory to the Town. When the system has been demonstrated to be within allowable limits, the Owner shall remove all plugs, stoppers weirs.

5. WATER SYSTEM

5.0 General

All components shall be of approved, unused materials; manufacturers recommended procedures shall be employed.

5.1 Water Mains

The full length of each section of pipe shall rest solidly upon the pipe bed, with adequate recesses excavated for the bells and joints. The interior of all pipes shall be thoroughly cleaned of all foreign matter before being placed in the trench, and shall be kept clean during the laying operations by means of plugs or other approved methods.

The pipe shall not be laid in water or when trench conditions are unsuitable for the work, except by permission of the Town Engineer. Water shall be kept out of the trench until the joints have been completed. When work is not in progress, open ends of the pipes shall be securely closed so that no trench water, earth or other substances will enter the pipes or fittings.

Any section of pipe found to be defective before or after laying shall be replaced with new pipe.

Lines shall be installed with a minimum of five foot (5') of cover.

a. **HANDLING:** Pipe and accessories shall be handled in such a manner as to insure delivery on the work site in sound, undamaged condition. Particular care shall be taken not to injure pipe coating. Rope or canvas slings shall be used in unloading, loading and installation of pipe which cannot be placed by hand. The use of chains or tongs shall not be permitted. All surface areas of coated pipe that are damaged shall be recoated with hot bituminuous material equal to that used to factory coat and pipe.

b. **CUTTING:** Cutting of pipe shall be done in a neat and workmanlike manner without damage to the pipe or pipe lining. Unless otherwise authorized by the Town, all pipe cutting shall be done by means of an approved type of mechanical cutter. Wheel-type cutters shall be used when practicable.

c. **PLACING AND LAYING:** Before being lowered into the trench, all sections of pipe shall be inspected for defects and tapped with a light hammer to detect cracks. Defective, damaged or unsound pipe shall be rejected.

Deflections from a straight line or grade, as required by vertical curves, horizontal curves or offsets, shall not exceed that recommended by the appropriate specifications or if not specified, then by the manufacturer's recommendations. If the alignment requires deflections in excess of these limitations, the Owner shall provide special bends or a sufficient number of shorter lengths to provide angular deflections within the limit set forth.

Before jointing, all lumps, blisters, excess coating material, oil and grease that will interfere with proper jointing shall be removed from the ends of all pipes.

d. **MECHANICAL JOINTS:** Mechanical joints shall be made in accordance with the manufacturer's recommendations. Rubber gaskets shall be used. Torque wrenches, calibrated in accordance with the manufacturer's instructions, shall be used on the joint assembly.

e. **SLIP-TYPE JOINTS:** Slip-type joints shall be made in accordance with the manufacturer's recommendations.

f. **ANCHORING:** All tee connections, bends and lead ends shall be securely anchored in place by means of tie-rods and pipe clamps or concrete thrust blocks resting against undisturbed soil.

g. TESTING: After the installation of the water distribution system or sections thereof, the water lines shall be filled and all air blown off. The system or parts thereof shall then be subjected to hydrostatic test. All testing shall be performed in the presence of the Town and shall be under the Town's supervision. Hydrostatic test and leakage allowances shall conform to Section 9903 of NBFU No. 24. If any section of the distribution system shows a leakage greater than specified, the leaks shall be located and repaired until the leakage is within the specified limits.

h. DISINFECTION: Mains shall be disinfected in accordance with AWWA C601, after house services have been connected, but prior to the issuance of a Certificate of Occupancy. Water containing not more than 50 parts per million of free available chlorine shall be allowed to stand in all lines and systems for at least 24 hours, after which time there shall be at least ten (10) parts per million residual chlorine remaining in the water. All new valves and hydrants shall be operated while the lines are filled with heavily chlorinated water. Following chlorination to the satisfaction of the Town, all disinfecting water shall be flushed from the lines until the chlorine residual does not exceed 1.0 part per million. Certificates of Occupancy may not be issued until chlorination results are satisfactory.

5.2 Valves

Valves shall be set with the stems vertical. After valves have been installed and adjusted, they shall be tested for operation under maximum operating pressure, shall be watertight and shall operate easily.

Valve boxes shall be installed so that covers are flush with the finish ground surface. Boxes shall be set vertical and centered over the valve.

All valves shall be shown on the As-Built Drawings.

A valve record card shall be completed for each valve installed. The card shall be furnished by the Town and shall be returned to the Town when completely filled out.

5.3 Hydrants

Each hydrant shall be set vertical and shall be anchored as indicated on the standard detail. Hydrants shall be set so that the distance between the finish grade line and the hose connections is between the limits indicated on the standard detail.

That portion of each hydrant below finish grade shall be given a coat of hot bituminous material prior to installation. This coating shall be equal to that used for coating of cast iron fittings and water lines.

A hydrant record card shall be completed for each hydrant installed. The card shall be furnished by the Town and shall be returned to the Town when completely filled out.

5.4 Services

All service taps shall be made with a service clamp installed unless factory installed. The corporation stop shall be inserted as recommended by the manufacturer for the type pipe installed.

The service shall be installed in accordance with backfilling requirements of these standards and in accordance with standard details.

6. PIPELINE CONSTRUCTION

6.0 General

All labor, materials, equipment, tools and services required for the furnishing and installation of any type of pipe shall conform to the following specifications:

6.1 Pipe

All pipe shall be installed in the sizes and to the lines and grades shown on the approved subdivision drawings. The type and specifications of pipe to be furnished and installed in each location shall be as designated on the subdivision drawings. Pipe shall be new pipe and shall be rejected if found not to meet the minimum requirements set by the Town.

All pipe lines and appurtenances of whatever type or description shall be constructed in an approved manner to the complete satisfaction of the Town.

Where lit holes are provided in concrete pipe they shall be filled with a stiff mortar mix after the pipe is installed in the trench.

The Owner, at his own expense, at all times during the progress of the work, shall keep the trenches and excavations free from water. Water from trenches and excavations shall be disposed of in such a manner as will neither cause injury to the public health, nor to the surface of streets, nor cause any interference with the use of public rights-of-way. Water shall not be allowed to flow away through newly laid sewers.

All pipe shall be installed to the limits of the approved subdivision section and shall terminate in a manhole, catch basin, hydrant or blowoff as appropriate. Stubs shall be installed in manholes and catch basins to provide for future extension of pipe lines.

6.2 Excavation General

Necessary arrangements shall be made by the owner with all persons, firms or corporations owning or using any poles, pipes, tracks, or conduits, etc. affected by his construction to maintain and protect such facilities during construction. In the event any existing gas pipes, water pipes, conduits, sewers, tile drains or poles are blocked or interfered with by the excavation required on his project, the Owner shall maintain them in continuous operation and restore them to the same condition as they were prior to the start of construction.

Sidewalks and pavements must be in no case blocked or obstructed by excavated material except with the approval of the Town and then only when adequate provisions have been made for a satisfactory temporary passage of pedestrians and vehicles. Adequate bridging and planked crossings must be provided and maintained across all open trenches for pedestrians and vehicles then so ordered by the Town. Barriers, lights, flares and watchmen shall be provided and maintained by the Owner at all trenches, excavations and embankments as required by the Town.

The excavating of the trench shall not advance more than two hundred (200) feet ahead of the completed masonry or pipe work except where it is necessary to drain wet ground. The width of trenches in which pipe is to be installed shall be such as to provide adequate space for workmen to place and joint the pipe properly and shall be in accordance with the following:

MAXIMUM TRENCH WIDTH ONE (1) FOOT ABOVE TOP OF PIPE

<u>Pipe Size (Inches)</u>	<u>Trench Width (Inches)</u>
8 to 1230
15 to 18	O.D. + 16
21 to 27	O.D. + 18
30 to 36	O.D. + 24

NOTE: O.D. is outside diameter of pipe barrel

The Owner shall furnish, put in place and maintain such sheeting and bracing as may be required to support properly the sides and ends of excavations, and to prevent injury to the structure built or to persons or property.

If at any time the Town so orders, the Owner shall install such additional sheeting and bracing as may be required by the State of New York, Department of Labor, by adverse soil conditions, or by the Town; but compliance with such orders or failure on the part of the Town to exercise its right to give such order shall in no way release the Owner from liability for damage caused by weak or insufficient sheeting nor from his responsibility to protect the work and adjacent property. Voids appearing outside the sheeting shall be immediately and compactly filled with suitable material and to the satisfaction of the Town.

All sheeting and bracing shall be in accordance with the Industrial Code Rule No. 23 of the State of New York, Department of Labor, Board of Standards and Appeals.

Trench bottoms shall be excavated to conform to the type of bedding specified for the project.

Where excavations are opened and, in the opinion of the Town, the materials in place are not adequate for structural stability of the completed work, the Town may order the Owner to carry the excavation to an additional depth, furnish and place concrete cradles, sand or gravel refill and/or timber and piling foundations.

6.3 Rock Excavation

Excavation and trenches in rock shall be carried to a depth of one-fourth (1/4) the diameter of the pipe but in no case less than six (6) inches below the pipe bottom, and shall be made by any acceptable method, including use of explosives.

Where blasting is necessary, it shall be done by men experienced in such work. All blasts shall be well covered, and provisions made to protect pipes, conduits, sewers, structures, persons and property adjacent to the site of the work. Prior to blast, all persons in the vicinity shall be given ample warning. Blasting will not be permitted between hours of 6:30 p.m. and 6:30 a.m., except with special permission, nor within twenty-five (25) feet of the completed work.

All handling and use of explosives shall be in accordance with Industrial Code Rules No. 23 and 39 of the New York Department of Labor Board of Standards and Appeals and Article 16 of the New York State Labor Law.

The Owner shall secure all permits required by law for blasting operations and any additional hazard insurance required.

6.4 Lines and Grades

Three batter boards, a top line plumb bob and grade pile shall be used to transfer line and grade from grade stakes to pipe line unless some other method of checking the pipe invert grade and line is approved by the Town.

6.5 Bedding

The class of bedding to be used shall be as specified in the final submission drawings. There shall be excavation for bells and flanges in all classes of bedding. Beddings for pipe shall conform to one or more of the following:

a. **FIRST CLASS BEDDING:** First Class Bedding is that method of laying pipe in which the pipe is carefully bedded in compacted granular materials placed on a flat trench bottom. The granular material shall be crushed stone, pea gravel or sand and maximum particle size shall be three-fourths ($3/4$) inch. The depth of the granular bedding below the bottom of the pipe shall be one-fourth ($1/4$) the outside pipe diameter or four (4) inches, whichever is greater, and shall extend to a point four (4) inches over the top of the pipe. If mechanically tamped, material may be placed in six (6) inch layers; three (3) inch layers if tamped by hand. If a clean, dry, free-flowing sand is used, no compaction will be required. All materials up to twelve (12) inches over the top of the pipe shall be placed by hand.

b. **CONCRETE CRADLE BEDDING:** Concrete Cradle Bedding is that method of bedding pipe in which the lower part of the pipe exterior is bedded in plain or reinforced concrete of 2,500 psi or greater, having a minimum thickness under the pipe of one fourth ($1/4$) the nominal inside diameter and extending up the sides of the pipe for a height equal to one fourth ($1/4$) of the outside diameter.

The cradle shall have a width at least equal to the outside diameter of the barrel of the pipe plus eight (8) inches and it shall be constructed monolithically without horizontal construction joints. The remainder of the bedding to a point four (4) inches over the top of the pipe shall conform to "First Class Bedding".

c. **CONCRETE ENCASEMENT:** Concrete Encasement is that method of bedding pipe in which the entire pipe is jacketed by plain or reinforced concrete having a compressive strength of 2,500 psi or greater. The encasement width and height shall be at least equal to the outside diameter of the barrel of the pipe plus eight (8) inches, or as shown on the approved subdivision drawings. Normally, stronger pipe should be used with concrete cradle or encasement being permitted only in unusual cases.

6.6 Pipe Laying

Pipe shall be protected during handling against impact shocks and free fall. Pipe shall be kept clean at all times.

The laying of pipe in prepared trenches shall be commenced at the lowest point with the spigot ends pointing in the direction of flow.

All pipe shall be laid with ends abutting and true to line and grade. They shall be carefully centered, so that when laid they will form a uniform invert.

Preparatory to making pipe joints, all surfaces of the portions of the pipe to be jointed or of the factory made jointing material shall be clean and dry. Lubricants, primers, adhesives, etc. shall be used as recommended by the pipe or joint manufacturer. The jointing materials or factory fabricated joints shall then be placed, fitted, joined and adjusted in such a workmanlike manner as to obtain the degree of watertightness required.

Trenches shall be kept water-free and as dry as possible during bedding, laying and jointing and for as long a period as required. As soon as possible after the joint is made, sufficient backfill material shall be placed along each side of the pipe to offset conditions that might tend to move the pipe off line and grade.

All ends of pipe runs shall be capped with standard stoppers or with a fitting provided with an approved joint. If stoppers are used they must be wedged in place with boulders or masonry blocks. Large lines may be bricked off at the ends or otherwise sealed in a manner approved by the Engineer.

6.7 Backfilling

All backfilling to a point four (4) inches over the top of the newly laid pipe shall be as specified under "Bedding". To a point eighteen (18) inches over the top of the pipe there shall be no stones larger than two (2) inches.

No frozen material shall be used for backfill.

When backfilling in open-cut across or within the right-of-way limits of any street, road, highway or railroad, the remainder of the backfill shall be select granular material. Compaction for the entire depth shall be as directed under paragraph 6.5 "Bedding" or with water if satisfactory drainage is provided for free water.

When backfilling in unpaved area outside the right-of-way, the excavated material may be used to complete the backfilling, provided all deleterious contents, if any, are removed as directed by the Town. The backfill shall be rounded off over the trench not higher than eight (8) inches. Materials shall be compacted in layers not more than two (2) feet thick by hand or by machine.

No pipe shall be covered before permission is given by the Town.

Under no circumstances shall water be permitted to rise in trenches before they are backfilled.

Backfilling shall be completed to a point two (2) feet above the top of all pipe laid each day. Operations shall be scheduled so that the trench is completely backfilled to within two hundred (200) feet of the end of the completed, installed sewer at the end of each day.

Whenever timber sheeting is driven to a depth below the elevation of the top of the pipe, that portion of the sheeting below the elevation of the top of the pipe shall not be disturbed or removed. Whenever timber sheeting is driven for the protection of trench walls in water-bearing soil, no portion of such sheeting below a level four (4) feet over the top of the pipe shall be removed.

6.8 Tunnels

Methods of excavation support and backfill in tunnels made beneath existing structures, railroads, pavements and sidewalks for the installation of pipe or conduits, shall be subjected to approval of the Town before work is begun.

6.9 Jacking and Boring

Methods of jacking or boring to install pipe shall be approved by the Town before such work is started.

6.10 Manholes and Catch Basins

All manholes and catch basins shall be precast concrete construction (Fort Miller or equal).

Precast concrete rings shall be laid with full mortar joints.

Mortar shall consist of one part Portland Cement and two parts clean torpedo sand with ten percent (10%) hydrated lime added.

Pipe placed through manhole or catch basin sidewalls, and stubs installed for future extensions shall extend through the walls a sufficient distance to allow connection on the outside. Such pipes shall be struck smooth on the inside in line with the inside wall of the manhole. The manhole masonry shall be carefully constructed around all pipes, so as to prevent leakage along the outer surfaces.

Frame castings shall be set in full mortar beds on top of masonry.

The top four (4) to twelve (12) inches of the manhole directly under the casting shall be constructed of precast concrete grade rings to provide for adjustment to grade and future construction. Field cutting of precast manhole sections shall not be allowed for grade adjustment.

6.11 Connections

Connections of new lines to existing lines when encountered in construction and not shown on the subdivision drawings shall be made where ordered by the Town. Such connections shall be made within a manhole or catch basin in the case of sewers or storm drains except for hose sewer and drain connections.

Junctions for future sewer connections indicated on the final subdivision drawings shall be sealed as specified in paragraph 6.6 Pipe Laying.

7. PLAIN AND REINFORCED CONCRETE

7.0 General

Concrete used in any type of construction shall meet the strength and durability requirements of these standards as determined by testing procedures specified herein. Materials used shall meet the requirements of these standards and shall be approved by the Planning Board for the intended use.

7.1 Materials

a. CEMENT: Cement shall be one of the types approved by the Board and the type selected shall be the proper one for its intended use.

b. AGGREGATE: Aggregates shall be approved by the Board. Aggregates failing to meet these requirements but producing concrete of the required quality as shown by special tests or actual service may be used with the permission of the Board.

The maximum size of the aggregate shall be one-fifth (1/5) of the narrowest dimension between sides of the forms within which the concrete is to be cast, and three-fourths (3/4) of the minimum clear spacing between reinforcing bars, or between forms and reinforcing bars. For unreinforced slabs, the maximum size of aggregate shall be one-third (1/3) the slab thickness.

c. MIXING WATER: Water used in mixing concrete shall be clean and free from injurious amounts of oils, acid, alkalies, organic materials, salts or other substances that may be deleterious to concrete or steel.

7.2 Quality of Concrete

a. CLASS OF CONCRETE: Concrete installed in various structures or units shall be one of the three classes defined in the following paragraphs. The class to be installed shall be as specified in the Subdivision Final Approval.

CLASS OF CONCRETE

Class I	4,000	psi	at	28 days
Class II	3,000	psi	at	28 days
Class III	2,500	psi	at	28 days

b. WATER CEMENT RATIO: All concrete shall be proportioned on the basis of water-cement ratio which is defined as the ratio of the total quantity of water in the mixture, including the surface water carried by the aggregate, to the quantity of cement. The ratio is expressed in U.S. gallons, eight and one-third (8-1/3) pounds to the gallon, per ninety-four (94) pound sack of cement.

Concrete that is subject to freezing temperatures while set shall have a water-cement ratio not exceeding six (6) gallons per bag and shall contain entrained air.

c. CONCRETE PROPORTIONS AND CONSISTENCY: The proportions of the concrete shall produce a mixture that will work readily, with the placement method used, into the corners and angles of the forms and around reinforcement. Neither segregation of materials in the mixture nor the collection of excess free water on the surface shall be permitted.

The slump of concrete shall be the minimum that is practicable. When vibrators are used in consolidate the concrete, the slump shall not exceed four (4) inches, otherwise the slump shall not exceed six (6) inches.

The methods of measuring the concrete materials shall be such that the proportions can be accurately controlled and easily checked. Measurement of materials for ready-mixed concrete shall conform to Specifications for Ready-Mixed Concrete (ASTM C94).

7.3 Tests on Concrete

- a. **SAMPLING:** As the work progresses, concrete shall be sampled in accordance with ASTM method of sampling fresh concrete (ASTM C172).
- b. **SLUMP TEST:** Slump tests shall be made according to ASTM Method of Test for Slump of Portland Cement Concrete (ASTM C143).
- c. **COMPRESSION TEST:** Compression test specimens shall be made and cured according to ASTM Method of Making and Curing Concrete Compression and Flexure Test Specimens in the field (ASTM C31). Not less than three (3) specimens shall be made for each test at each age nor less than one test for each 150 cu. yd. of concrete of each class. At least one test per day shall be made of each class of concrete used that day.

Specimens shall be taken by the Owner or his representative under the direction of the Town and the tests made by a laboratory approved by the Town. The cost of transportation to the laboratory and of testing the concrete cylinders shall be borne by the Owner. The Owner shall furnish two (2) copies of all test results to the Town.

Additional specimens cured under job conditions may be required when, in the opinion of the Town, there is a possibility of the surrounding air temperature falling below forty (40) degrees fahrenheit or rising above ninety (90) degrees fahrenheit.

The standard age of test specimens shall be twenty-eight (28) days, but seven (7) day specimens may be used, provided that the relationship between the seven (7) and twenty-eight (28) day strengths of the concrete is established by test for the materials and proportions used.

If after testing, the average strength of test cylinders is found to be more than ten (10) percent below the required strength, the Town may elect either to permit such concrete to remain in place and require the Owner to forfeit from his performance bond an amount agreeable to both the Owner and the Town or require the Owner at his own expense, to remove the concrete area deficient in the specified strength and replace it with concrete of satisfactory quality.

7.4 Mixing and Placing Concrete

a. PREPARATION OF EQUIPMENT AND PLACE OF DEPOSIT: Before placement, all equipment for mixing and transporting the concrete shall be cleaned and all debris and ice shall be removed from the places to be occupied by the concrete. Forms and subbase shall be thoroughly wetted (except in freezing weather) or oiled. The reinforcement shall be thoroughly cleaned of ice, dirt, rust, scale or other coatings.

Standing water shall be removed from place of deposit before concrete is placed unless otherwise permitted by the Town. All laitance and other unsound materials shall be removed from hardened concrete before additional concrete is added.

b. MIXING OF CONCRETE: For job-mixed concrete, the mixer shall be rotated at a speed recommended by the manufacturer. Each batch of one (1) cu. yd. or less shall be mixed for at least one (1) minute after all materials are in the mixer. The mixing time shall be increased fifteen (15) seconds for each additional cubic yard or part thereof. The entire batch shall be discharged before the mixer is recharged.

Ready-mixed concrete shall be mixed and delivered in accordance with Specifications for Ready-Mixed Concrete (ASTM C94).

c. CONVEYING OF CONCRETE: Concrete shall be conveyed from the mixer to the place of final deposit by methods that will prevent separation or loss of materials.

Equipment for chuting, pumping and pneumatically conveying concrete shall be of such size and design as to achieve a practically continuous flow of concrete at the delivery and without separation of materials.

d. PLACING OF CONCRETE: Concrete shall be deposited as nearly as practicable in its final position to avoid segregation due to rehandling or flowing. The placing of concrete shall be carried on at such rate that concrete is at all times plastic and flows readily into the spaces between the bars. No concrete that has partially hardened or been contaminated by foreign material shall be deposited on the work, nor shall retempered concrete be used.

When concreting is once started, it shall be carried on as a continuous operation until concreting of the panel or section is completed. When construction joints are necessary, they shall be made in accordance with accepted practice or as approved by the Board.

All concrete shall be thoroughly consolidated by suitable means during placement. It shall be thoroughly worked around reinforcement and embedded fixtures and into the corners of the forms. Tools used shall be such that they will not cause segregation of aggregates.

e. CURING OF CONCRETE: Provision shall be made for maintaining concrete in a moist condition for a period of at least five (5) days after placement. For high-early-strength concretes, however, moist curing shall be provided for at least the first two (2) days, when concrete and air temperatures are above fifty (50) degrees fahrenheit, longer periods of curing shall be required when temperatures are below fifty (50) degrees fahrenheit.

f. COLD WEATHER CONCRETING: Adequate equipment shall be provided for heating concrete materials and protecting concrete during freezing or near-freezing weather. No frozen materials or materials containing snow or ice shall be used in the concrete.

All reinforcement, form, fillers and ground with which the concrete is to come in contact shall be free from snow and ice. Whenever the temperature of the surrounding air is below forty (40) degrees fahrenheit, all concrete placed in the forms shall have a temperature of forty-five (45) degrees fahrenheit, or higher after placement.

Adequate means shall be provided for maintaining this temperature for four (4) days. When high-early-strength concrete is used, a temperature of forty-five (45) degrees fahrenheit shall be maintained for three (3) days. In either case, any additional time necessary to ensure proper curing of the concrete shall be provided as directed by the Town.

The housing, covering, or other protections used in connection with curing shall remain in place and intact at least twenty-four (24) hours after the artificial heating is discontinued. No dependence shall be placed on salt or other chemicals for the prevention of freezing.

g. HOT WEATHER CONCRETING: In hot weather, suitable precautions shall be taken to avoid drying of the concrete prior to finishing operations. Use of windbreaks, sunshades, fog sprays, or other devices shall be provided as directed by the Town.

Concrete deposited in hot weather shall not have a placing temperature that will cause difficulty from loss of slump, flash set or cold joints. Concrete temperatures shall be less than ninety (90) degrees fahrenheit.

h. FORMS: Forms shall conform to shapes, lines and dimensions of the members as called for in the Subdivision Final Submission and shall be sufficiently tight to prevent leakage of mortar. They shall be properly braced or tied together so as to maintain position and shape.

Forms shall be removed in such a manner as to ensure the complete safety of the structure. Where the structure is supported on shores, the removable floor forms, beams and girder sides column and similar vertical forms may be removed after twenty-four (24) hours provided the concrete is sufficiently hard. In no case shall the supporting forms or shoring be removed until members have acquired sufficient strength to support their weight and imposed loads safely.

i. PLACING AND SPLICING OF REINFORCEMENTS: The reinforcement shall be protected by the thickness of the concrete indicated in the Subdivision Final Approval. Where not otherwise shown, the thickness of concrete over the reinforcement shall be as follows:

(i) Where concrete is deposited against the ground without the use of forms - not less than three (3) inches.

(ii) Where concrete is exposed to the weather or to the ground but placed in forms - not less than two (2) inches for bars larger than No. 5 and one and one-half (1-1/2) inches for No. 5 bars or smaller.

(iii) In slabs and walls not exposed to the ground or to the weather - not less than three-fourths (3/4) inches.

(iv) In beams, girders and columns not exposed to the ground or to the weather - not less than one and one half (1-1/2) inches.

(v) In all cases - at least equal to the diameter of bars or one and one-half (1-1/2) times the side dimension of a square bar.

8. CABLE AND CONDUIT

8.0 General

Underground cable for telephone and/or electric service shall be installed in conformance with requirements listed herein and other sound installation practices.

8.1 Sequence of Construction

Installation of cable and conduit shall be subsequent to R.O.W. grading but prior to any paving operations. Grading shall be within six (6) inches of proposed final grade.

8.2 Conduit

Rigid conduit shall be placed under all roadways prior to the installation of the cable. Conduit of appropriate size shall conform to the "National Electric Code". Conduit installation to conform to excavation and backfilling items under Section 206, NYS Department of Transportation specifications with the same backfill to be at least six (6) inches below and six (6) inches above the conduit.

8.3 Identification

To protect from inadvertent cuts into any cable, any buried cable shall have placed approximately one foot above such cable a continuous ribbon of brightly colored, non-reactive plastic.

8.4 Documentation

The developer shall indicate all cable and conduit locations on the "as built" drawings when submitted to the Town.

SECTION IV - APPROVED MATERIALS FOR SUBDIVISION
CONSTRUCTION

1. GENERAL CONSTRUCTION

1.1 Plain and Reinforced Concrete

Portland Cement	NYS DOT 701-01 TYPE
Air-Entraining Admixtures	NYS DOT 711-08
Aggregates	NYS DOT 703
Water	NYS DOT 712-01
Bar Reinforcement for Cement Concrete	NYS DOT 709-01
Welded Steel Wire Fabric for Reinforcement	NYS DOT 709-02 (ASTM A185)

1.2 Guard Railing

3 Cable Railing	NYS DOT 710-22
Post	NYS DOT 710-22 (ASTM A36) (ASTM A123)
Completed Assembly with End Anchors	Drawing 67-14 (A & B)

1.3 Topsoil and Seeding

Topsoil	NYS DOT 713-01
Seed	NYS DOT 713-04

2. PAVING CONSTRUCTION

Base Course	NYS DOT Sect. 304
Bituminous Concrete Binder	NYS DOT Sect. 403 TYPE (Binder Course)
Bituminous Concrete Wearing Course	NYS DOT Sect. 403
Concrete	Sec. 1.1 Plain & Reinforced Concrete
Vitrified Clay Pipe Underdrain	NYS DOT 706-09
Porous Concrete Pipe Underdrain	NYS DOT 706-05
Perforated Corrugated Metal Pipe	NYS DOT 707-07
Underdrain with Bituminous Coating	Coating to Federal Spec. WW-P-405 Type A Coating
Corrugated Aluminum Alloy Pipe Underdrain	AASHTO M197

3. STORM DRAINAGE SYSTEM

3.1 Pipe

Concrete Storm Drain Pipe	NYS DOT 706 TYPE
Corrugated Steel Pipe and Coupling Bands	NYS DOT 707-02
Reinforced Concrete Pipe Class III, IV & V	NYS DOT 706-02
Vitrifiid Clay Pipe	NYS DOT 706-B
Corrugated Aluminum Alloy Pipe & Coupling Bands	AASHD M196

3.2 Pipe Joints

Flexible, Watertight Rubber Gasket Joints for Concrete Pipe	ASTM C443
Clay Pipe Joints	ASTM C425
Asbestos-Cement Pipe Joints	Manufacturer's Specif. subject to Planning Board Approval

3.3 Catch Basins and Manholes

Precast Concrete Manhole Sect.	ASTM C478
Mortar	ASTM C270
Frames, Grates & Covers	NYS Sect. 715

4. SANITARY SEWERAGE SYSTEM

4.1 Pipe

Reinforced Concrete Culvert, Storm Drain & Sewer Pipe Class II, IV & V Con- taining Class II Cement with air entraining	ASTM C76
Vitrifid Clay Pipe PVC A-2000	NYS DOT 706-08

4.2 Pipe Joints

Flexible, Watertight Rubber Gasket Joints for Concrete Pipe	ASTM C443
Clay Pipe Joints	ASTM C425

4.3 Manholes

Precast Concrete Manhole Sect.	ASTM C478
Mortar, Type M w/Air Entrainm.	ASTM C270
Frames & Covers	NYS Sect. 715

4.4 Services

Cast Iron Soil Pipe & Fittings	ASA No. A40.1
Vitrified Clay Pipe	NYS DOT 706-08

5. WATER SYSTEM

5.1 Pipe

Cast Iron Pipe w/Cement Lining- 150 psi Working Pressure	ASA A21.4 or ASA A21.8
Cement Lining for Cast Iron Pipe	ASA A21.4
Reinforced Concrete Pressure Pipe	AWWA C300, AWWA C301, AWWA C302
PVC Polyvinyl Chlorine	

5.2 Fittings

Cast Iron Fittings - Class D w/outside coating	ASA A21.10
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5.3 Joints

Asbestos-Cement Joint	Manufacturer's Specif. subject to Planning Board Approval
Cast Iron Mechanical Joint	ASA A21.11
Cast Iron Push-On Joint	ASA A21.11
Flexible, Watertight Rubber Gasket Joint for Concrete Pipe	ASTM C443

5.4 Gate Valves

Cast Iron Body, Bronze Mounted Double Disc, Hub End Non- Rising Stem, Square Operating Nut Opening Left, Rensselaer 13A	AWWA C500
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5.5 Hydrants

Five Inch Size w/Two - 2-1/2 Inch Hose Nozzels and One - 4-1/2 Inch Steamer Nozzle; National Standard Threads; Six Inch Hub Con- nection and Five Foot Bury; Pentagon Operating Nut Opening Left - Rensselaer L-90B	AWWA C502
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5.6 Valve Boxes

Cast Iron Screw Type: "W" or
"Water" Cast in the top;
the Standard Catalog
Product of a Reputable
Manufacturer

5.7 House Services

Corporation Stop
Curb Stop (Open Left)
Curb Box
Copper Tubing Type K

As Approved by Board
As Approved by Board
As Approved by Board
ASTM B88

5.8 House Meters

Rockwell 5/8 inch X 3/4 inch,
Sealed Register, Magnetic
Drive Recording in Gallons

SUBDIVISION

SPECIFICATION

DRAWINGS

SECTION V
SUBDIVISION
SPECIFICATION
DRAWINGS

SUBDIVISION LAYOUT DETAILS

- 1.1 Standard Mapping and Construction Symbols
- 1.2 Standard Monument
- 1.3 Street Sign Name

ROADWAY DETAILS

- 2.1 Typical Highway Cross Sections
- 2.2 Typical Utility Locations

STORM SEWER

- 3.1 Precast Reinforced Concrete Storm Sewer Manhole and Catch Basin Details
- 3.2 Precast Reinforced Concrete Catch Basin
- 3.2a Catch Basin Detail
- 3.3 Typical Curb Inlet

MANHOLE DETAILS

- 4.1 Precast Concrete Manhole Detail
- 4.2 Manhole Step Placement Detail
- 4.3 Manhole Joint Detail
- 4.4 Precast Concrete Manhole Grade Ring Detail
- 4.5 Standard Cast Iron Manhole Cover Detail
- 4.6 Precast Concrete Manhole Cover Detail
- 4.7 Sanitary Manholes - Invert, Channel and Benchwall Details
- 4.8 Drop Manhole Details
- 4.9 Pipe to Manhole Joint Placement Tolerance Detail
- 4.10 Cement Grout Seal Pipe-to-Manhole Joint Detail
- 4.11 Flexible Pipe-to-Manhole Joint Type "A" Detail
- 4.12 Flexible Pipe-to-Manhole Joint Type "B" Detail
- 4.13 Flexible Pipe-to-Manhole Joint Type "C" Detail

PIPE LAYING DETAILS

- 5.1 Pipe Laying Detail
- 5.2 Sanitary Water Main Installation - Typical Trench Detail
- 5.3 Typical Sheet Piling Section

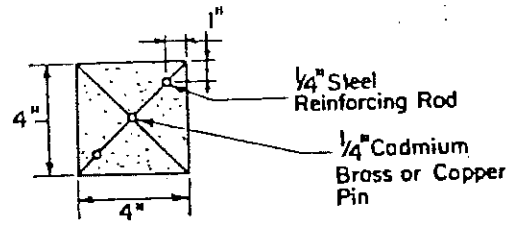
SANITARY SEWER DETAILS

- 6.1 Standard Sewer Service Connections
- 6.2 Typical Risers for Deep Trenches

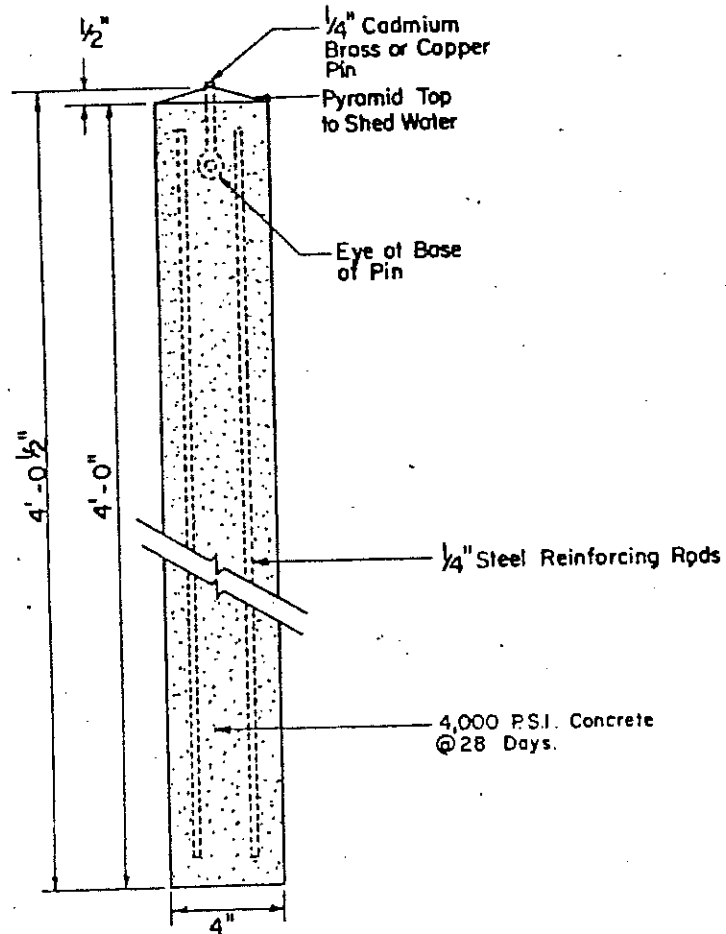
WATER MAIN AND SERVICE CONNECTION DETAILS

- 7.1 Typical Joint Details
- 7.2 Junction Layout Details
- 7.3 Service Pipe Connection Detail
- 7.4 Hydrant Installation Detail
- 7.5 Typical Blowoff Detail
- 7.6 Thrust Block Details

FEATURE	SYMBOL	FEATURE	SYMBOL
Paved Road		Water Elev.	W.E. 105.6
Dirt Road		Bldg. in General	
Curb		Building to be Demolished	
Cement Concrete		Cemeteries	
Asph. Concrete		County Bound.	SARATOGA SCHENECTADY
Original Ground		Town Bound.	CLIFTON PARK HALEWOOD
Rock		Prop. Line	
Bridge		R.O.W. Line	
Highway Underpass		Street Name Sign	
Culvert		Fire Hydrant	
Catch Basin		Gas Line	
Ditch		Electric Line	
Stream		Telephone Line	
Lake and Pond		Water Line	
Marsh		Water Valve	
Contours		Sanitary Sewer	
Depression		Storm Drain	
Rock Outcrop		Manhole	① Letter Shows Type
Spot Elevation	X 103.4	Soil Drill Hole	⊙ Ident. by No.
Bench Mark	X BH 131 El. 241.31 USGS	Soil Auger Hole	⊙ Ident. by No.
Triangulation Station	△ N 938.122.10 NYS E 590.690.60	Soil Probe Hole	⊙ Ident. by No.
North Arrow True		Soil Test Pit	⊙ Ident. by No.
North Arrow Magnetic		Percolation Test	⊙ Ident. by No.
Single Track R.R.		<p style="text-align: center;">TOWN OF NORTHUMBERLAND SUBDIVISION STANDARD DWG. 1.1</p> <p style="text-align: center;">STANDARD MAPPING AND CONSTRUCTION SYMBOLS</p>	
Multiple R.R. Track			
Abandoned Track			
Monument			

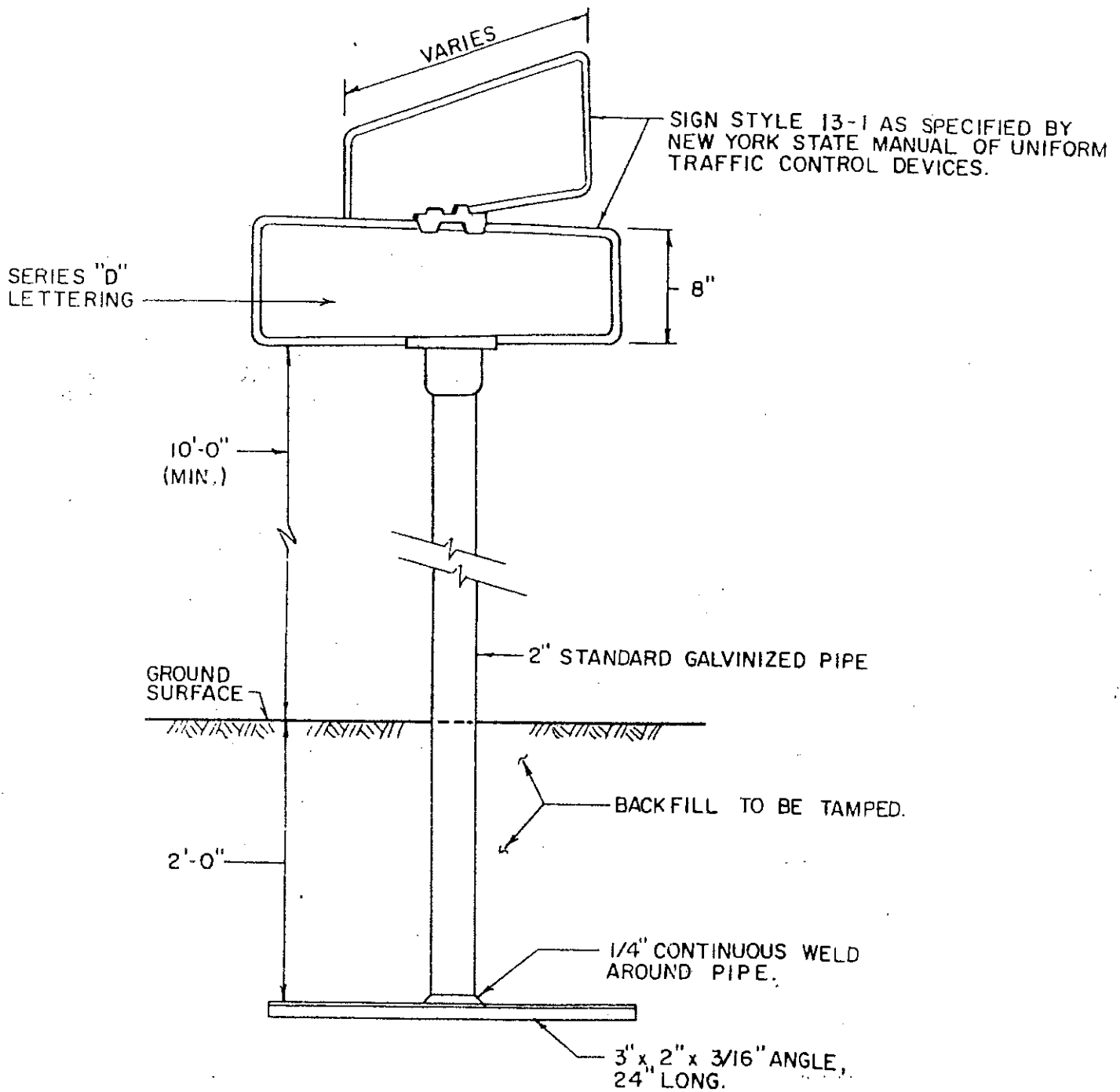


TOP VIEW



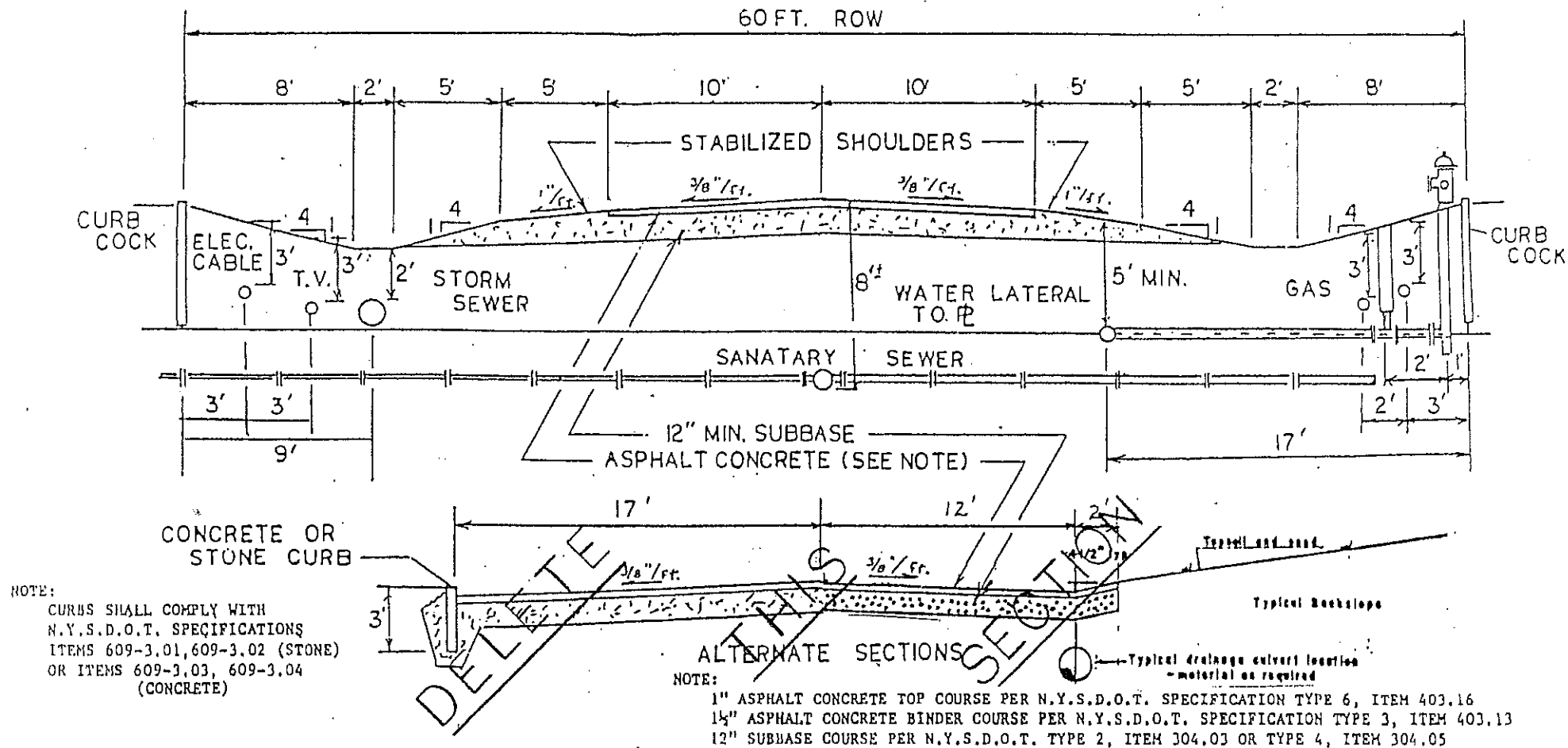
SIDE VIEW

R.O.W. MONUMENT
NO SCALE



STREET SIGN NAME

NO SCALE

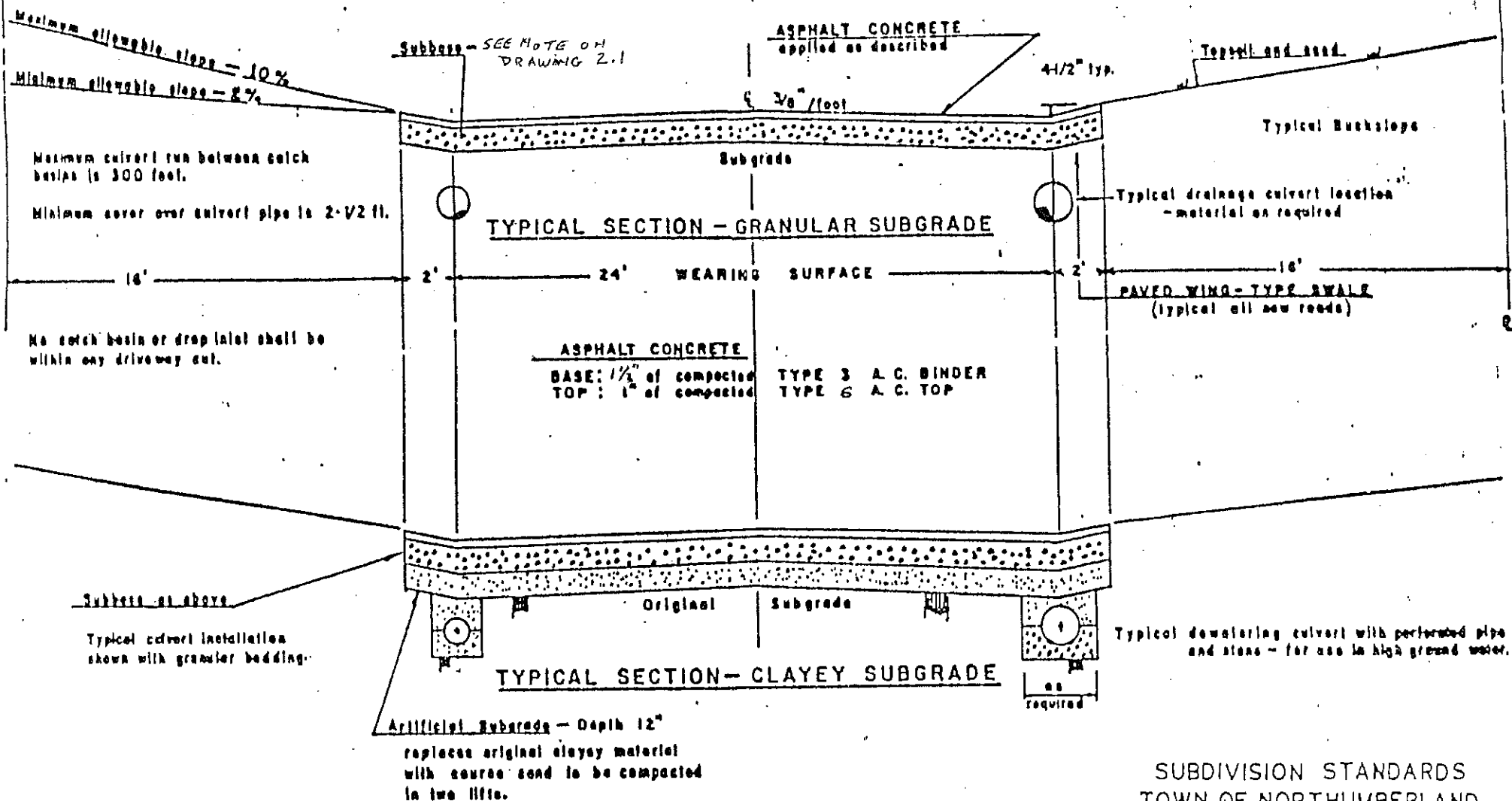


GENERAL NOTES:

1. ALL WORK WILL BE COMPLETED IN COMPLIANCE WITH THE TOWN OF NORTHUMBERLAND SUBDIVISION REGULATIONS.
2. THE THICKNESS OF ALL COURSES SHOWN ON THIS DRAWING ARE COMPACTED THICKNESS.
3. NOTIFICATION OF THE TOWN OF NORTHUMBERLAND HIGHWAY SUPERINTENDANT SHALL BE MADE 48 HOURS PRIOR TO THE PROOF ROLLING OF THE SUBBASE. ALL UNSATISFACTORY AREAS, AS DETERMINED BY THE TOWN ENGINEER, SHALL BE EXCAVATED AND REPLACED WITH SUBBASE MATERIAL TO THE ENGINEER'S SATISFACTION.
4. NOTIFICATION OF THE TOWN OF NORTHUMBERLAND HIGHWAY SUPERINTENDANT SHALL BE MADE 48 HOURS PRIOR TO THE COMMENCING OF PAVING.
5. A TACK COAT MUST BE APPLIED TO THE BINDER COURSE BEFORE PLACING THE TOP COURSE IF MORE THAN 48 HOURS HAVE ELAPSED AFTER PLACING THE BINDER COURSE.
6. TACK COAT COMPOSITION SHALL CONFORM TO N.Y.S.D.O.T. STANDARD SPECIFICATION, SECTION 407-2.
7. TACK COAT SHALL BE APPLIED IN ACCORDANCE WITH N.Y.S.D.O.T. SECTION 407 AT AN APPLICATION RATE OF .05 TO .10 GALLONS/SQUARE YARD.
8. THE SUBBASE MATERIAL IS TO BE SELECTED BY THE TOWN ENGINEER AFTER THE REVIEW OF A SOILS INFORMATION REPORT TO BE PREPARED BY THE APPLICANT'S ENGINEER WHICH INCLUDES TESTING DATA ON PROPOSED MATERIAL.
9. THE CONTRACTOR SHALL SUBMIT A 100 POUND SAMPLE OF THE PROPOSED SUBBASE MATERIAL TO THE TOWN ENGINEER FOR FINAL REVIEW. THE APPROVAL OF THE MATERIAL BY THE TOWN ENGINEER IS REQUIRED BEFORE THE MATERIAL CAN BE PLACED.
10. ALL TESTING FOR COMPACTION SHALL BE AS ORDERED BY THE TOWN ENGINEER; THE CONTRACTOR SHALL PAY FOR ALL TESTING.

SUBDIVISION STANDARDS TOWN OF NORTHUMBERLAND TYPICAL HIGHWAY CROSS SECTIONS

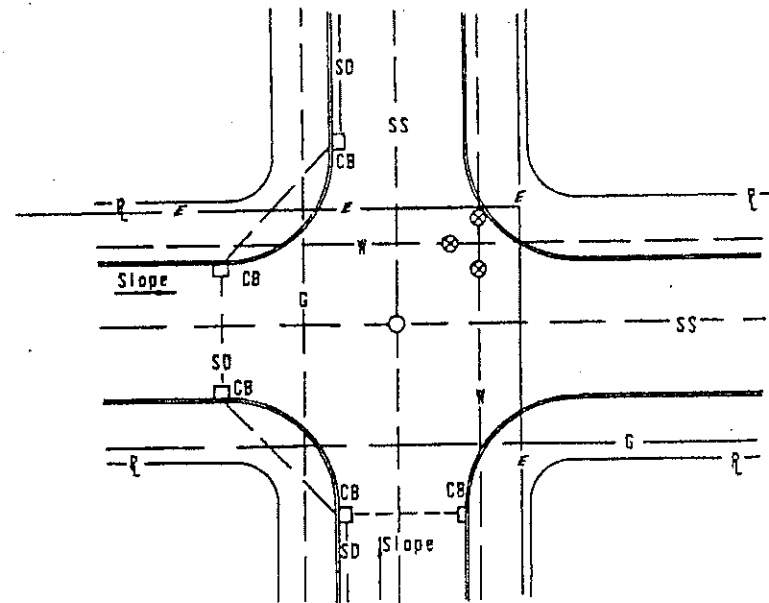
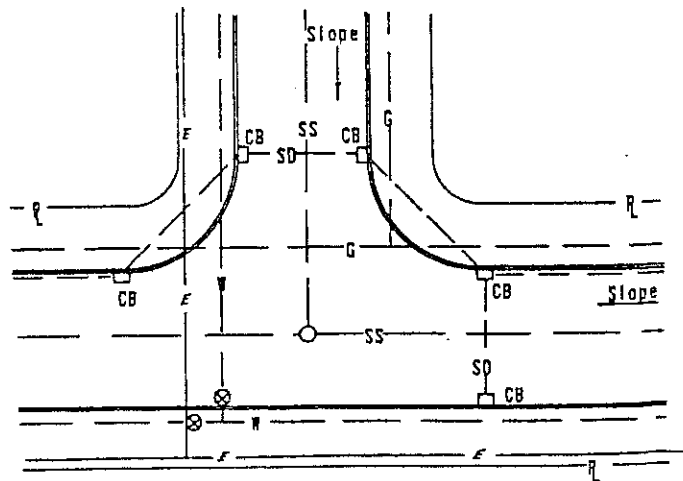
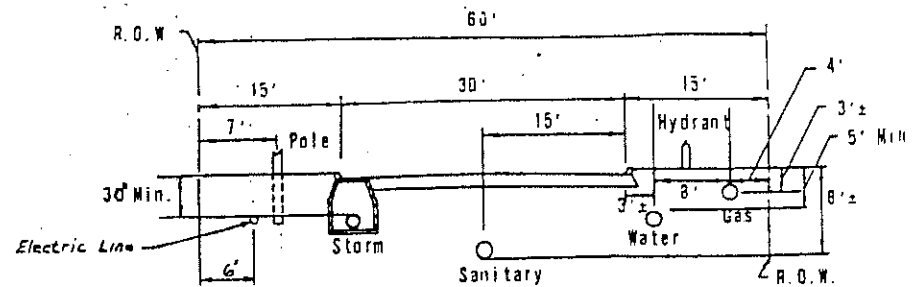
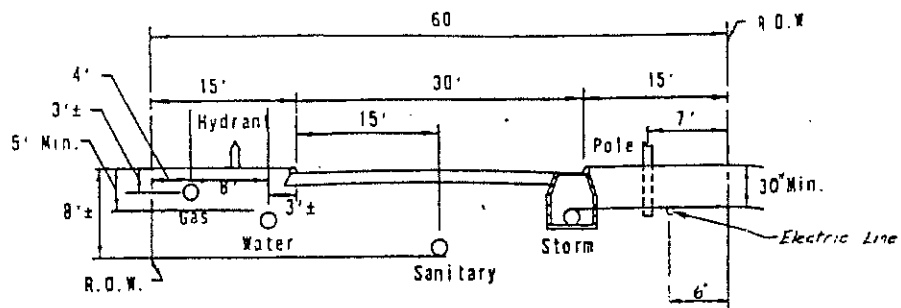
TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 2.1 6/2/88



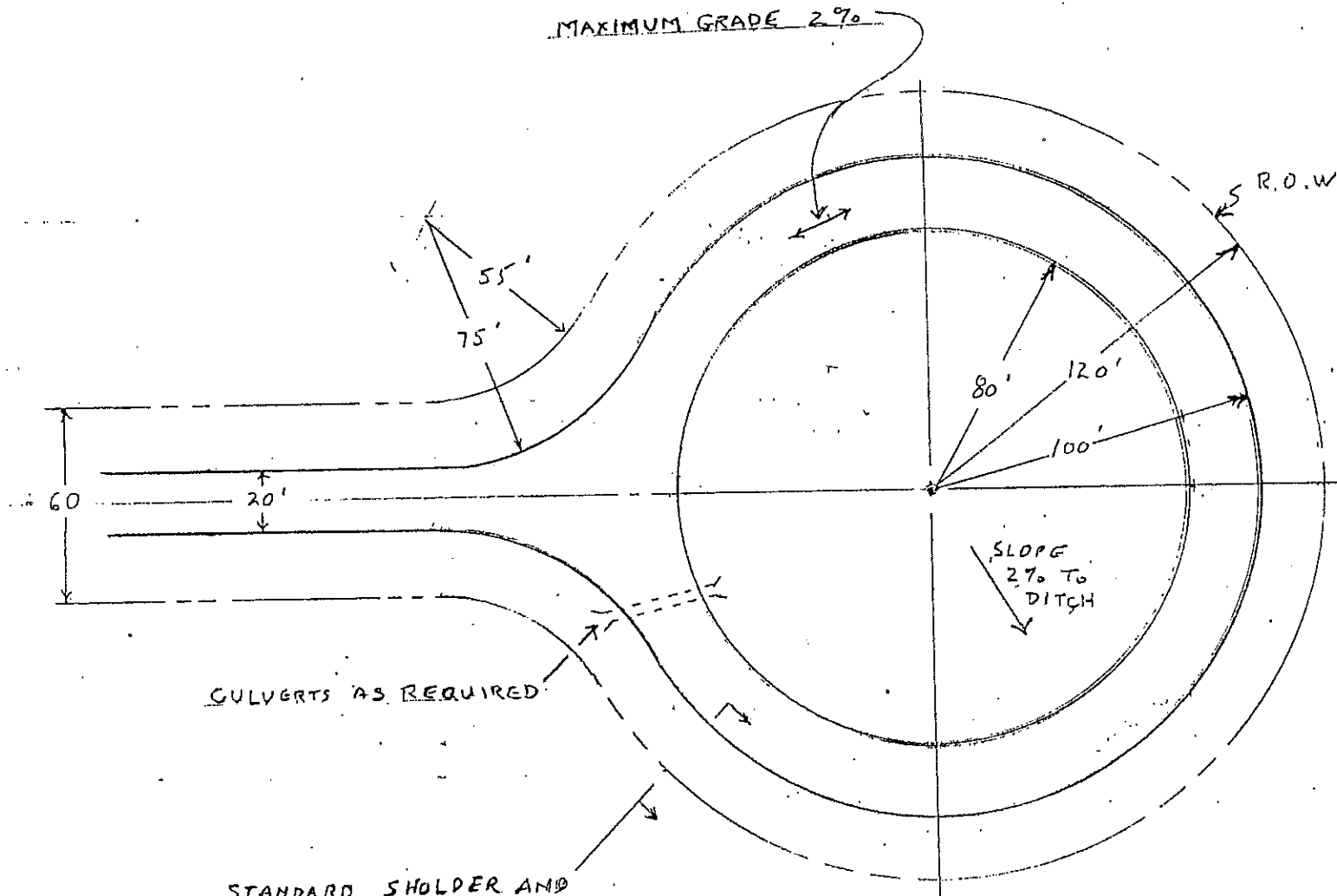
SUBDIVISION STANDARDS
TOWN OF NORTHUMBERLAND
TYPICAL HIGHWAY
CROSS SECTIONS

SEE GENERAL NOTES ON DRAWING 2.1

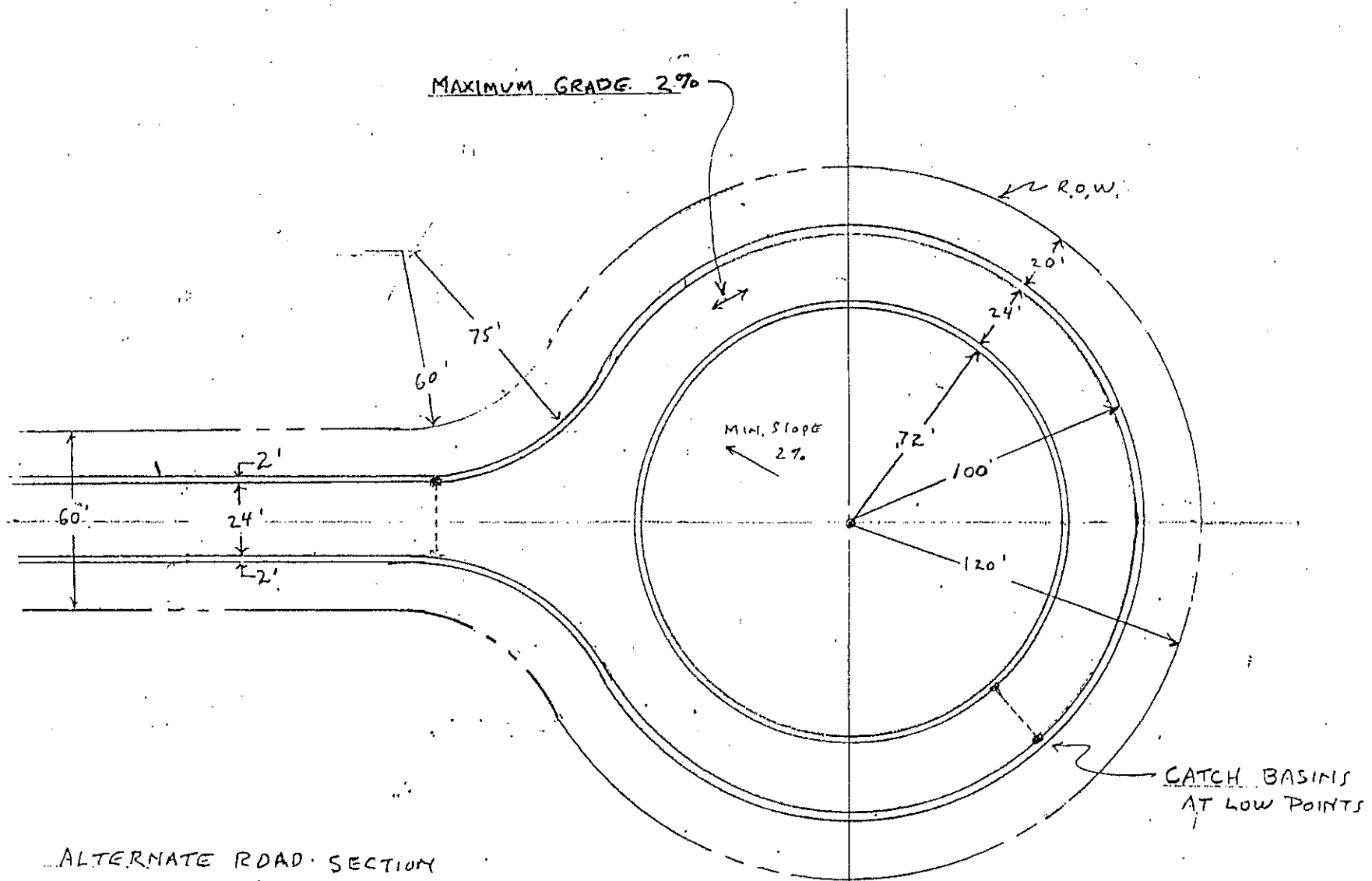
TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 2.1.1 3/12/90



TYPICAL UTILITY LOCATIONS
NO SCALE



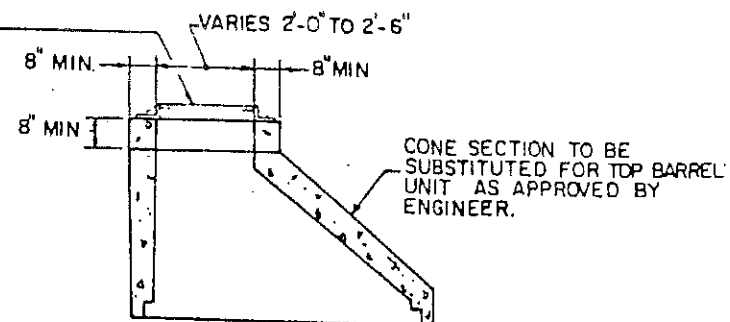
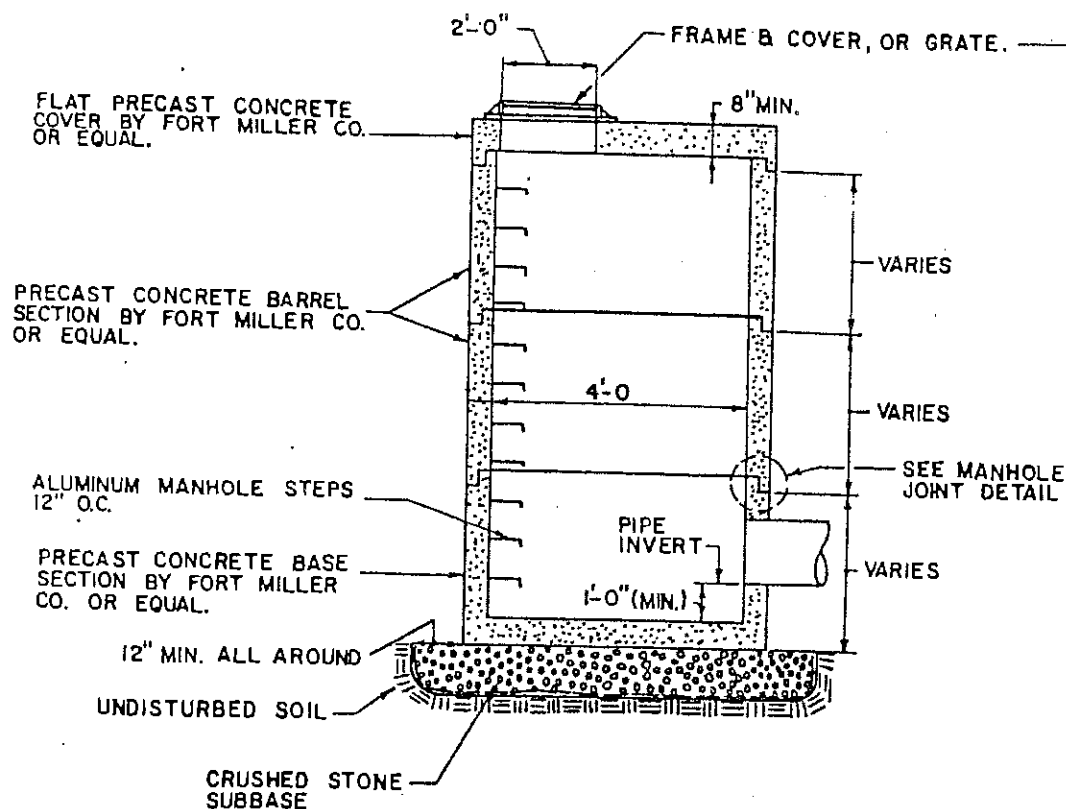
SUBDIVISION STANDARDS
TOWN OF NORTHUMBERLAND
TYPICAL HIGHWAY
DETAIL
CUL-DE-SAC TURN AROUND
TOWN OF NORTHUMBERLAND



ALTERNATE ROAD SECTION
WITH PAVED WING.
SEE DRAWING 2.1.1

SUBDIVISION STANDARDS
TOWN OF NORTHUMBERLAND
TYPICAL HIGHWAY
DETAIL
CUL-DE-SAC TURN AROUND

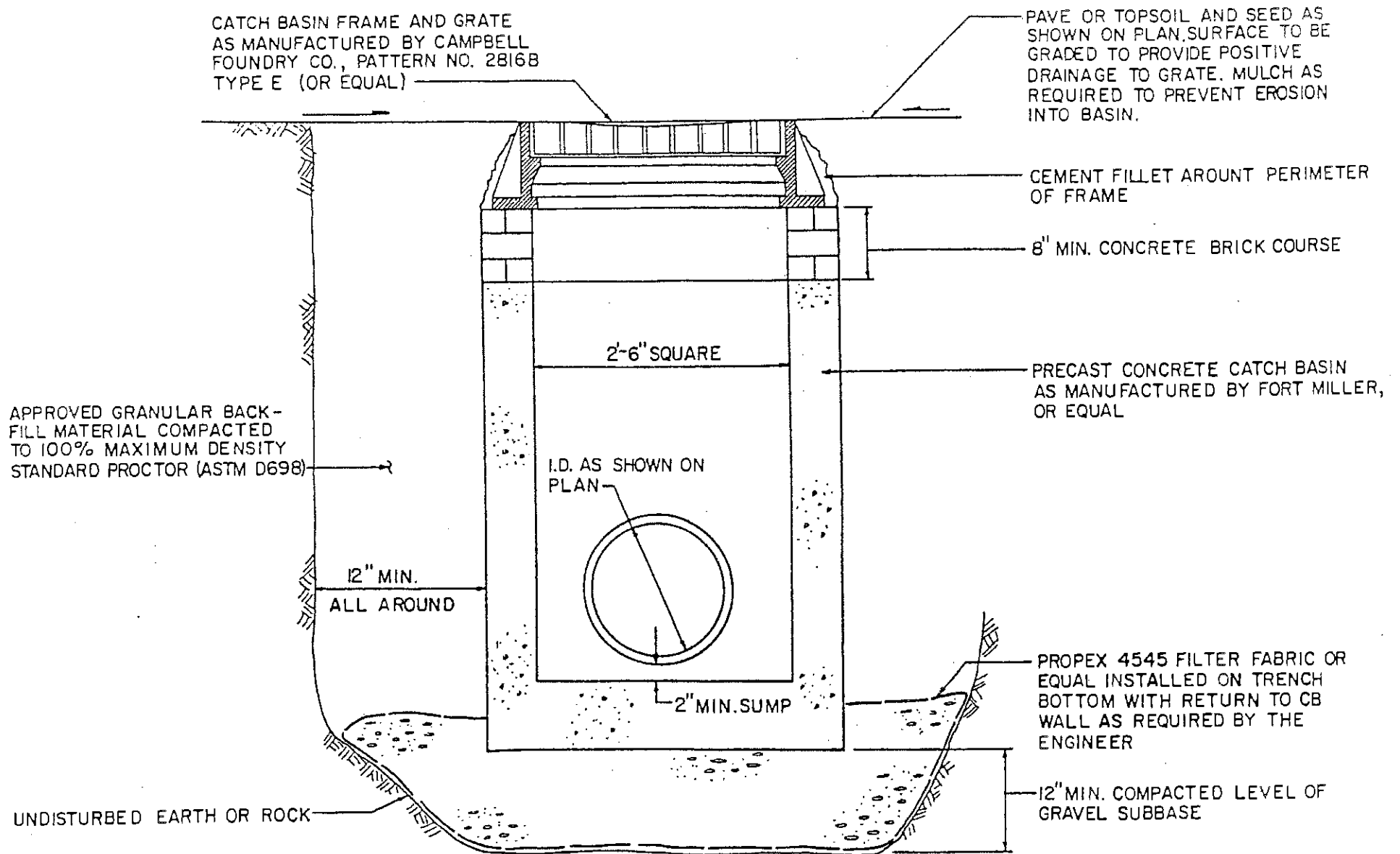
TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 2.3.1 2/17/90



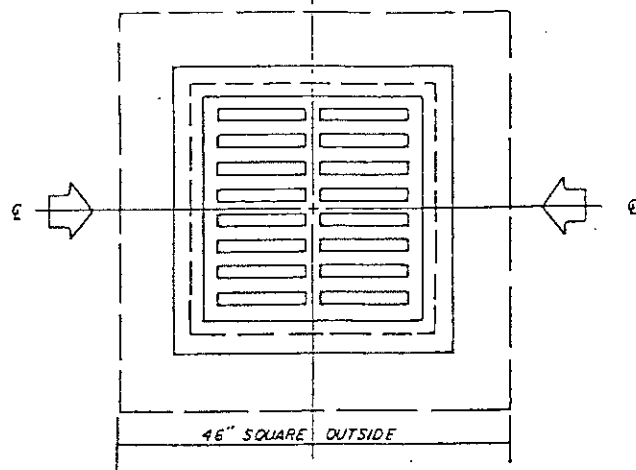
NOTE: 1) CEMENT MORTAR SHUT ALL LIFT HOLES SMOOTH WITH WALL.
2) BEND FLAT OR CUT OFF ALL LIFT EYES.

PRECAST REINFORCED CONCRETE STORM SEWER MANHOLE & CATCH BASIN DETAILS

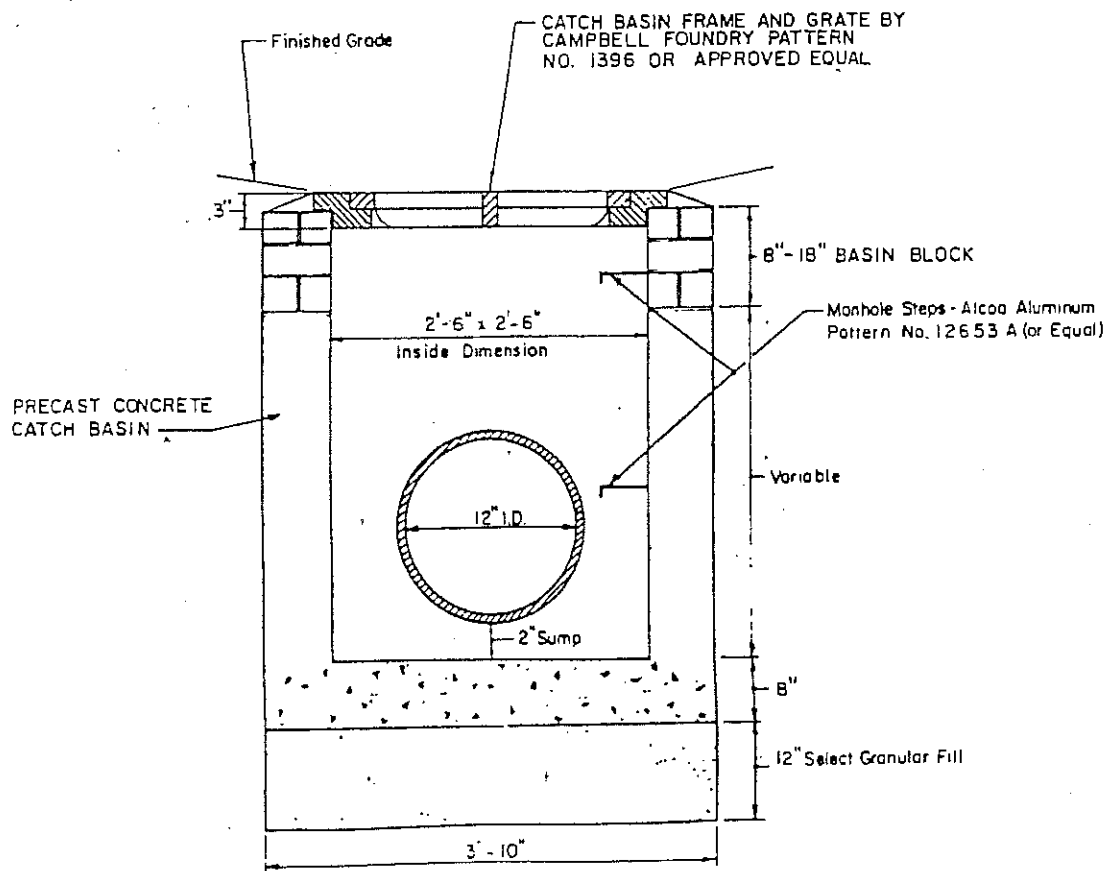
NO SCALE



PRECAST REINFORCED CONCRETE CATCH BASIN



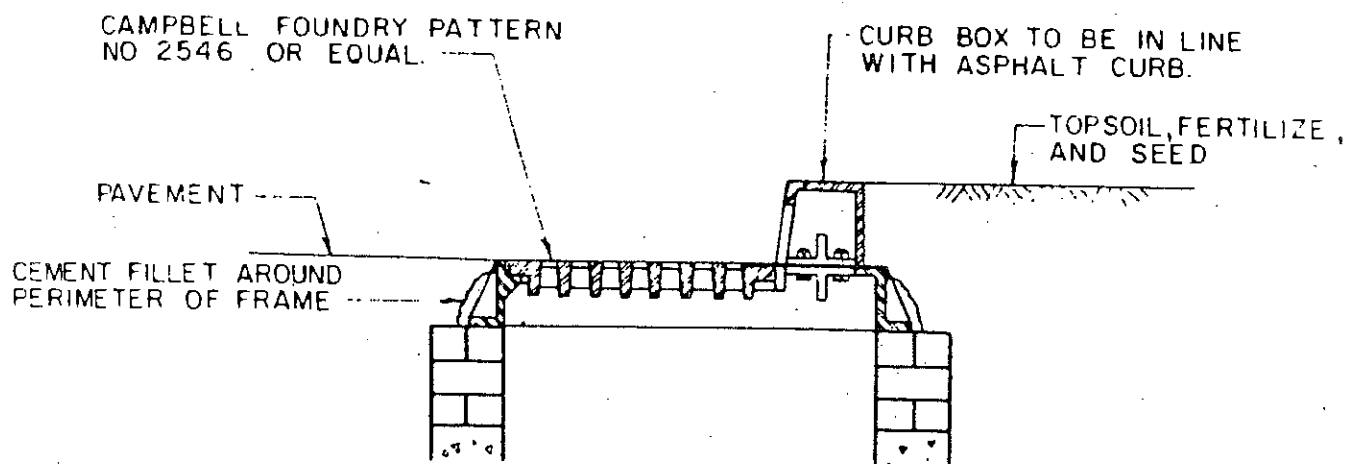
PLAN



CATCH BASIN DETAIL

NO SCALE

TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 3.2a 6/2/88



TYPICAL CURB INLET
NO SCALE

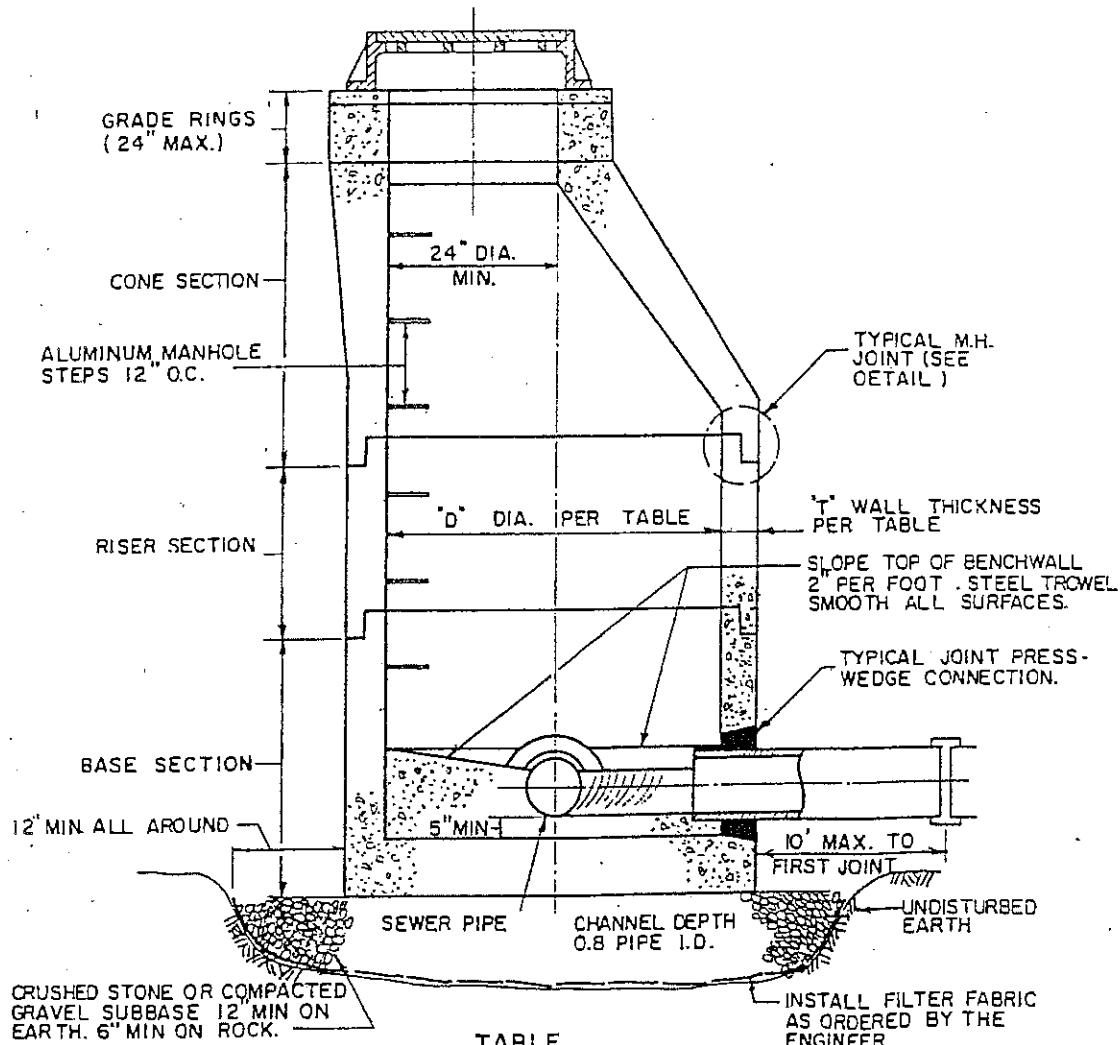


TABLE		
OUTLET SEWER PIPE SIZE	"D" DIA. MIN.	"T" WALL THICKNESS MIN.
8" Thru 24"	4' - 0"	5"
30"	5' - 0"	6"
INSIDE DROP	5' - 0"	6"

PRECAST CONCRETE MANHOLE DETAIL

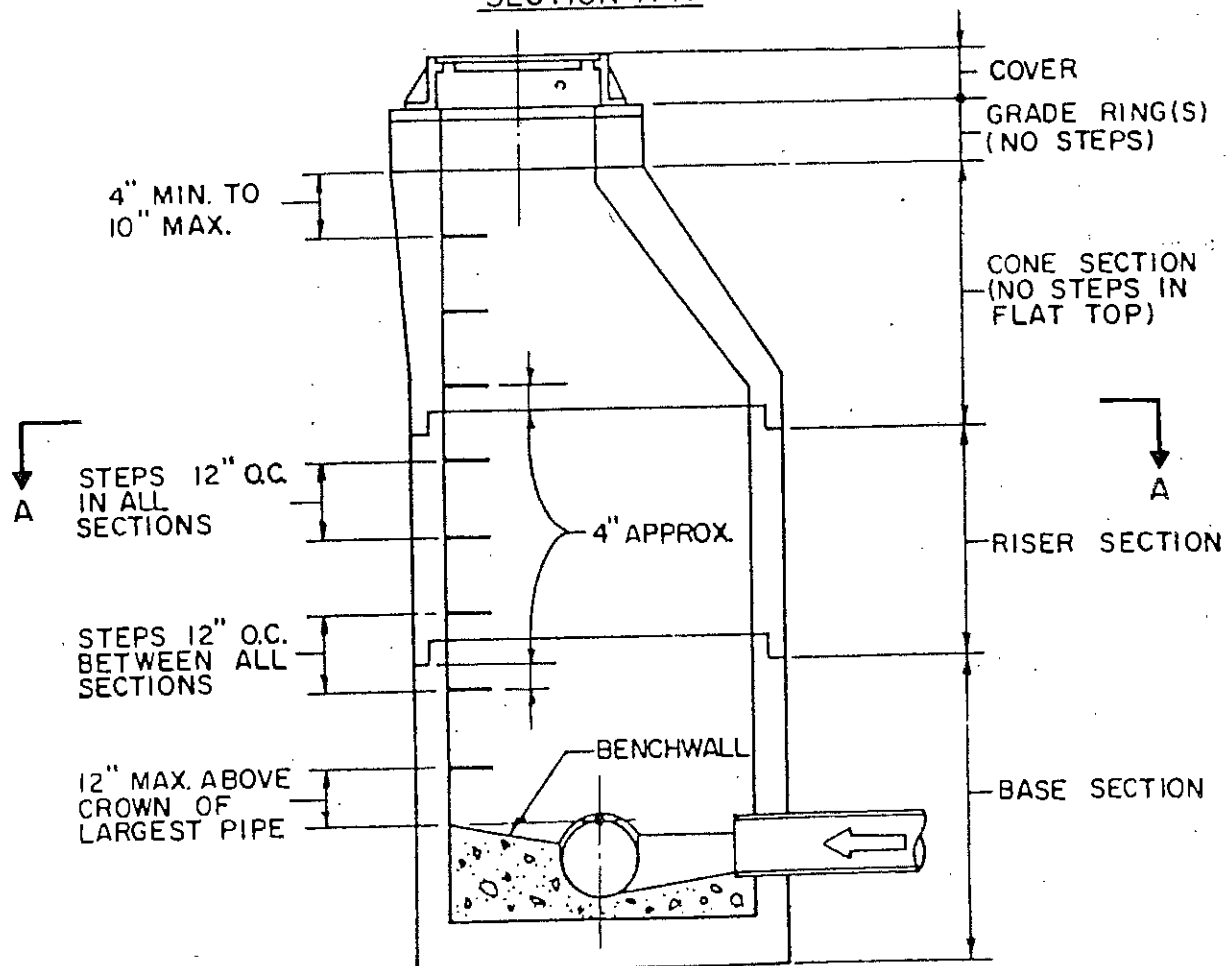
NO SCALE

TOWN OF NORTHBUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 4.1 6/2/88

LOCATE STEPS IN
LINE OVER WIDEST
PART OF BENCHWALL

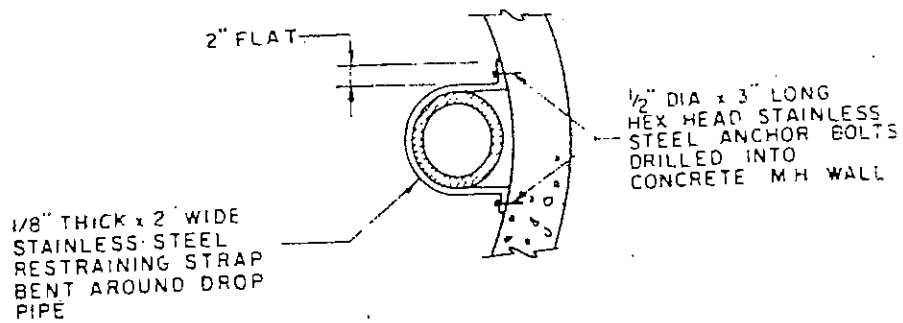
6" MIN. STEP
PROJECTION

SECTION A-A

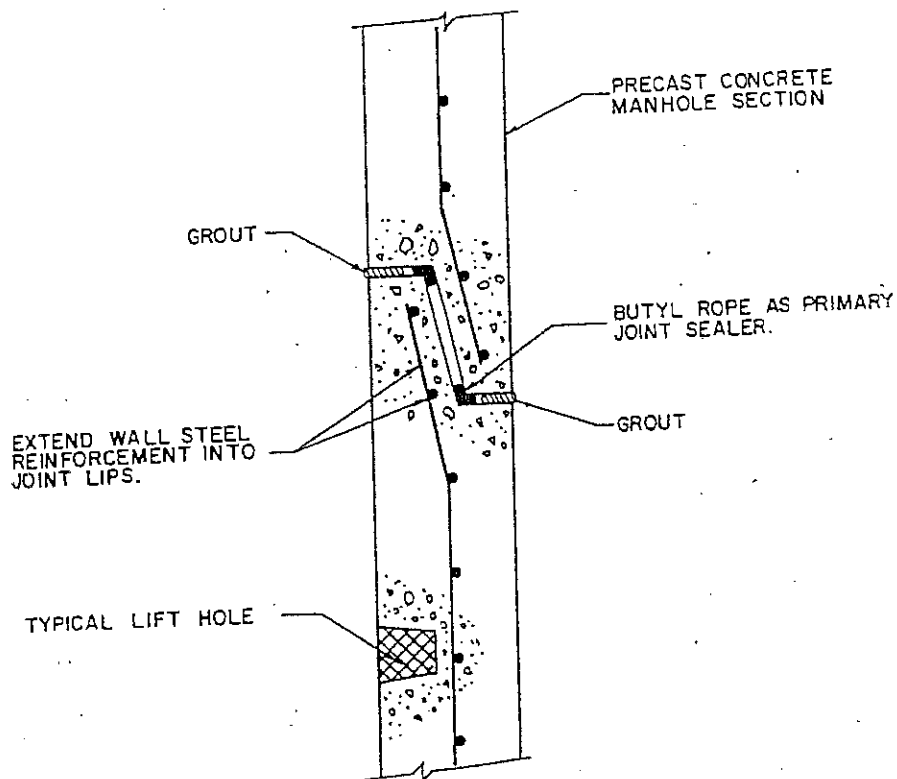


M.H. STEP PLACEMENT DETAIL

NO SCALE



STRAP DETAIL
NO SCALE

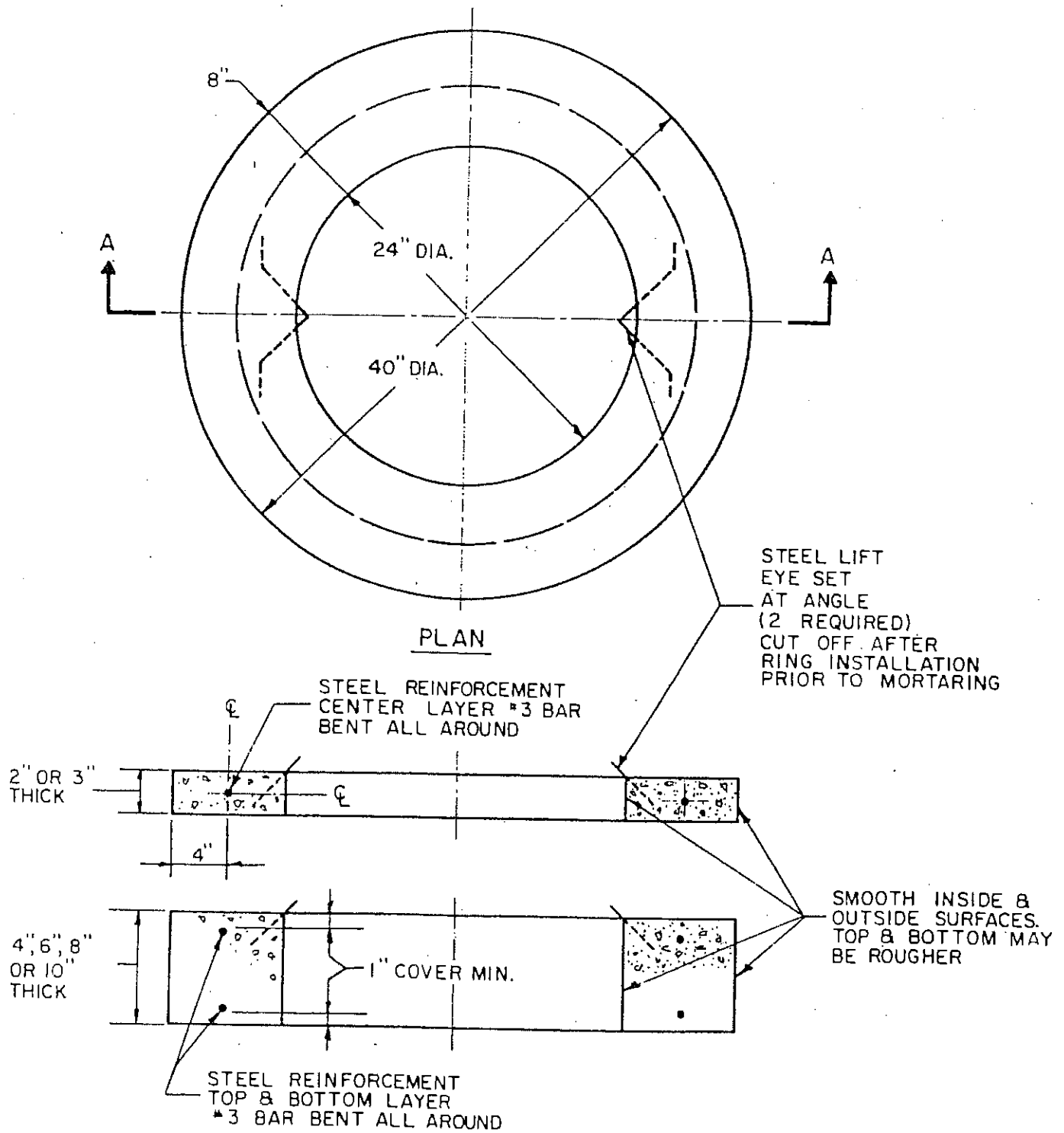


MANHOLE JOINT DETAIL
NO SCALE

TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 4.3 6/2/88

MANHOLE JOINT DETAIL

NO SCALE



SECTION A - A

USE AIR ENTRAINED CONCRETE 4000 PSI MIN.

PRECAST CONCRETE MH GRADE RING DETAIL

NO SCALE

TOWN OF NORTHBURGLAND
SUBDIVISION SPECIFICATION
DRAWING 4.4 6/2/88

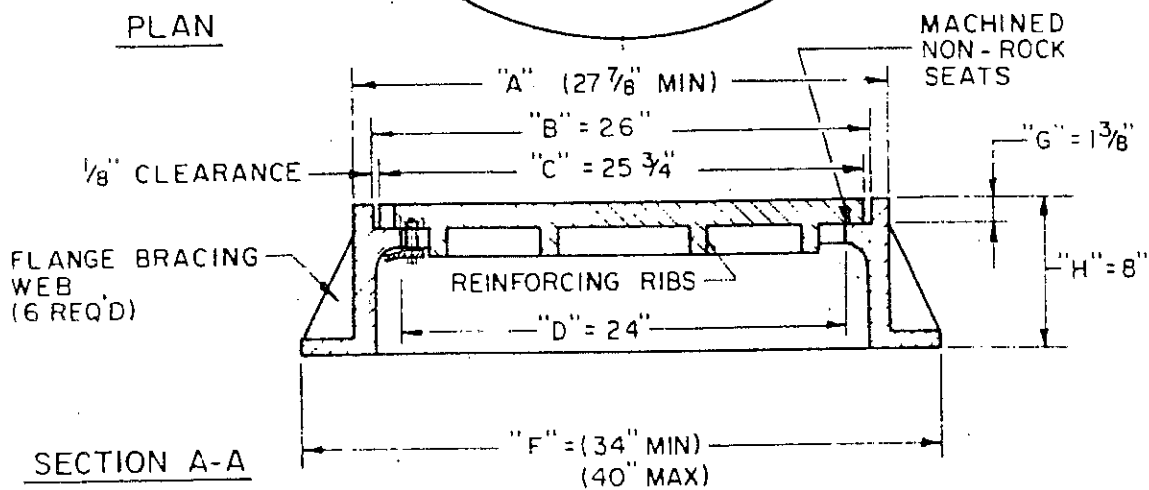
FULL PENETRATING
PICK HOLE (2 REQ'D
180° APART ON
PERIMETER)
(SEE DETAIL "A")

CAMPBELL NO 1487

3/4" DIA. VENT
HOLES (4 REQ'D
LOCATE IN RIBS)
(SEE DETAIL "B")

NON-SKID
COVER DESIGN,
CIRCULAR RAISED
RIB PATTERN

PLAN



ACCEPTABLE MANHOLE FRAMES & COVER

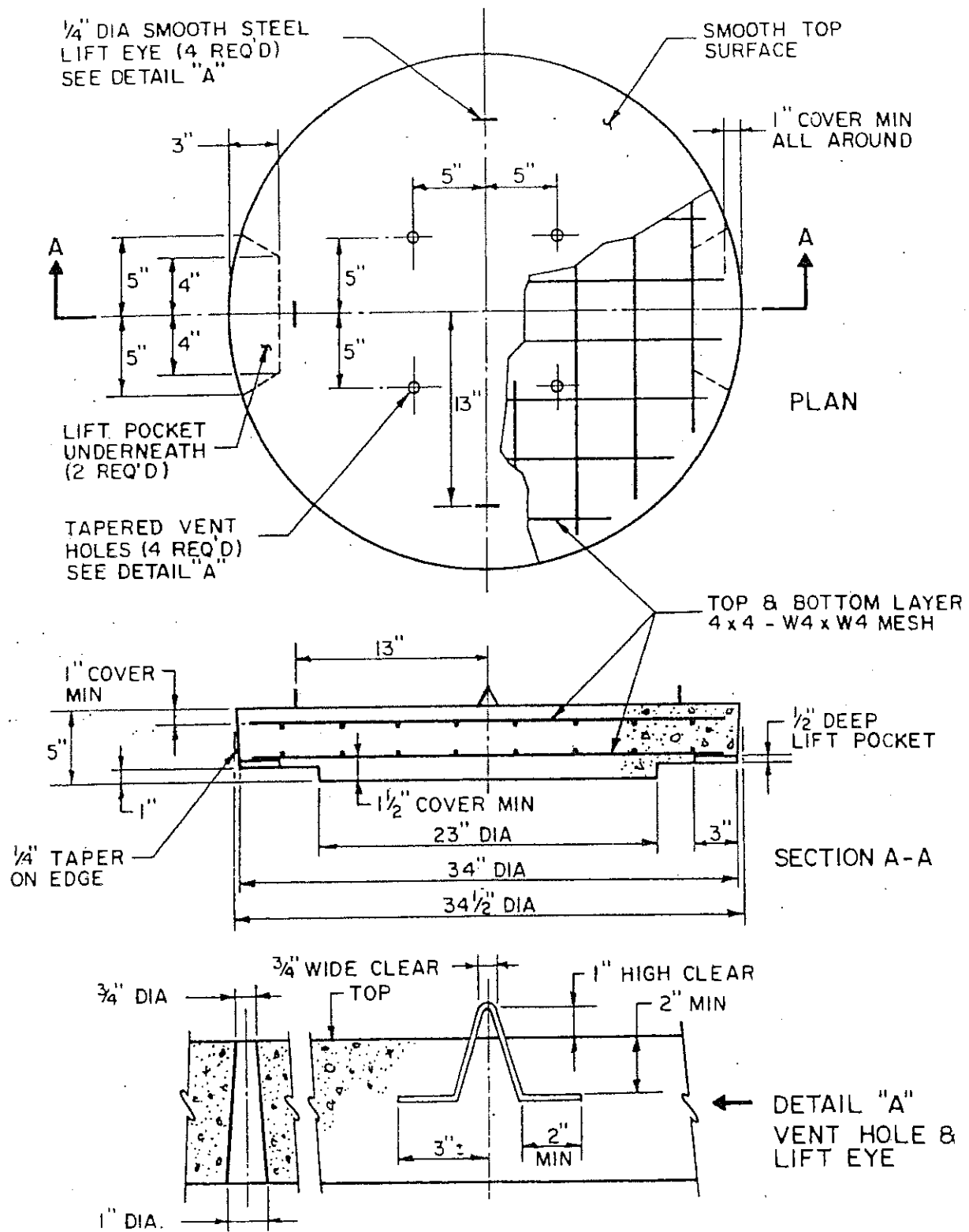
MANUFACTURER	PATTERN NUMBER	(ALL DIMENSIONS ARE IN INCHES)								APPROX. WT. (LBS)	
		"A"	"B"	"C"	"D"	"E"	"F"	"G"	"H"	COVER	FRAME
CAMPBELL F'DRY	1009	27 ⁷ / ₈	26	25 ³ / ₄	24	27	34 1/2	1 ³ / ₈	8	160	220
SYRACUSE CAST'G	SC 1009						34			165	240
RICHARD F'DRY	A-2780	28								165	215
WOODWARD F'DRY	W-1213										

OR EQUAL

STANDARD CAST IRON M.H. COVER DETAIL

NO SCALE

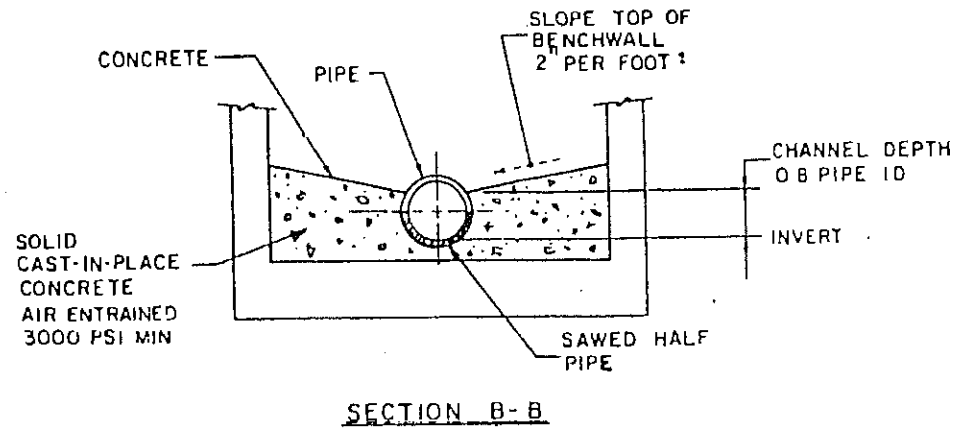
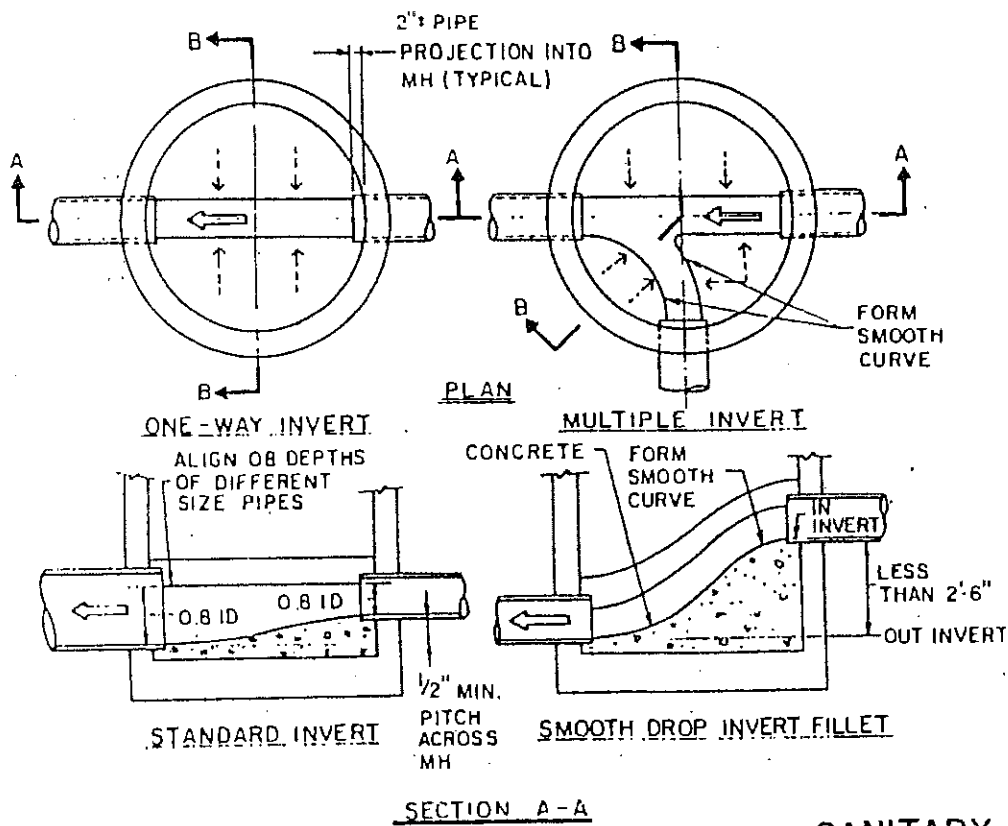
TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 4.5 6/2/88



USE AIR ENTRAINED CONCRETE 4000 PSI MIN

PRECAST CONCRETE MH COVER DETAIL

USE ONLY WHEN SPECIFIED
NO SCALE

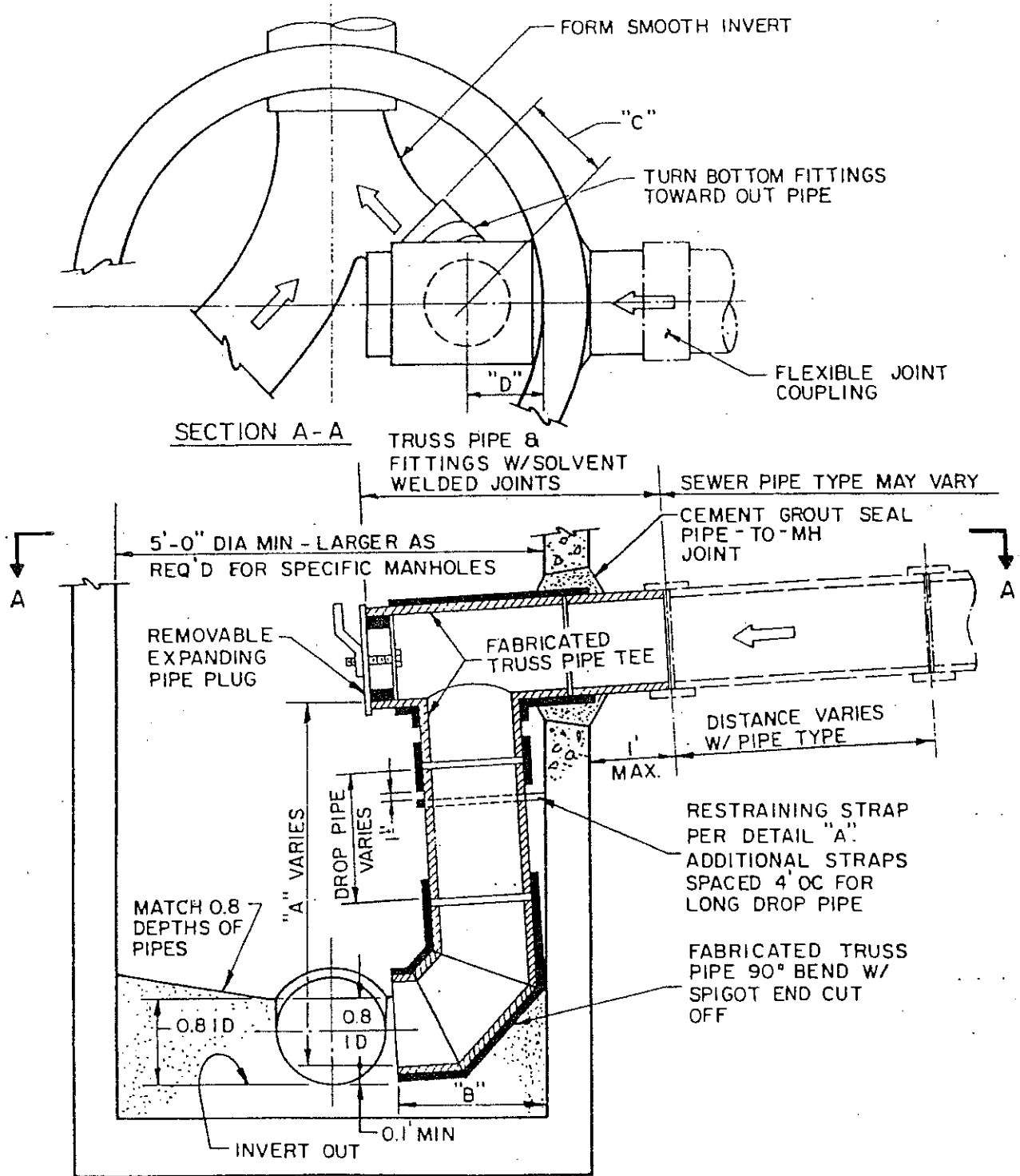


SANITARY MANHOLES

INVERT, CHANNEL AND BENCHWALL DETAILS

NO SCALE

TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 4.7 6/2/88

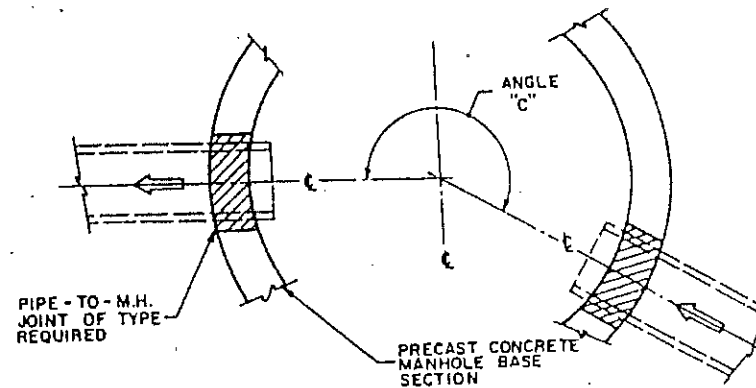
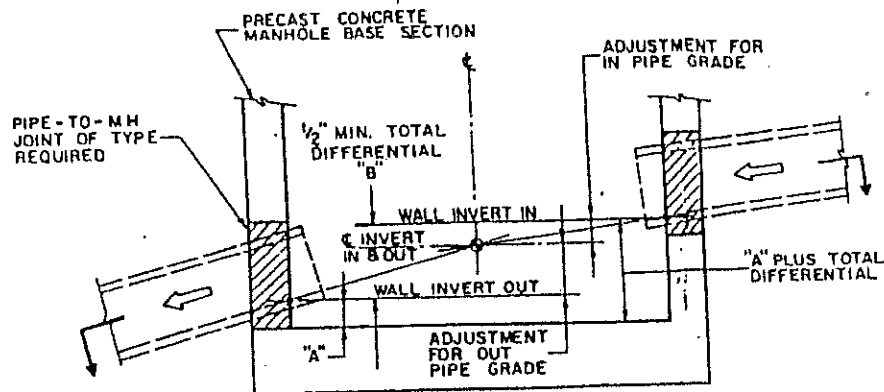


MINIMUM POSSIBLE DISTANCES

IN SEWER & DROP SIZE	"A"	"B"	"C"	"D"
6" & 8"	1.9'	1'-6"	1'-0"	6"
10"	2.7'	1'-9"	1'-2"	7"
12"	2.7'	1'-9"	1'-1"	8"
15"	3.2'	2'-2"	1'-5"	9"

DROP MH 6,8,10,12,&15 - INCH INSIDE DROP DETAILS

NO SCALE



SECTION A-A

PLACEMENT TOLERANCES			
PIPE-TO-MANHOLE JOINT TYPE	"A"	"B" (VERTICAL)	"C" (ANGULAR)
STD. RUBBER GASKET	5" MIN.	1/2"	2°
CEMENT GROUT	3" MIN.	FIELD ADJUST	FIELD ADJUST

PIPE - TO - M.H. JOINT PLACEMENT TOLERANCE DETAIL

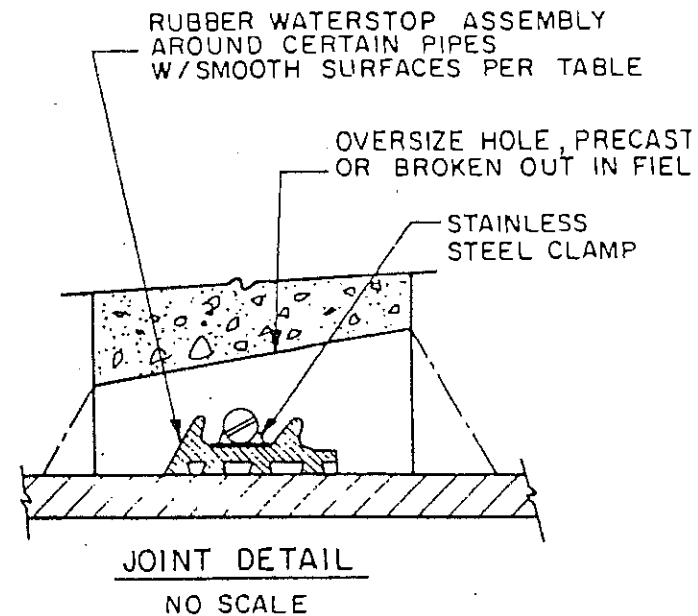
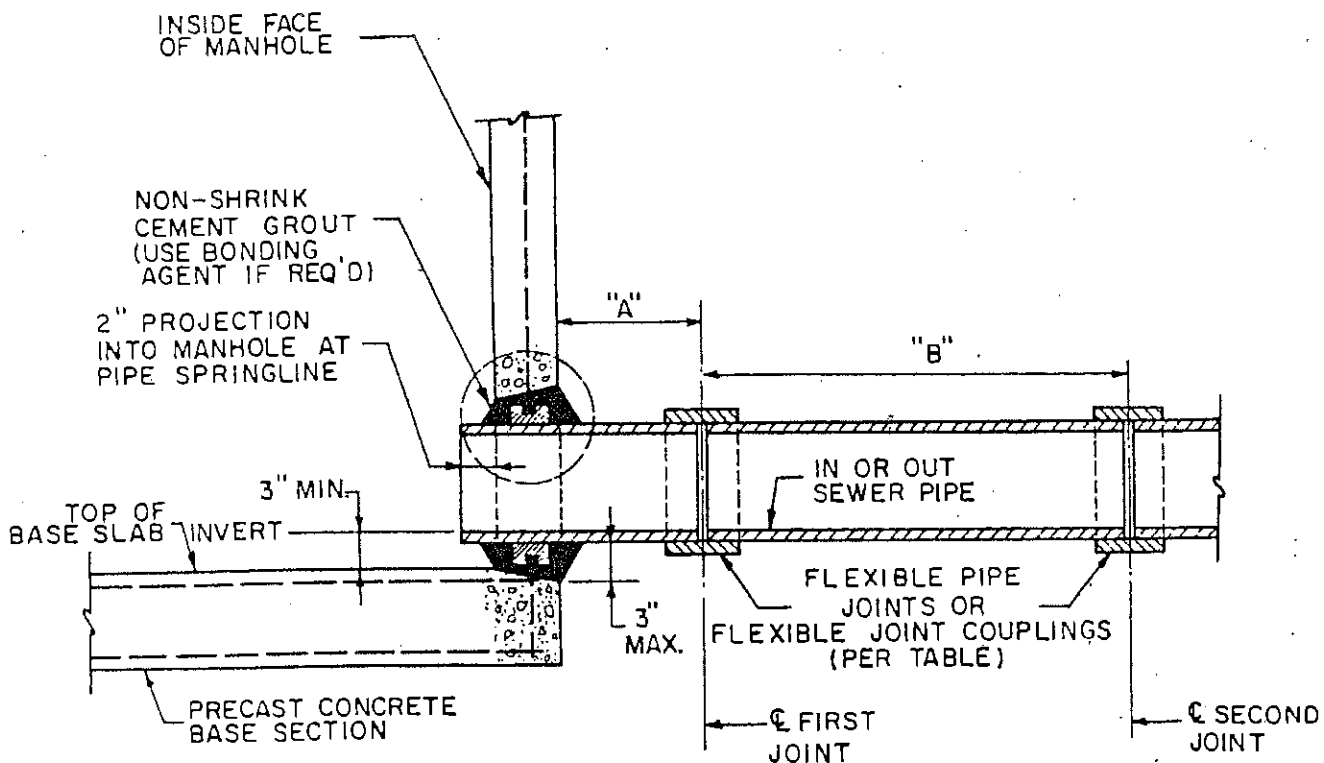
NO SCALE

RUBBER WATERSTOP ASSEMBLY
AROUND CERTAIN PIPES
W/SMOOTH SURFACES PER TABLE

OVERSIZE HOLE, PRECAST
OR BROKEN OUT IN FIELD

STAINLESS
STEEL CLAMP

JOINT DETAIL
NO SCALE

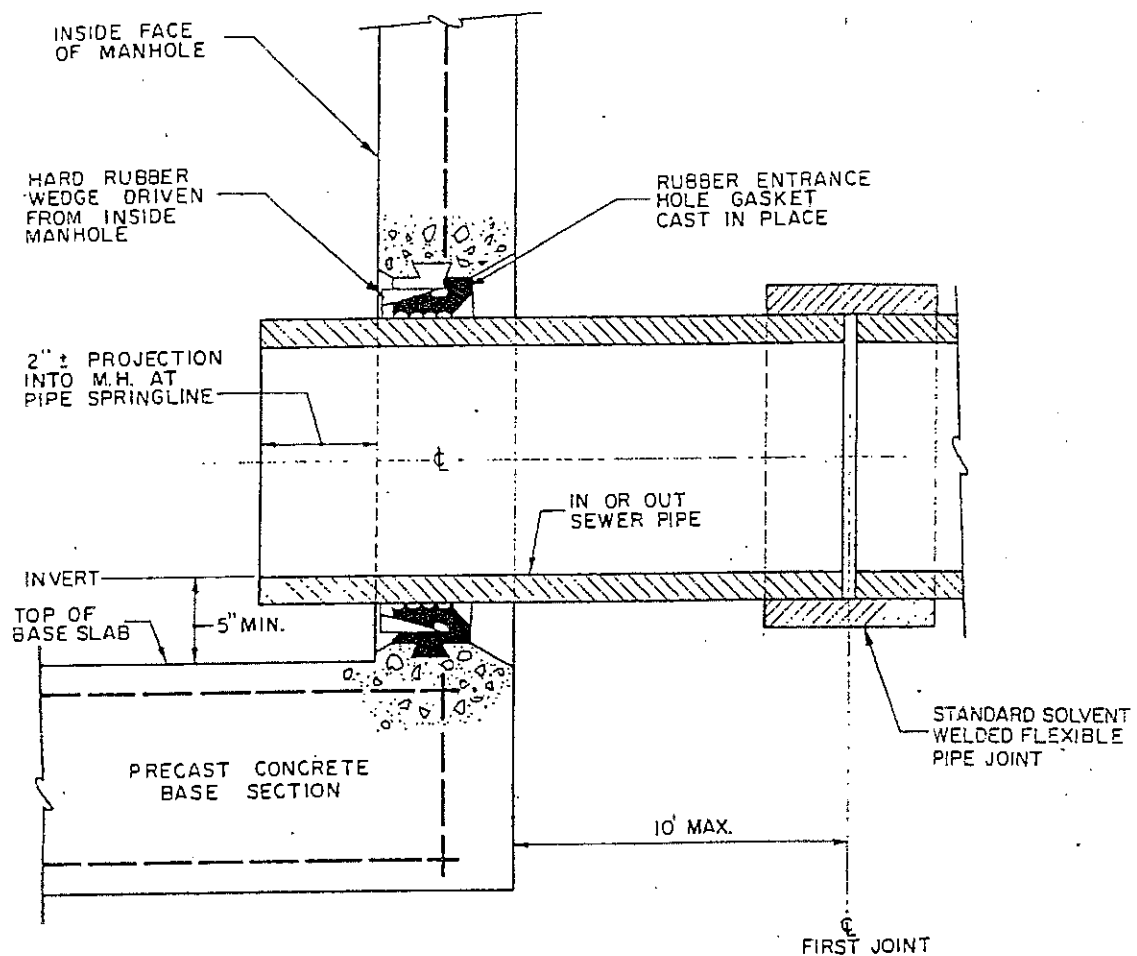


FLEXIBLE JOINT & WATERSTOP REQUIREMENTS				
SEWER PIPE TYPE	FLEXIBLE JOINT TYPE IN & OUT	"A" DISTANCE (FEET)	"B" DISTANCE (FEET)	M.H. WATER-STOP REQD
VITRIFIED CLAY	STD RUBBER GASKET PIPE JOINT ONLY	1' MAX.	3' MAX.	NO
ASBESTOS CEMENT	STD RUBBER GASKET PIPE JOINT ONLY	1' MAX.	3' MAX.	NO
ABS TRUSS	SPECIAL FLEXIBLE JOINT COUPLING	1' MAX.	3' MAX.	YES
DUCTILE IRON	STD RUBBER GASKET PIPE JOINT ONLY	10' MAX.	NO LIMIT	NO
PVC	SPECIAL FLEXIBLE JOINT COUPLING	1' MAX.	3' MAX.	YES

USE AT NO EXTRA COST IN PLACE OF ANY FLEXIBLE PIPE-TO-MANHOLE JOINT WHEN REQUIRED BY FIELD CHANGES

CEMENT GROUT SEAL PIPE - TO - M.H. JOINT DETAIL

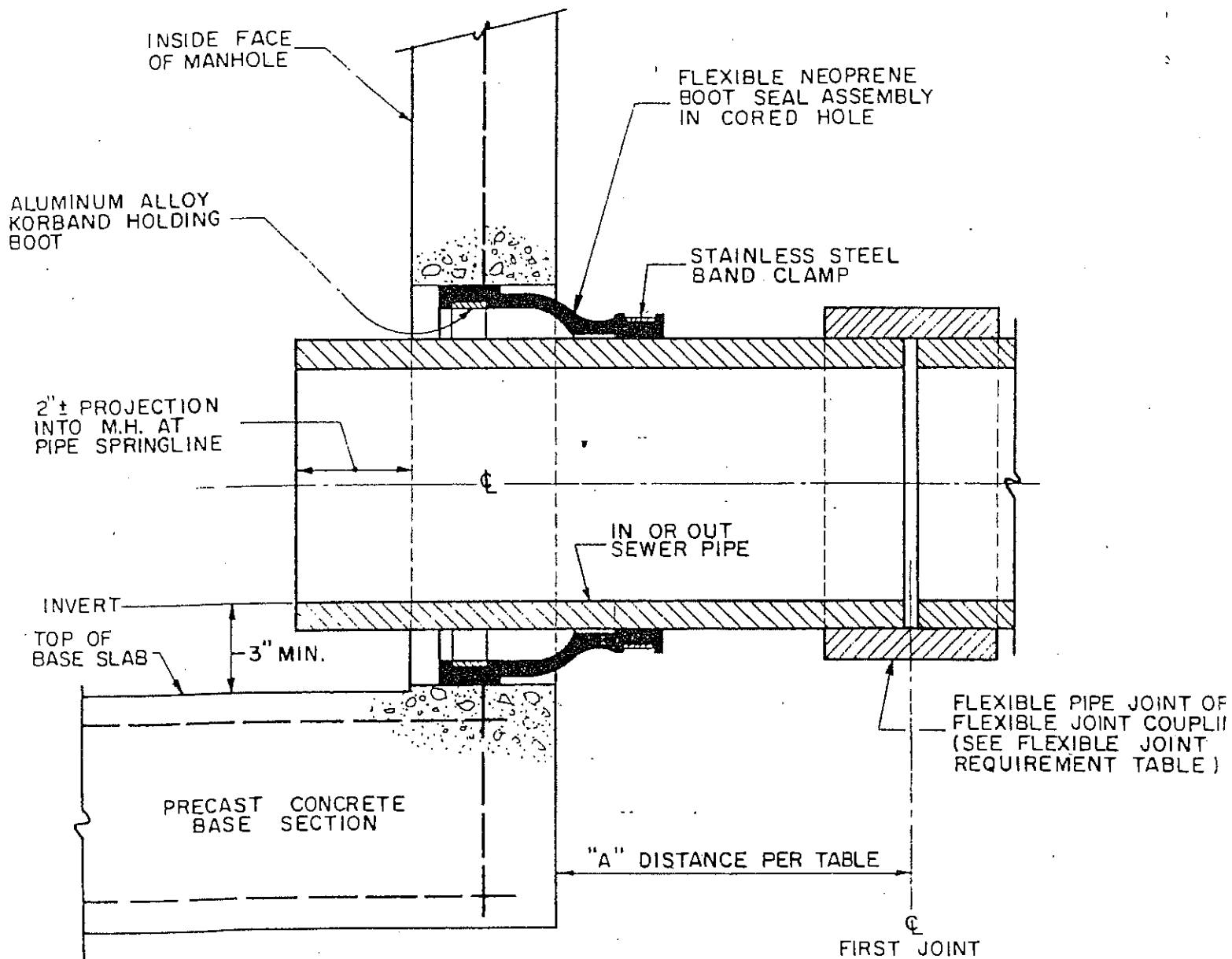
NO SCALE



FLEXIBLE PIPE-TO-M.H. JOINT TYPE 'A' DETAIL

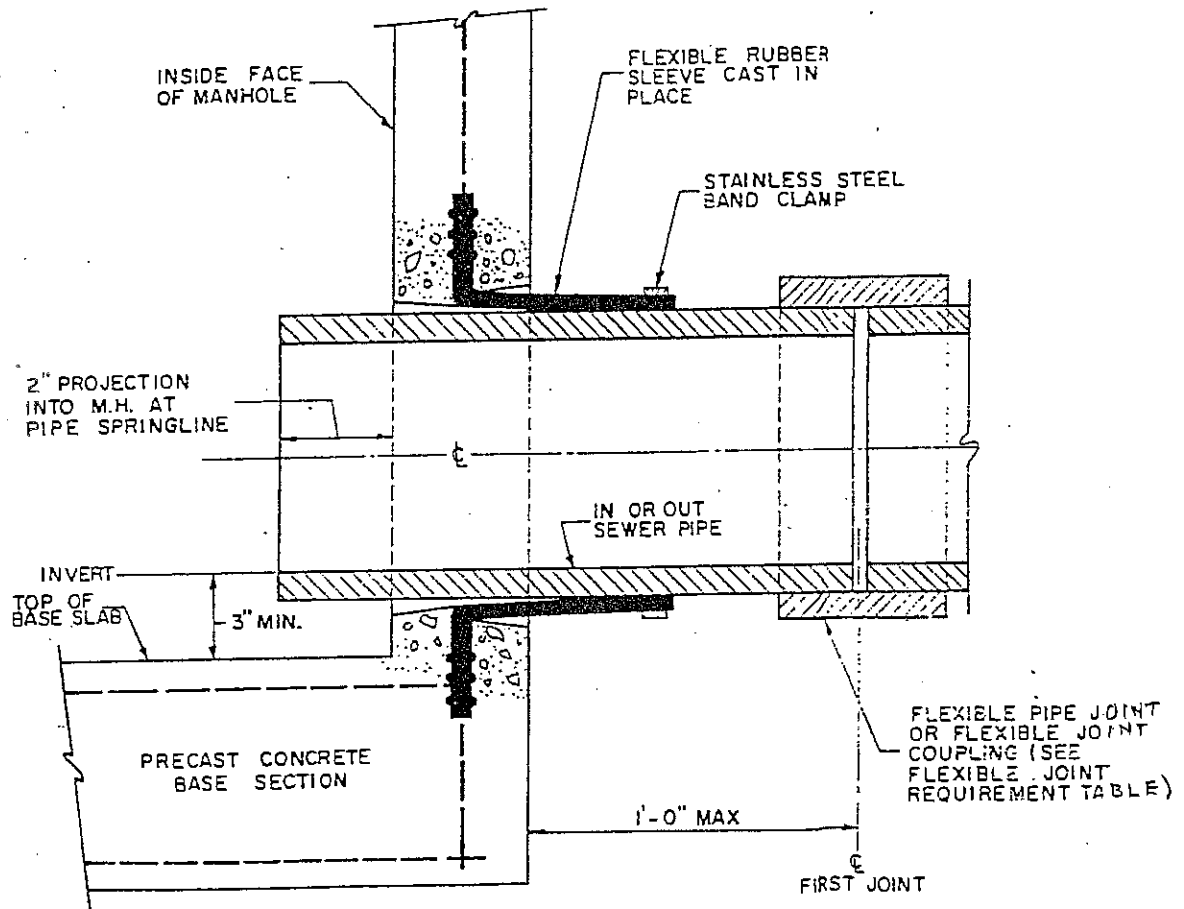
NO SCALE

TOWN OF NORTHUMBERLAND
 SUBDIVISION SPECIFICATION
 DRAWING 4.11 6/2/88



FLEXIBLE PIPE-TO-M.H. JOINT TYPE 'B' DETAIL

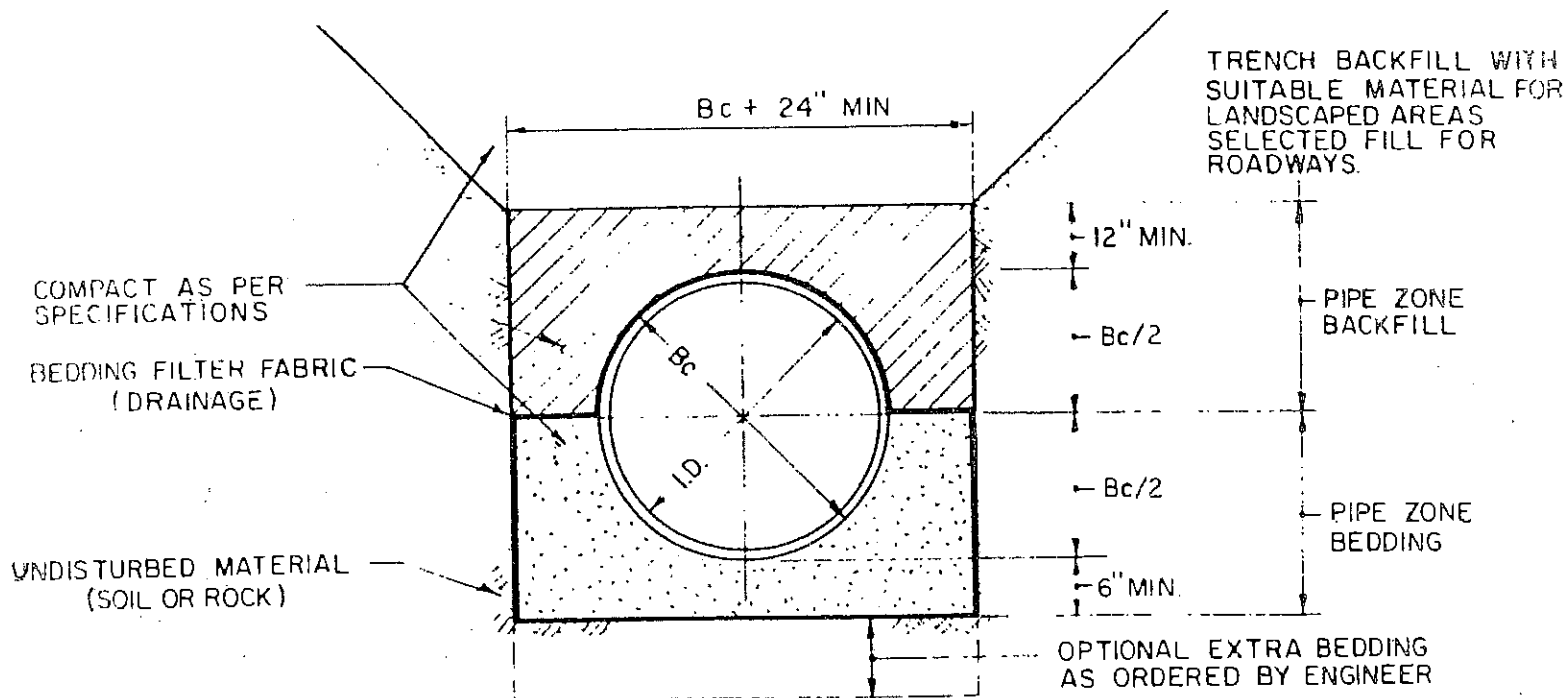
NO SCALE



FLEXIBLE PIPE-TO-M.H. JOINT TYPE 'C' DETAIL

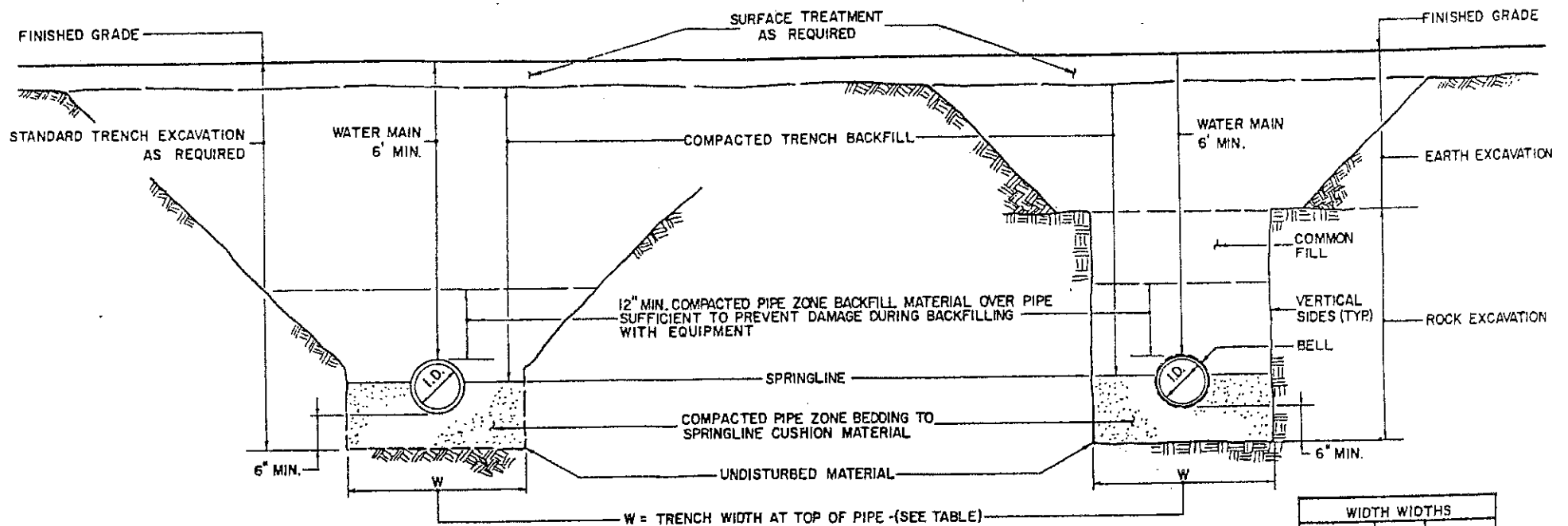
NO SCALE

TOWN OF NORTHUMBERLAND
 SUBDIVISION SPECIFICATION
 DRAWING 4.13 5/2/88



PIPE LAYING DETAIL

STANDARD UNLESS OTHERWISE SPECIFIED, NOTED, OR AS
ORDERED BY THE ENGINEER.
 NO SCALE



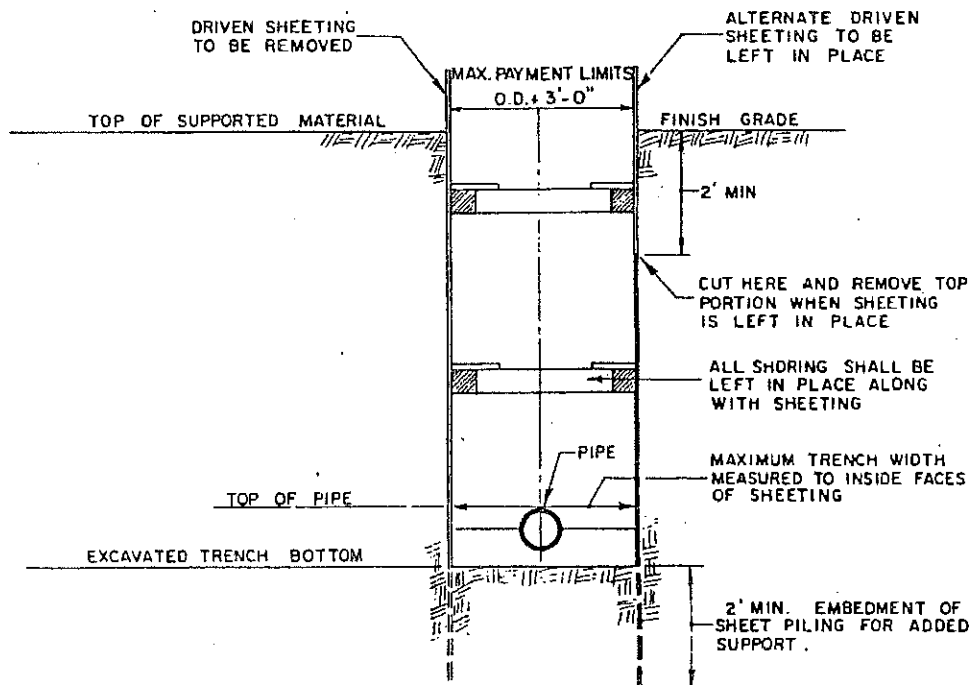
SANITARY & WATER MAIN INSTALLATION
TYPICAL TRENCH DETAILS
 NO SCALE

WIDTH WIDTHS		
PIPE DIA.	MIN.	MAX.
6"	22"	30"
8"	24"	32"

SHEETING NOTES:

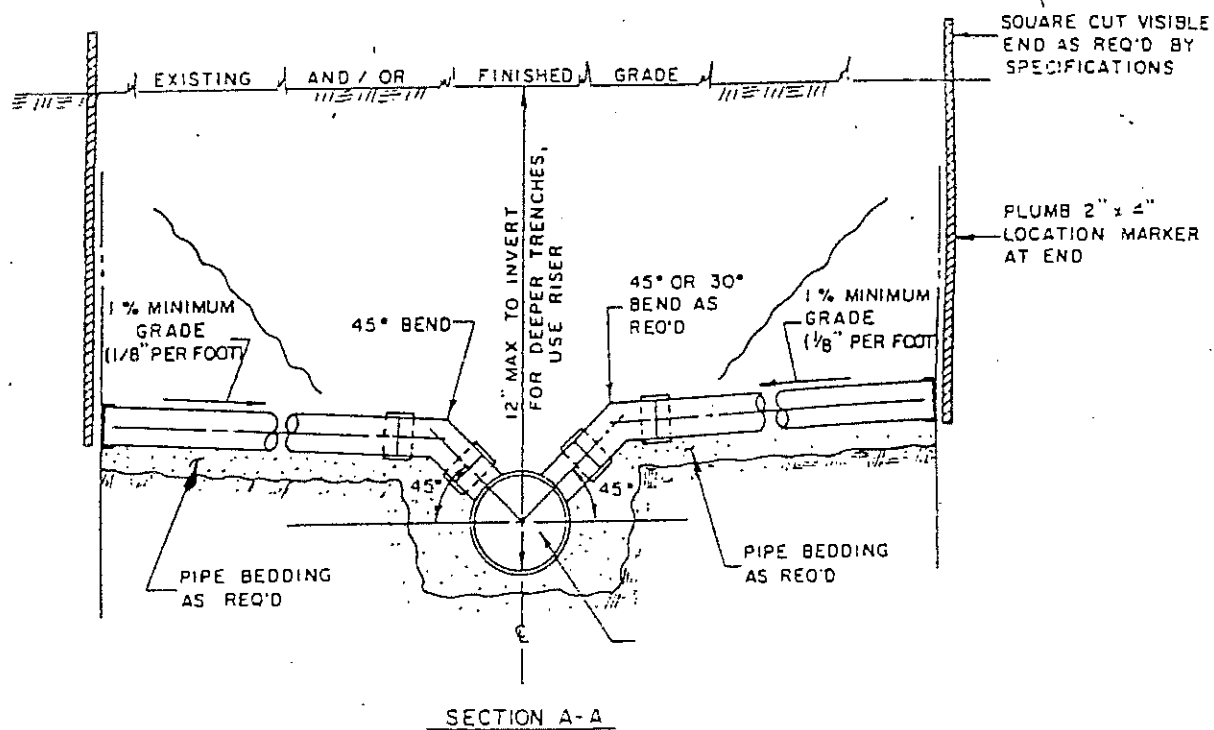
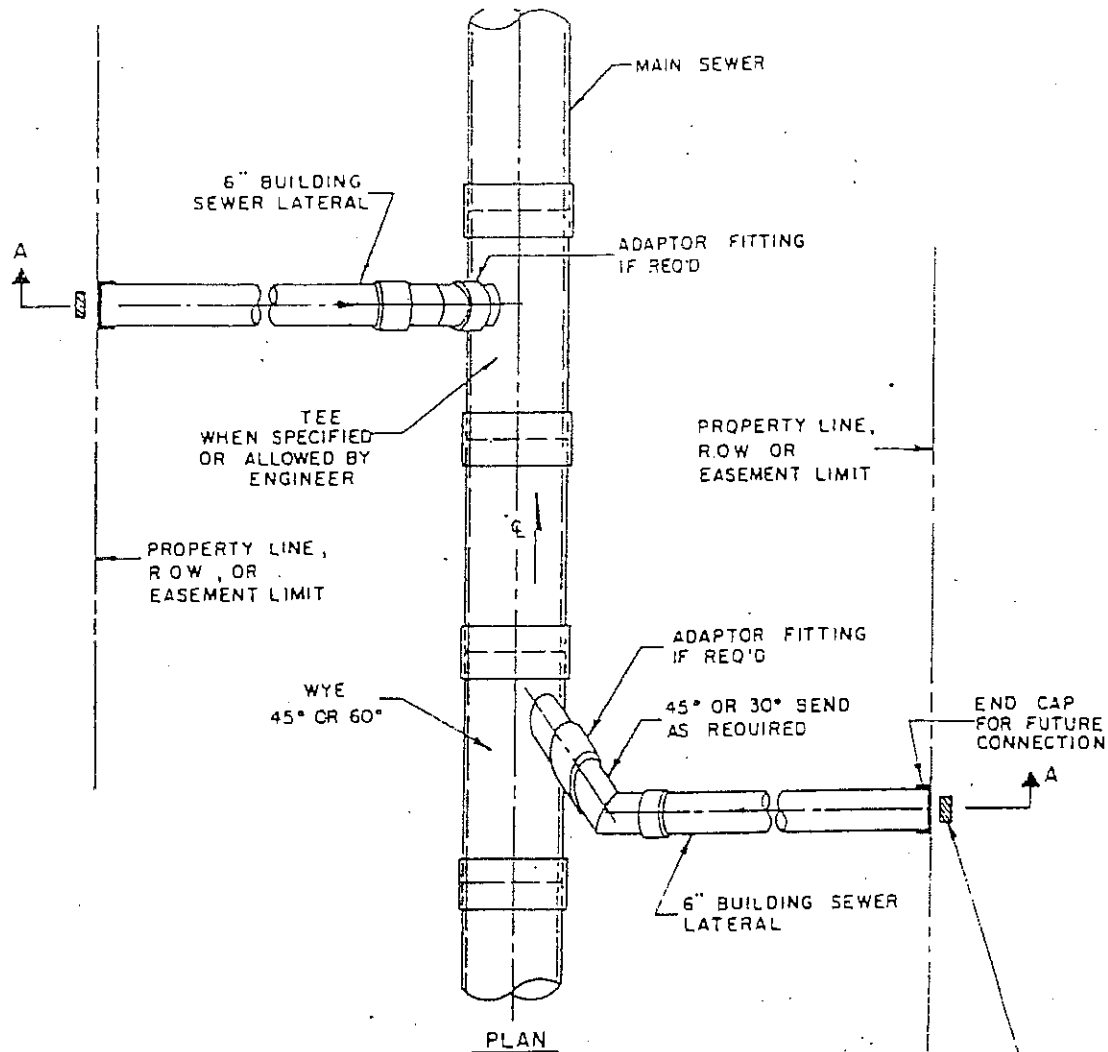
1. SHEETING AND SHORING SYSTEMS OTHER THAN THOSE ALLOWED BY THE CODES MAY BE IN ACCORDANCE WITH SPECIFIC DESIGN PLANS PREPARED BY A NEW YORK STATE LICENSED PROFESSIONAL ENGINEER.
2. ALL TRENCH EXCAVATION AND ANY REQUIRED SHEETING AND SHORING SHALL BE DONE IN ACCORDANCE WITH THE LATEST REVISIONS OF THE FOLLOWING CODES:
 - a.) - SUBPART 23-4, "EXCAVATION OPERATIONS", OF NEW YORK STATE DEPARTMENT OF LABOR INDUSTRIAL CODE RULE 23.
 - b.) - SUBPART P, "EXCAVATIONS, TRENCHING AND SHORING" OF U.S. DEPARTMENT OF LABOR O.S.H.A. REGULATIONS FOR CONSTRUCTION.

THE MORE STRINGENT REQUIREMENT
IN EACH CODE SHALL APPLY .



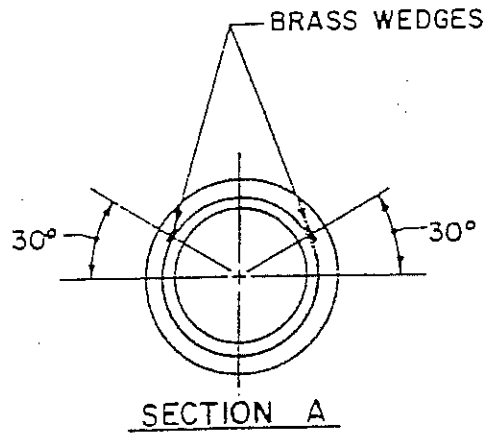
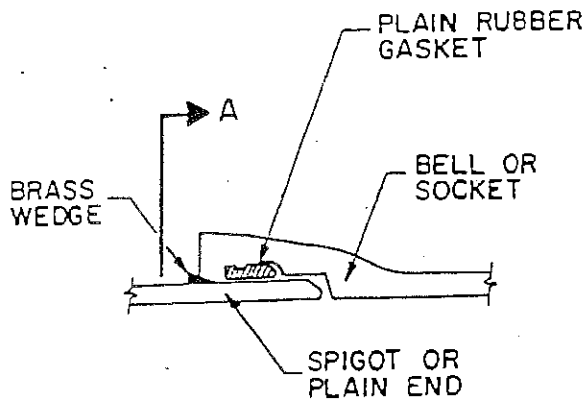
TYPICAL SHEETING SECTION

NO SCALE

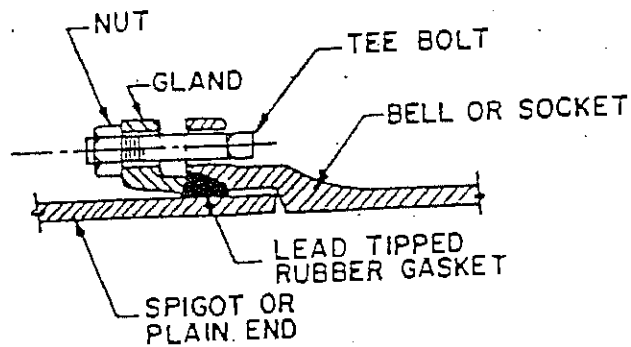


STANDARD SEWER SERVICE CONNECTIONS

TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 6.1 6/2/88



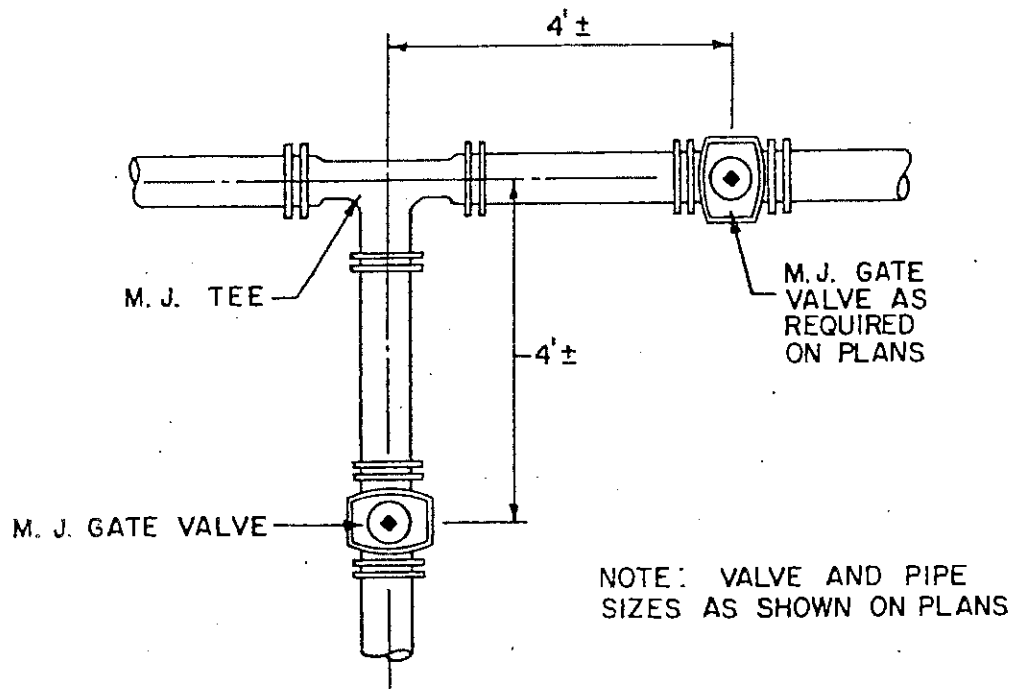
PUSH-ON JOINT



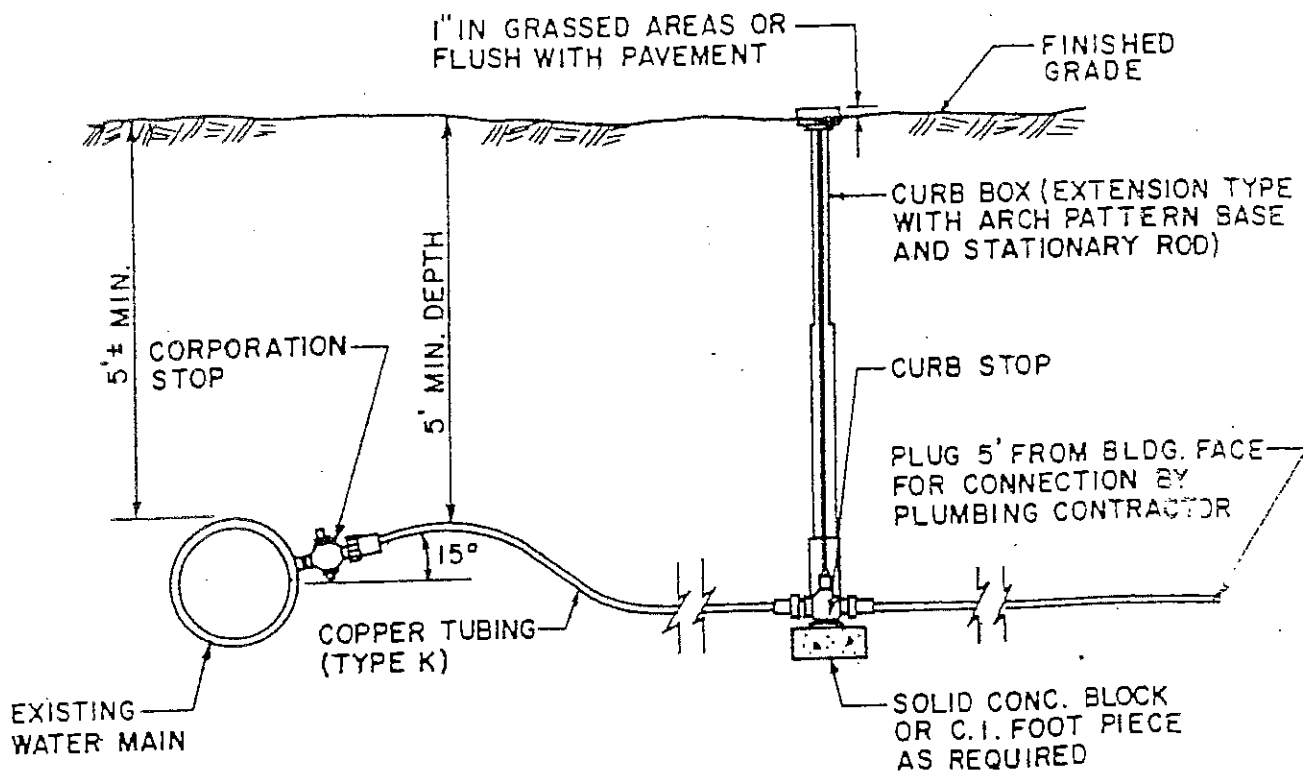
MECHANICAL JOINT

TYPICAL JOINT DETAILS

NO SCALE

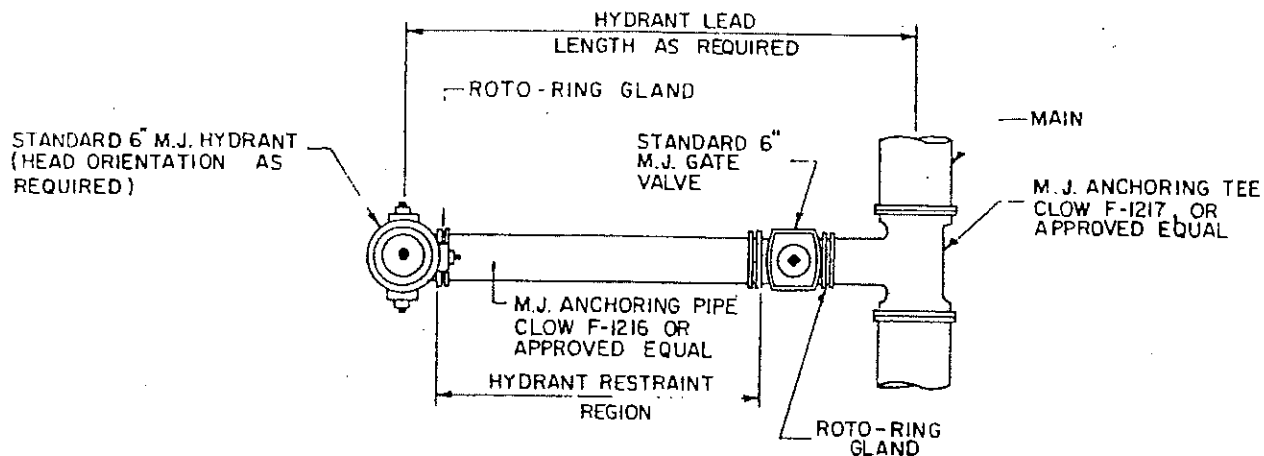


JUNCTION LAYOUT DETAIL
NO SCALE

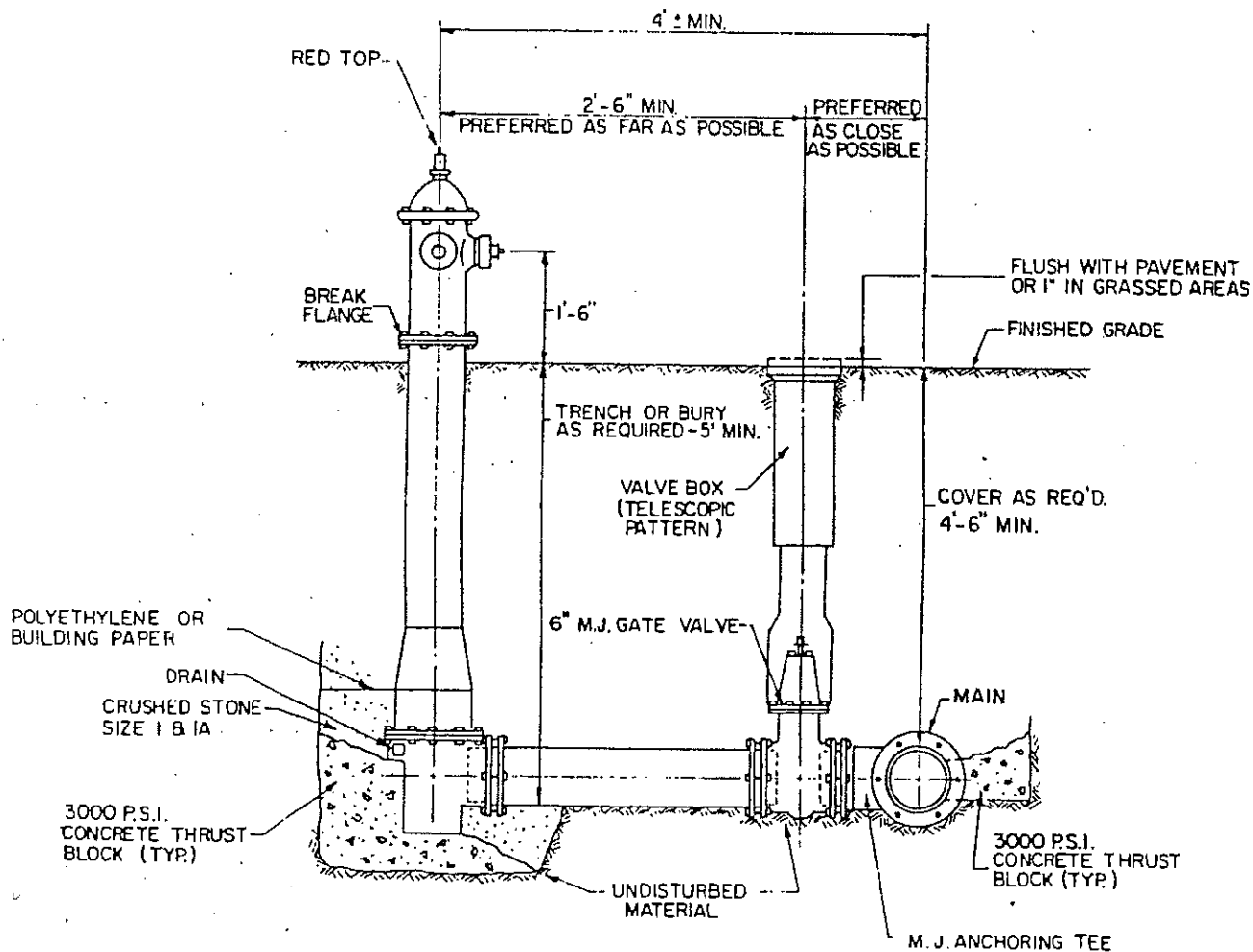


SERVICE PIPE CONNECTION DETAIL NO SCALE

TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 7.3 6/2/88



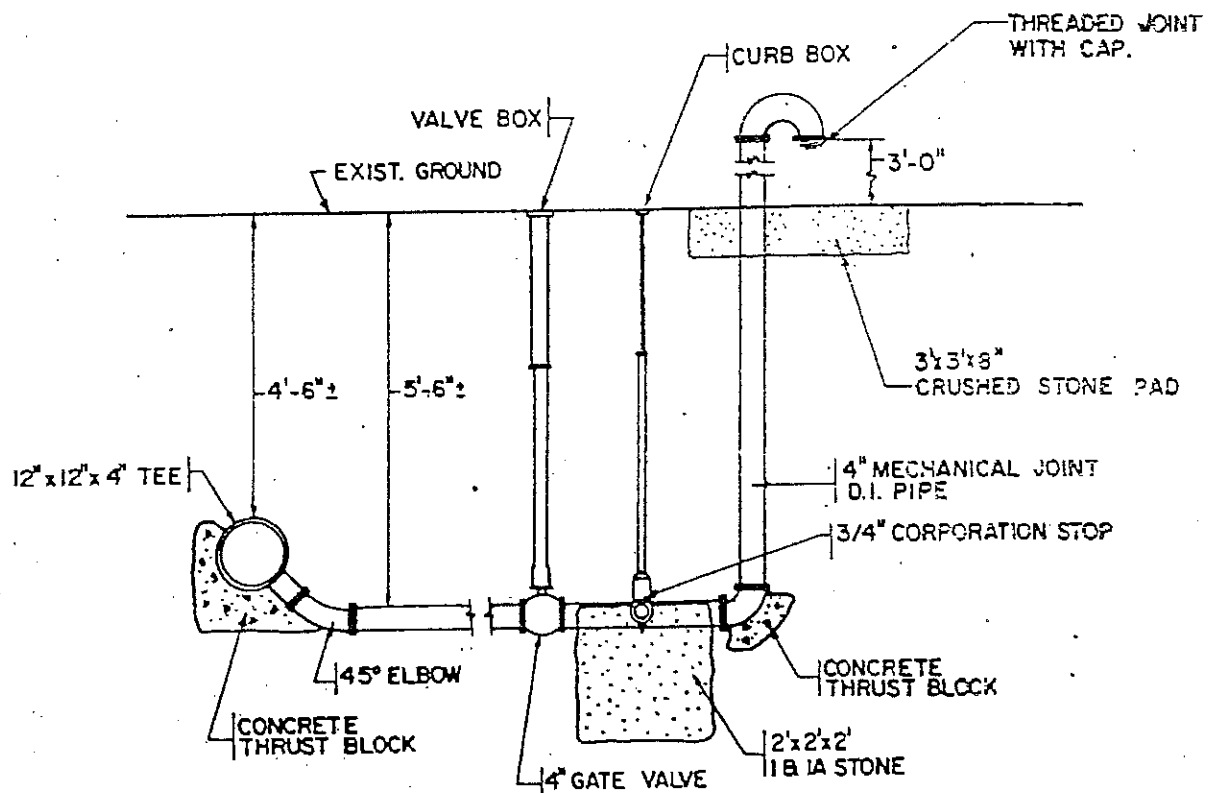
PLAN



ELEVATION

HYDRANT INSTALLATION DETAIL

NTS



TYPICAL BLOWOFF DETAIL

TOWN OF NORTHUMBERLAND
SUBDIVISION SPECIFICATION
DRAWING 7.5 6/2/88

REQUIRED BEARING AREAS & DIMENSIONS FOR CONCRETE THRUST BLOCKS

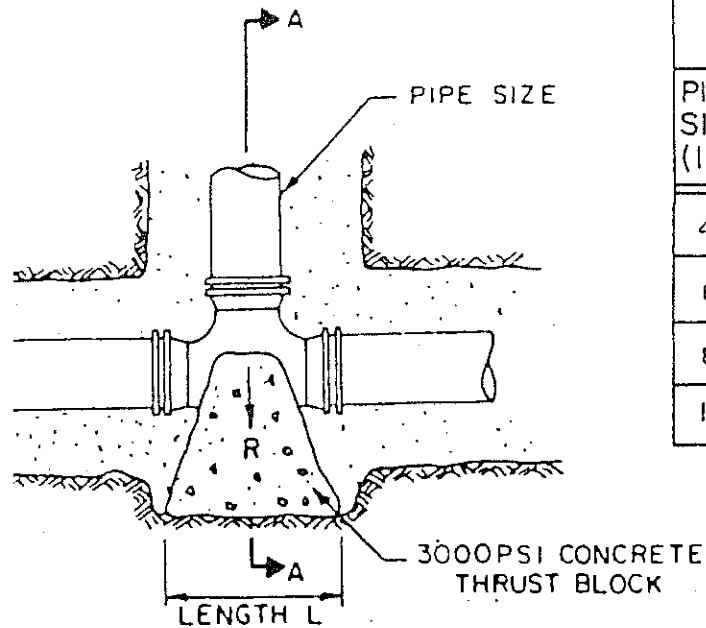
PIPE SIZE (IN.)	TEE (See Note 5)		90° (1/4) BEND		45° (1/8) BEND		22-1/2° (1/16) BEND		11-1/4° (1/32) BEND	
	AREA Sq.Ft.	Dimensions D x L	AREA Sq.Ft.	Dimensions D x L	AREA Sq.Ft.	Dimensions D x L	AREA Sq.Ft.	Dimensions D x L	AREA Sq.Ft.	Dimensions D x L
4	1.4	1.0 x 1.5	2.0	1.0 x 2.0	1.1	1.0 x 1.5	0.6	0.5 x 1.5	0.3	0.5 x 1.0
6	3.2	1.5 x 2.5	4.5	2.0 x 2.5	2.4	1.5 x 2.0	1.2	1.0 x 1.5	0.6	0.5 x 1.5
8	5.7	2.0 x 3.0	8.0	2.0 x 4.0	4.3	2.0 x 2.5	2.2	1.5 x 1.5	1.1	1.0 x 1.5
12	12.7	3.5 x 3.5	18.0	4.0 x 4.5	9.7	2.5 x 4.0	5.0	2.0 x 2.5	2.5	1.5 x 2.0

NOTES:

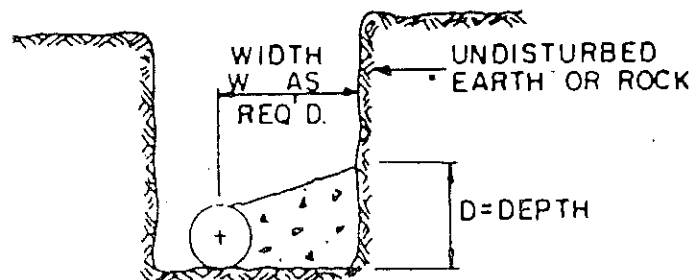
- For Required Bearing Area and Dimensions D & L See Table of bottom. Dimensions of D & L other than those shown in the table may be used provided they yield a bearing area equal to or larger than that required.
- Concrete not to overlap any joint.
- Concrete to be placed so as not to interfere with removing or installing any of the jointing hardware.
- Approximate volume of concrete Thrust Block:

$$V = \frac{L \cdot D \cdot (W + 10) \cdot 10}{81}$$

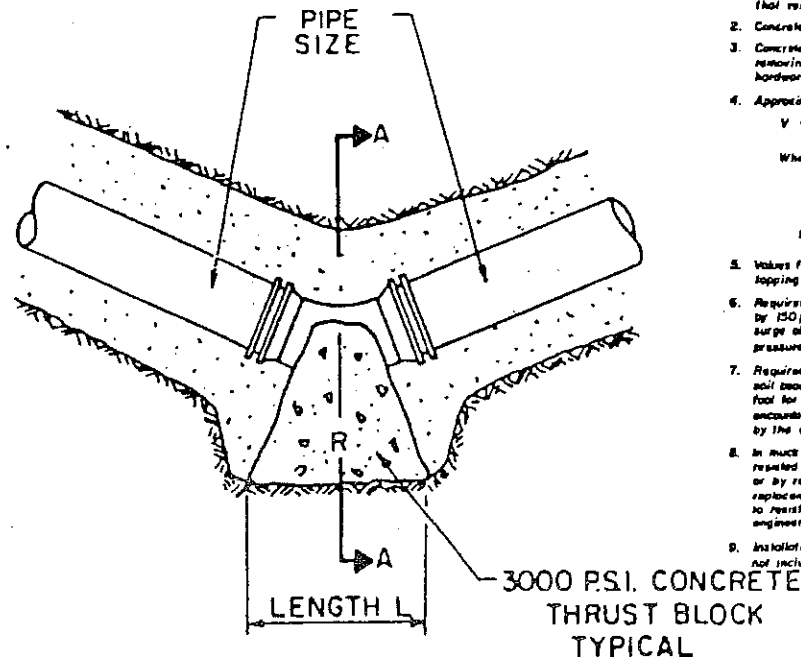
Where:
V = Volume in cubic yards
L = Length of block in feet
D = Depth of block in feet
W = Width of block in feet
10 = Inside Diameter of pipe in feet
- Values for tee also apply to end plugs, caps, topping sleeves.
- Required bearing areas are due to thrust caused by 150 psi working pressure plus 50% (75 psi) surge allowance resulting in 225 psi total external pressure. Nominal pipe diameter used.
- Required bearing areas are based on allowable soil bearing capacity of 2000 pounds per square foot for sand. Due to other soil conditions encountered, bearing areas may be modified by the engineer.
- In duct, pipe, or recently placed fill without shall be resisted by piles or tie rods to solid foundations, or by removal of such unstable material and replacement with ballast of sufficient stability to resist the thrust, all as required by the engineer.
- Installation of service lines and connections are not included in this contract.



TEE



STANDARD
SECTION A-A



BEND

THRUST BLOCK DETAILS

APPENDIX A - APPLICATION FOR SUBDIVISION

APPENDIX B - APPLICATION FOR ACCEPTANCE OF TOWN ROADS
AND DRAINAGE EASEMENTS

Application No. _____

Date _____

TOWN OF NORTHUMBERLAND

PLANNING BOARD

APPLICATION FOR SUBDIVISION

APPLICANT INFORMATION

	Applicant	Owner	Licensed Surveyor or Engineer
NAME	_____	_____	_____
ADDRESS	_____	_____	_____
	_____	_____	_____
PHONE	_____	_____	_____
SIGNATURE	_____	_____	_____

SUBDIVISION INFORMATION

MINOR Subdivision _____ MAJOR Subdivision _____

Name of Subdivision _____

Location _____ Tax Map # (SBL) _____

Total Contiguous Acreage Owned: _____ To Be Subdivided _____

Proposed number of lots _____ Current Zoning: _____

SCHEDULE OF REVIEW

	Submis. Dates	Public Hearing Dates	Planning Board Action Dates	
Sketch Plan (Conceptual)	_____	_____	_____	Approval ___ Disappr. ___
Preliminary Plat	_____	_____	_____	Approval ___ Disappr. ___
Final Plat	_____	_____	_____	Approval ___ Disappr. ___

FEES

Preliminary _____ Recreation _____

TOWN OF NORTHUMBERLAND
APPLICATION FOR ACCEPTANCE OF TOWN ROADS AND DRAINAGE EASEMENTS

Date _____
Subdivision Name: _____

Developers Name: _____

Description of properties to be transferred to Town: _____

Tax Map Section _____ Block _____ Lot No's _____

<u>Road Name(s)</u> _____	<u>Start</u> _____	<u>End</u> _____	<u>Length</u> _____
---------------------------	--------------------	------------------	---------------------

<u>Drainage Easements</u> _____	<u>Start</u> _____	<u>End</u> _____	<u>Length</u> _____
---------------------------------	--------------------	------------------	---------------------

Note: All roads to be accepted must connect to Town, County, or State roads at both ends, or have an acceptable turn-around for snowplows. All easements must have access from public highways. Any changes in roads and drainage easements from the filed drawings will require as-built drawings.

Signature of Developer's Representative _____

Name of the Developer: _____

<u>INSPECTED BY</u> _____	<u>DATE</u> _____
---------------------------	-------------------

Highway Superintendent _____	_____
------------------------------	-------

Town Engineer _____	_____
---------------------	-------

Member of Planning Board _____	_____
--------------------------------	-------

ACCEPTED BY TOWN BOARD

Town Supervisor _____	_____
-----------------------	-------

FILED WITH COUNTY

Deed Book and page # for filed deeds _____

DISTRIBUTION: Original - Town Clerk
Copies - Developer, Planning Board, Highway Supt.,
Town Engineer, Building Inspector

The Zoning Ordinance
of the
Town of Northumberland,
Saratoga County, New York

Effective Date: February 15, 2006

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ATTACHMENTS FOLLOW

Attachment A	Use, Area and Bulk Regulations
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Attachment C	Zoning Map of the Town of Northumberland

**Town of Northumberland
Zoning Ordinance**

**ARTICLE I
INTRODUCTORY PROVISIONS**

A. Title

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Town of Northumberland, Saratoga County, New York".

B. Authority

Enactment of this Ordinance is pursuant to the enabling provisions of Articles 2 and 3 of the Municipal Home Rule Ordinance and Article 16 of the Town Law.

C. Purpose and Scope

In order to encourage the most appropriate use of land, protect and conserve the value of property, and promote the health, safety, morals, and general welfare of the community, this Ordinance has been established to regulate the location, use, and occupancy of buildings and the use of land for trade, industry, residence, and other uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the area of yards and other open spaces; and for said purposes, to divide the Town into districts; to provide for its enforcement and administration; and to prescribe penalties for the violation of its provisions; the Town Board does hereby enact The Zoning Ordinance of the Town of Northumberland.

D. Application

Any development or use not specifically permitted by this Ordinance is prohibited.

ARTICLE II DEFINITIONS

A. Interpretation

For the purpose of this Ordinance certain terms and words shall be interpreted to have the following meanings: words used in the present tense shall include the future, the plural includes the singular; the word "plot" includes the word "lot"; the word "building" includes the word "structure"; the word "occupied" includes the words "designed", "intended", or "arranged for occupancy"; and the word "person" may include more than one, an association, a partnership or a corporation. Terms not defined in this Ordinance shall be interpreted to carry the conventional definition attributed to it in every day association.

B. Definitions

For the purpose of this Ordinance, certain terms and words are herewith defined below.

1. Accessory Building: A detached subordinate building, the use of which is customarily incidental to that of a principal building and located on the same lot with such principal building.
2. Accessory Use: A use, occupancy, or tenancy customarily incidental and subordinate to the principal use and located on the same lot with such principal use.
3. Adult Businesses: Any one of several adult business uses which may include an adult cabaret/nightclub, adult motion picture theater, massage parlor, adult video/bookstore, or a business where body painting and/or tattooing or body piercing is conducted.
4. Agribusiness: A commercial facility selling products and services normally associated with agriculture including, but not limited to, farm equipment and its repair, agriculture production supplies for agricultural use.
5. Agricultural Activities - All activities directly related to the growing or raising of crops or livestock, including horticultural and fruit operations.
6. Agricultural Land: Land used for the production or raising of crops, animals, or animal products, the selling of such products grown on premises and any other commonly accepted agricultural pursuits.
7. Agricultural Pursuit (Use): Cultivation of land, or raising or harvesting of

any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, training of and management of animals, including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems, and farm ponds on such lands.

8. Agricultural Use Structure: Any barn, stable, shed, silo, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.
9. Airport: A place where aircraft can land and take off, usually having hangers, refueling facilities, and accommodations for passengers and cargo.
10. All Weather, Dustless Material: Any material or treatment that serves to reduce or eliminate dust generation on road surfaces and parking areas. Such material or treatment need not contain any bituminous materials, but must provide a type of surface which will remain durable through all types of climatic conditions. Crushed rock shall be considered an all weather, dustless material.
11. Alterations: As applied to a building or structure, a change or re-arrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another. The repair of existing structural parts is not considered an alteration.
12. Animals (Agriculture): Traditional farm animals and livestock which include cows, horses, sheep, llamas, goats, pigs, chickens, ducks, and geese.
13. Antique Shop: A commercial facility or a home occupation selling items constructed and/or manufactured in an earlier time. There shall be no outdoor display of goods or outdoor storage of equipment or materials associated with such shop when a home occupation.
14. Applicant: A person submitting an application for review.
15. Area and Bulk Regulations: The combination of controls which establish the minimum size of a lot and the maximum size of a building and its location on such lot.
16. Art Gallery: A place where original works of art, prints, and reproductions are displayed and offered for sale.
17. Automobile Junkyard: Any place of storage or deposit, whether in

connection with another business or not, where two or more unregistered or second hand motor vehicles, no longer intended or in condition for legal use on the public highways or for agricultural or construction-related activities, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use of some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose. Such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junkyard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for re-melting purposes only. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or in agricultural activities.

18. Basement: That space of a building that is partly below grade which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.
19. Bed & Breakfast: A private dwelling in which at least one (1) and not more than five (5) rooms are offered for rent for transient occupancy; in which overnight lodging and breakfast are offered to such occupant and in which no public restaurant is maintained.
20. Bituminous Material: Any material or treatment containing a mineral pitch or asphalt base and which provides a durable road surface able to withstand all types of climatic conditions.
21. Boarding, Lodging or Rooming House: A private dwelling in which at least three (3) but no more than six (6) rooms, with or without meals, are offered for rent. This term shall be deemed to include Inns.
22. Building: A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, property or a business activity.
23. Building Area: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
24. Building Code: Ordinance establishing regulations for structures as adopted by the Town Board.

25. Building Coverage: The amount of land covered or permitted to be covered by building(s), walkways, driveways, parking lots and accessory uses, measured in terms of a percentage of total lot area. Such measurement shall exclude uncovered porches, terraces, and steps.
26. Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face shall include bay windows, covered porches whether enclosed or unenclosed, or any projections thereof, which are over fifty (50) square feet in area.
27. Building, Height of: The vertical distance from the mean finished grade to the highest point of the roof measured at the front wall of the building. Said measurement shall exclude church spires, cupolas, water towers, and radio antennae.
28. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
29. Cellar - That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.
30. Central Private Utility: A sewage, water or other utility system which serves a development and is paid for without public or special district administration or funding.
31. Channel: A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.
32. Church: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for use by groups or persons to conduct organized religious services and the accessory uses associated therewith.
33. Commercial Communications/Radio Towers: Any structure greater than 35 feet in height, which is capable of receiving and/or transmitting signals for radio or communication purposes.
34. Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the private or public use or enjoyment of the space. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the space.

35. Composting Facility: A solid waste management facility used to provide aerobic, thermospheric decomposition of solid organic constituents of solid waste to produce a stable, humus-like material. This definition shall not include manure storage on the site of a farm.
36. Comprehensive Land Use Plan: The long range plan intended to guide growth and development of the Town, expressing policy on the course of its housing, public utilities, community facilities, transportation and land use distribution and intensity.
37. Conservation Design Subdivision: A development pattern in which uses are grouped or “clustered” through a density transfer within a particular development, rather than spread evenly throughout as in conventional development. (See Article XI, Section R and the Town of Northumberland Subdivision Regulations).
38. Construction Trailer: A temporary mobile storage structure to be sited and utilized for the storage of materials and equipment only during the construction of a project.
39. Cultural Facility: An establishment of an historic, educational or cultural interest which is not operated commercially.
40. Day Care Center: A private establishment which provides, for profit, day care for four (4) or more children placed there by parents, guardians, or others responsible for their care. The name, description, or form of the entity that operates the facility shall not affect its status as a day care facility.
41. Detached Structure: A structure which has open space surrounding it.
42. Development: Any activity other than normal agriculture, conservation, or forest management activity which materially affects the existing conditions of land or improvements to the land.
43. Dwelling, Single-Family: A building containing one dwelling unit designed and used for occupancy by one family. This shall be interpreted to include modular homes and exclude mobile homes.
44. Dwelling, Duplex: A building containing two (2) dwelling units, designed and used for occupancy by two (2) families living independently of each other.
45. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one (1) family.

46. Family: One (1) or more persons who live together as a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. May consist of a single person or of two (2) or more persons whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.
47. Farm Employee: An individual whose primary source of income is substantially derived from employment on a farm as documented through appropriate income records as determined by the town.
48. Farm Employee Dwelling Unit: A dwelling unit intended for occupation by a farm employee, and his or her family, which must be located on the farm property. Said unit may be a mobile home and shall not be made available to persons other than farm employees and their immediate families.
49. Farm: Any parcel of land in excess of ten (10) acres used for agricultural pursuits which annually gross \$10,000 in agricultural production or sales.
50. Fence: An artificial structure designed to or which, in fact, does divide, enclose or screen a parcel of land or portion thereof. This definition shall also apply to the term "wall".
51. Flood Hazard Area, One Hundred (100) Year: The maximum area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years as determined by the Federal Emergency Management Agency.
52. Forestry Use: Any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings, fences and forest drainage systems, subject to Local Law #?? of 2005.
53. Forestry Use Structure: Any barn, shed, research, educational, or administrative building or cabin directly and customarily associated with forestry use.
54. Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
55. Garage, Private: An enclosed space for the storage of one or more motor

vehicles and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted. This term shall be interpreted to include carports.

- 56. Garage, Public: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, dispensing of fuel, adjustment or equipping of motor vehicles.
- 57. Garage Sale: A sale of used household items or clothing held at the home of the seller or at the home of one of several sellers.
- 58. Garden Shop: A commercial facility selling products and services normally associated with the care of lawns and gardens.
- 59. Gasoline Station: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil, or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term "gasoline station" may also include a quick-stop retail food store as an integral part of the gasoline station.
- 60. Golf Course: A tract of land for playing golf, consisting of at least nine (9) holes, except miniature golf, within which the playing area is not artificially illuminated.
- 61. Grade-Mean Finished: The average grade level of the ground measured at the front wall of the building.
- 62. Gross Floor Area: The sum of the gross horizontal areas of several floors of a building measured from the exterior face of the exterior walls. All roofed areas except basements, enclosed off-street parking areas, and pedestrian walkways in an enclosed structure shall be included in the calculation of floor areas.
- 63. Health/Fitness Club: A building or site used for the physical conditioning of the body through the use of aerobic conditioning/exercising, weights, etc. Also included are changing facilities, showers, and incidental food service and tanning facilities.
- 64. Home Occupation: An occupation or profession customarily conducted entirely within a dwelling or an accessory building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the residence or the surrounding neighborhood.

65. Home Owners Association: A contract agreed to by owners of homes in an area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space, and, may provide regulations for the appearance of structures.
66. Hotel or Motel: An establishment which provides overnight sleeping accommodations for transient guests, and is commonly known as a "hotel" or "motel"; it provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service and the use and upkeep of furniture. A "hotel" or "motel" may also include dining and laundromat facilities located on the premises. The term shall not be deemed to include an Inn, Bed and Breakfast, Boarding or Rooming House, or other such accommodations.
67. Indoor Commercial Recreation Facility: An indoor recreation facility which is operated as a business and open to the public for a fee. Examples include, but are not limited to, bowling alley, billiard hall, and tennis club.
68. Industry: The act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity not intended for retail sale on the same premises.
69. Inn: See "Boarding, Lodging or Rooming House."
70. Kennel: Any premises on which dogs are kept for the primary purpose of sale or for the purposes of boarding, training, care or breeding, and for which a fee is charged or paid.
71. Landscaping: The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.
72. Land Use Activity: Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, removal of vegetation, roads, fences, driveways, mining for the purpose of extracting soils or mineral deposits, and demolitions.
73. Laundromat: A business premises equipped with individual clothes washing machines and dryers for the use of retail customers.
74. Library: A structure open to the general public whose principal use is a

repository for literary and artistic materials, such as books, records, prints, videotapes, etc.

75. Living Area: That area comprised of the enclosed occupied living accommodations within a residence, exclusive of cellars, garages, and open porches.
76. Loading Space: An off-street space, area or berth, with an appropriate means of access to a street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.
77. Lot: A defined parcel of land considered as a unit, occupied or capable of being occupied by a building or buildings and for accessory buildings, and/or uses, including such open spaces as are required by this Ordinance.
78. Lot Line: The established division line between different parcels of property.
79. Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
80. Lot, Coverage: See Building Coverage.
81. Lot, Depth: The mean horizontal distance between the front and rear lot lines.
82. Lot, Frontage: The width of the lot measured at the front property line along a public road.
83. Lot, Through: A lot with rear and front lot lines abutting existing or proposed streets and/or shoreline.
84. Lumberyard: Any building(s), site or place used for the commercial selling of lumber and related building supplies etc.
85. Marina: Any waterfront facility which provides accommodation services for vessels by engaging in any of the following:
 - a. The sale of marine products or services;
 - b. The sale, lease, rental or charter of vessels of any type; or
 - c. The sale, lease, rental or any other provision of storage, wharf space, or mooring for vessels not registered to the owner of said facility, a member of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, members of their immediate families, or an overnight guest on said property.

86. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such lubricating oils, plastics, resins or liquors.
87. Mean High Water Mark: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
88. Mean Low Water Mark: The average annual low water mark as established by a water regulating district or the New York State Department of Environmental Conservation.
89. Medical Clinic: A facility in which one (1) or more doctors trained in the healing arts, assisted by a staff, treat patients for a length of time that does not include overnight care.
90. Mining: The mining of sand, gravel, clay, topsoil, muck, stone, minerals or other natural material deposits for commercial use and/or sale, including the construction, alteration or maintenance of mine roads, mine tailings, piles or pumps and mine drainage. This definition shall be interpreted to exclude mining on-site for agricultural purposes.
91. Mobile Home: A moveable or portable residential structure designed and constructed upon a permanent chassis or undercarriage which may be towed, and when connected to utilities is designed to be used as a residence with or without a permanent foundation for year-round living. A mobile home may consist of two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components for repeated towing. A mobile home shall mean a structure designed to be used exclusively for residential purposes and shall include what is commonly referred to as "doublewides" but shall exclude travel trailers. Mobile homes must meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code as authorized by Article 18 of the New York State Executive Ordinance, effective January 1, 1984.
92. Mobile Home Lot: A mobile home lot is a designated site of specific total land area which is located within a mobile home park for the accommodation of one (1) mobile home and its occupants.

93. Mobile Home Park: Any lot, parcel or tract of land or portion thereof, together with the open space and facilities required by this Ordinance, used, designed or maintained, and having mobile home spaces as defined herein, available for lease to accommodate mobile homes as defined herein, or any premises on which two (2) or more mobile homes are located and occupied, regardless of whether or not any compensation is provided. Mobile homes being used as farm employee dwelling units shall not be considered a mobile home park.
94. Mobile Home Stand: A mobile home stand is a durable surface located on a mobile home lot which is to be used for placement and capable of supporting a mobile home.
95. Modular Home: A prefabricated dwelling unit which is constructed off site in two or more segments or sections, designed and constructed without a permanent chassis or undercarriage, which is permanently assembled upon a foundation and meets all applicable standards of the New York State Uniform Fire Prevention and Building Code.
96. Nonconforming Building: A building or structure existing at the time of enactment of this Ordinance or as a result of amendments thereto, which does not conform to the area regulations of the district or zone in which it is situated.
97. Nonconforming Use: A use of land existing at the time of enactment of this Ordinance or as a result of amendments thereto, which does not conform to the use regulations of the district or zone in which it is situated. The filing or approval of a map or a plan including a subdivision map or plan prior to the effective date of this Ordinance shall not constitute a "use of land" within the meaning of this definition.
98. Nursing Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
99. Office Building: A building that is divided into offices, either singles or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business or for public or semi-public activities in whole or part are included in this definition.
100. Open Space: Land not covered by buildings, parking lots, open storage, mining operations, or any other use that visually obscures the natural or improved landscape.

101. Open Space Recreation: Any recreational activity, particularly oriented to and utilizing the outdoor character of an area; including but not limited to, cross-country skiing; hiking; back packing; bicycling; riding; playing on playground equipment; picnicking, snowmobiling, trail biking, jeep riding or use of all-terrain vehicles.
102. Park: A tract of land, designated and used by the public, for active and passive recreation.
103. Parking Lot: Any space for the storage of more than three (3) vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.
104. Parking Space, Off-Street: An off-street area or berth which is at least nine (9) feet in width and eighteen (18) feet in length, with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.
105. Person: Any individual, corporation, partnership, association, trustee, or other legal non-governmental entity.
106. Personal Service Establishment: A commercial operation, office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor or dressmaker.
107. Pharmacy: A retail business where medicines are compounded and dispensed.
108. Plan: The design of a development, including a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities.
109. Planned Unit Development: A tract of land which is planned and developed as a unit with a grouping(s) of residential, commercial or industrial buildings together with their accessory buildings, and all appurtenant roadways, parking areas, loading areas, open spaces, and service buildings and facilities.
110. Professional Offices: The office of a doctor, lawyer, engineer, architect, dentist, accountant, insurance agent, real estate broker, income tax preparer, or other similar professionals.
111. Public Utility Use: A building, structure, or location with other appurtenances used for or in connection with the transmission, distribution

or regulation of water, gas, electric, telephone, or other public utility service.

112. Public & Semi-Public Use: Land use or buildings under the auspices of a governmental unit, public agency or those involving public benefit or advantage; hospitals, cemeteries, passenger stations, fire stations, government offices or facilities (i.e. Town garage, landfill operation, water or waste material treatment or pumping facilities, etc.) community centers and like uses are included in this definition.
113. Quick-Stop Retail Food Store: A commercial facility selling basic foods and household items. The intent of such a facility is to address transient or last minute needs, not supply a full complement of groceries and household supplies.
114. Recreation Areas: Land or structures designed for conventional recreation pursuits.
115. Recyclables Handling and Recovery Facility: A solid waste management facility, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected.
116. Research and Development Center: An establishment or other facility for carrying on investigation on the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.
117. Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building, but may include catering.
118. Retail Business: Any building or structure in which one or more articles of merchandise are sold at retail, including department and grocery stores. Retail outlets in which minor manufacturing or processing are incidental to the sale of goods or services on the same premises (i.e. bakery, jeweler, cleaner, photographer, tailor, potter, etc.) are included in this definition.
119. Satellite (Dish) Antenna: Any parabolic dish and/or other device(s) or equipment of whatever nature or kind, whose purpose is to receive television, radio, microwave, or other such signals, or communications, from orbiting satellites.
120. Sawmill: Any building, site or place used for the sale, storing, cutting or milling of raw timber into dimensional lumber.

121. School: An educational institution housing a curriculum, a physical plant consisting of adequate facilities, and a qualified staff to carry out the institution's objectives.
122. Screening: Fences, berms, bushes, or trees or other natural and/or artificial material which obscures the visual character of any given building or use of land.
123. Setback: The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or such other improvement on a lot, except necessary driveways.
124. Sewerage, Private: An on-site method of sewage treatment (usually a septic tank and a drainage field or fields) designed, installed, operated and maintained by the owner of the premises in accordance with the requirements and standards outlined in the New York State Department of Health's Waste Treatment Handbook, Individual Household Systems.
125. Sewerage, Community: A system whereby water-born wastes from toilets, wash laundry, and/or other facilities in dwellings, accessory buildings, business or industrial establishments or any combination thereof on two (2) or more lots are treated and are discharged into the ground or through an outfall sewer into an acceptable stream or other permanent body of water which is acceptable to applicable standards of the New York State Department of Health and the New York State Department of Environmental Conservation.
126. Soil Disturbing Activity - Any activity which directly or indirectly changes the natural topography or vegetative cover of more than one (1) acre of land by any kind of soil disturbance (including but not limited to, excavation, grading and filling), or by the cutting of trees or clearing of any type of vegetation.
127. Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, demonstrations, symbols, fixtures, colors, illumination or projected image.
128. Sign Area: Means the total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic or other artistic or expressive matter appears; in cases where such writing or other expressive matter is not set against any face or surface, the total area within a single continuous rectangular perimeter enclosing the extreme limits of such matter shall constitute the sign area. If the sign area is composed of two

(2) surfaces back-to-back, the area of the larger side shall constitute the total sign area.

129. Stable/Riding Academy: An establishment primarily engaged in providing horseback riding instruction, and/or the boarding of horses, including customary accessory buildings and uses.
130. State Environmental Quality Review Act (SEQR): As codified in Article VIII of the Environmental Conservation Law and the implementing regulations codified in Title 6 of the New York Code of Rules and Regulations Part 617.
131. Storage Shed: Any structure used to store equipment, supplies, tools, etc., which is subordinate to or supports the activities of the principal use or structure. In no case shall a storage shed exceed 240 sq. ft.
132. Stormwater Management: The environmentally sound management of water runoff from any construction or building site which includes a physical disturbance of one (1) acre or more and is subject to the requirements of NYSDEC's Phase 2 Stormwater Management Permit program for construction-related activities.
133. Street: A public or private way which affords the principal means of access to abutting properties. The term "street" includes the terms "avenue", "place", "way", "drive", "lane", "boulevard", "highway", "road" and any other thoroughfare.
134. Street, Centerline: The line determined by connecting the mid-points of the surfaced portion of any street, road or highway.
135. Streetline: For the purpose of this Ordinance, streetline shall be the highway right-of-way line.
136. Structure: Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground.
137. Subdivision: The division of a single parcel into two or more lots, plots sites or other divisions of land for immediate or future sale or for building development whether or not the subdividing creates a street. The term "subdivision" is used to denote the act of subdividing or the property which is subdivided. (*See Town of Northumberland Subdivision Regulations*).

138. Swimming Pool: Any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming, and constructed, installed or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under the provisions of this Ordinance.
139. Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
140. Theater: A place of assembly for the showing of movies and the production of plays and special events.
141. Travel Trailer: Any portable vehicle, including a tent camper, truck camper or motor home, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include all of the accommodations and facilities customarily included in a mobile home.
142. Truck Terminal: An area and building where cargo is stored and where trucks are stored, repaired, and cargo is loaded or unloaded on a regular basis.
143. Veterinarian Clinic/Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
144. Utility Facility Structures: Facilities, such as but not limited to, electric lines and poles, gas mains, water mains, sewer and communication lines. This also includes any subsidiary utility substations such as but not limited to electric, gas, water, sewer and communication.
145. Warehouse: A building designed or used as a wholesale storage and/or distribution center.
146. Water Supply, Private: A supply of potable water from a reliable source adequate to meet the daily needs of a dwelling and its permitted accessory building or a business or an industry.
147. Water Supply and Distribution System, Community: A supply of water from a reliable source adequate to meet the daily needs of dwellings and their permitted accessory buildings or business or industrial establishments or any combination thereof on two (2) or more lots or parcels of land and having a system of intake conduits or pipes, pumps, purification and storage equipment and facilities, hydrants and other ancillary equipment,

and a system of distribution mains and pipes whereby the potable water is conducted to the dwellings, accessory buildings, business or industrial establishments or any combination thereof located on the lots served by the system. Such system shall be approved for potability, adequacy and reliability by the New York State Department of Health and the New York State Department of Environmental Conservation.

148. Wholesale Storage and Trade: Establishments or places of business primarily engaged in the storing of merchandise and selling of same to retailers; industrial, commercial, institutional, or professional business users, or to other wholesalers.
149. Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
150. Yard, Front Setback: An open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the highway right-of-way. Covered porches, whether enclosed or unenclosed, shall be considered as part of the principal building and shall not project into a required front yard.
151. Yard, Rear Setback: An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot.
152. Yard, Side Setback: The space extending from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.
153. Zoning Administrator: Individuals appointed by the Town Board for the purpose of administering and enforcing the New York State Building and Fire Code and the Town's Zoning Ordinance.

ARTICLE III ESTABLISHMENT OF DISTRICTS

A. Zoning Districts

For the purpose of this Ordinance, the Town of Northumberland is hereby divided into the following zoning districts:

APD	Agricultural Protection District
R-3	Residential District
R-1	Residential District
MH	Mobile Home District
C/R	Commercial/Residential
H	Hamlet
I	Industrial

The following overlay districts are also hereby created:

SOD	Shoreline Overlay District
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A Planned Unit Development (PUD) District may be created as a result of provisions of this Ordinance. See Article V.

B. Zoning Map

The locations and boundaries of each zoning district listed as part of this Ordinance are hereby established as shown on the map entitled "Zoning Map of the Town of Northumberland". Said map, together with all explanatory matter thereon and all amendments thereto, is hereby adopted and declared to be a part of this Ordinance, and may be amended in the same manner as any other part of this Ordinance. Said map shall be kept up to date by the Town Clerk and shall be located in the Town Clerk's Office for the use and benefit of the public.

C. Interpretation of Boundaries

Where uncertainty exists with respect to the boundary of any district as shown on the Town of Northumberland Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of right-of-way lines of streets, highways, railroads, water courses, or public utility easements, said boundaries shall be construed to be coincident with such lines.
2. Where district boundaries are so indicated that they are approximately parallel to the center lines of right-of-way lines of streets, highways, railroads, water courses, or public utility easements, said boundaries shall

be construed as being parallel thereto and at such distances as are indicated on the Zoning Map or as shall be determined by the scale shown on the Zoning Map.

3. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
4. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as are indicated on the Zoning Map.
5. Where a street, highway, railroad, water course, or public utility easement, center line, or right-of-way line is coincident with a zoning boundary line and varies from the actual on-the-ground physical monument or mark, then such on-the-ground physical monument or mark shall determine said zoning boundary.
6. Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals with advice from the Planning Board shall interpret the intent and purpose of the Zoning Map.
7. Where a district boundary line divides a lot in single or joint ownership at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
8. In the event that none of the above rules is applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

D. Application of District Regulations

Except as hereinafter otherwise provided:

1. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located, with the exception that density may be varied in accordance with the provisions of Article V of this Ordinance.

2. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building or use.
3. No yard or lot existing at the time of the passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. Substandard lots shall only be created through clustering or the granting of an area variance or through the provisions of Article V of this Ordinance.
4. No off-street parking or loading space required for one building or use shall be included as satisfying, in whole or in part, the off-street parking or loading space required for another building or use except as otherwise provided for by this Ordinance.
5. No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this Ordinance.
6. Within each district, the regulations set forth by this Ordinance shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land, with the exception that density may be varied in accordance with the provisions of Article V of this Ordinance.

E. Application of Overlay Districts

Where a lot falls in an overlay district, the requirements of both the conventional district and overlay district shall apply. When requirements differ, the more restrictive shall apply.

ARTICLE IV USE, AREA AND BULK REGULATIONS

A. Purpose and Objectives

1. APD – Agricultural Protection District: This district is created to protect those areas most suited for agricultural pursuits. This area nearly coincides with the boundaries of Saratoga County Consolidated Agricultural District Number 1. Most soils have limitations for development related to seasonally high water tables and slow percolation rates. The soils, however, are well suited for farming. Development in this district should be carefully reviewed to assure the continued viability of the agricultural industry and economy in the Town.
2. R-3 - Residential: Areas zoned R-3 are intended to serve as a buffer between the Agricultural Protection District and the more densely developed residential areas. Certain soils in the R-3 District have limitations for development due to high water tables. The R-3 District is not served with public water or sewer utilities.
3. R-1 - Residential: This R-1 district is intended primarily for housing growth in Northumberland. This area has soils generally suited for development, including on-site sewage disposal, although local exceptions, due to seasonally high groundwater tables, are present. Water can easily be supplied from groundwater sources.
4. MH - Mobile Home: These districts encompass existing mobile home parks and provide room for the expansion of said mobile home parks.
5. C/R – Commercial/Residential: The purpose of this district, which runs along the Route 50 corridor, is to encourage a compatible mix of residential and certain commercial uses, and to discourage the development of strip commercial uses; and those uses incompatible with the predominantly residential character of the District.
6. H - Hamlet: Corresponding to the built up areas of Northumberland, Gansevoort and Bacon Hill, these areas are proposed for intensive mixed use development. They are appropriate for commercial development, single and two-family use.
7. I - Industrial: These areas are intended to be reserved for industrial use and should not be committed to housing except agriculture. The districts are located within the Hamlet of Northumberland and adjacent to the Hamlet of Gansevoort in the northwest portion of the Town. Three-phase power is available as is access to major traffic arterials. Rail access is

possible at Gansevoort. Water can be supplied from existing sources of groundwater.

B. Regulations

The specific use, area, and bulk regulations for each district are found in *Attachment A*.

ARTICLE V PLANNED UNIT DEVELOPMENT DISTRICT

A. Purpose and Objective

The Planned Unit Development (PUD) procedure provides a flexible land use and design regulation through the use of performance criteria and other standards so that development may be matched with sensitivity to the unique characteristics of the site using innovative development techniques that might not otherwise be possible through strict application of land use regulations and requirements. The conventional use, area, bulk, and density specifications set forth in other sections of this Ordinance are intended to be replaced by the approved PUD District plan, which then becomes the basis for legislation established by the Town Board which is subject to detailed design review.

While flexibility in substantive regulations is thus encouraged, it is intended that this uniform procedure and the required conformance with the Town Comprehensive Land Use Plan, municipal service capability, and the purposes of this Ordinance, as specified in Article I, shall ensure the general public welfare through treatment under the law, as well as precise control of aspects of the development as approved.

There are four (4) types of PUD's permitted in Northumberland: residential-mixed use, business/commercial, recreational and industrial. A residential-mixed use PUD is intended to provide a variety of housing types and retail uses associated with residential living while making effective use of the existing natural and manmade resources. A business/commercial use PUD is intended to provide a variety of business and commercial uses on a site while assuring compatibility with the existing natural and manmade resources found there. An industrial PUD provides opportunities for industrial and manufacturing uses, which are supportive of the planning goals of the Town. A recreational use PUD is intended to provide a single or combination of recreational uses on a site while assuring continued compatibility with the existing natural and manmade resources of the area. All of the aforementioned PUD types and combinations thereof may be developed individually or jointly and should make use of flexible design standards which replace the conventional zoning requirements of the Town of Northumberland.

In order to carry out the intent of this Article, PUD's shall achieve the following objectives:

All PUD's:

1. The preservation of trees, outstanding natural topography and geologic features and preservation of soil erosion;
2. A creative use of land and related physical development which allows an orderly transition of land from one use to another;
3. An effective use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
4. A development pattern in harmony with the objectives of the Town of Northumberland Comprehensive Land Use Plan;
5. A more desirable environment and a demonstrable benefit to the Town than would be possible through the strict application of the other articles of this Ordinance.

Residential - Mixed Use PUD's:

1. The maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing, together with certain specifically permitted commercial and industrial uses), types of housing, lot sizes and community facilities available to existing and potential Town residents at all economic levels;
2. More useable open space and recreation areas;
3. More convenience in locations of accessory commercial and service areas.

Business/Commercial Use PUD's

1. The creation of various business and commercial pursuits at suitable locations, scales and intensities that will address the Town's needs and benefit the economic developments of Northumberland.

Recreational Use PUD's

1. The establishment of useful and needed recreational pursuits at suitable locations within the Town, which will promote the public's enjoyment of Northumberland's open space resources.
2. Recreational PUD's shall be designed to protect and enhance the character of Northumberland's land and water resources.

Industrial Use PUD's

1. The creation and maintenance of industrial uses at scales and intensities essential to the economy of Northumberland.
2. The creation and maintenance of industrial uses that are supportive of the community in terms of work force, design, and character.

B. Approval Procedure

1. Application for Approval: In order to allow the Town Board and the developer to reach an understanding of the basic design requirements prior to detailed design investment, the developer shall submit an application of his proposal to the Town Board. The Town Board, at its next regularly scheduled meeting, may, if it determines that the proposal merits review, refer the application to the Planning Board for review and recommendation. If the Town Board determines that the proposal does not merit review because it does not meet the goals and objectives of the Town's Comprehensive Land Use Plan or the objectives of this Article, it shall not refer the application to the Planning Board and no further action on the application shall be taken.
 - a. Application for establishment of a Planned Unit Development (PUD) District shall be made in writing to the Town Board. Five (5) copies of said application and five (5) copies of a completed Environmental Assessment Form (EAF), Part I, in accordance with Article 8 ECL and Title 6 Part 617 NYCRR, shall be submitted along with the appropriate application fee as established by the Town Board. Said application shall include a proposed local law prepared by the applicant for the creation of the Planned Unit Development District. The proposed law shall follow the format of a model law (*See Attachment B*) and any recommendation of the Planning Board shall be incorporated into the proposed law. Within three (3) days of receipt of application, if the Town Board determines that the application meets the goals and objectives of the Town's Comprehensive Land Use Plan and the objectives of this Article, the Town Board shall direct the Town Clerk to forward two (2) copies of same, along with one (1) copy of EAF, to the Planning Board. If applicable, the Clerk shall forward a copy of all relevant material to the County Planning Board in accordance with General Municipal Ordinance Sections 239 (1) and 239 (m).

b. Said Application shall include the following:

- (1) Site development plans drawn at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
 - (a) Property lines, existing and proposed, together with the acreage of all lots, including property deeds, any easements and dedications.
 - (b) The existing and proposed uses of land in and adjacent to the development site.
 - (c) Topographic and drainage information including contour intervals of not more than two (2) feet of elevation, both existing and proposed.
 - (d) Existing natural and man-made features, including streams, drainage improvements, wetlands, floodplains, slopes over fifteen (15) percent grade, and existing buildings and structures.
 - (e) All existing and proposed elements of vehicular and pedestrian circulation, including but not limited to roadways, parking areas, loading areas, walkways, bike paths and parking garages.
 - (f) Delineation of the location and nature of the various proposed buildings and uses, including the number, type and size of all buildings proposed, plus a calculation of density.
 - (g) The nature and location of all utilities, existing and proposed, including water, sewage, storm drainage, public utilities and refuse collection.
 - (h) A landscaping plan showing the nature and location of all landscaping, plantings, fencing, screening and buffers.
 - (i) The nature and location of all common property including any structures, buildings, facilities or other improvements proposed to be located on such property.
 - (j) Other items listed in the Town of Northumberland Subdivision Regulations that are required for Major Subdivision Plats.

- (2) The name and address of the applicant, the property owner, and if the applicant is other than the property owner, evidence of his or her authority to make such application, including a copy of deed(s) showing ownership.
 - (3) Plans for the control of erosion and sedimentation and stormwater runoff during and after construction.
 - (4) A written statement describing how the proposed PUD will implement the purposes set forth in this Article. This statement shall also detail the type and number of buildings and/or residential dwelling units, the number of off-street parking spaces, and proposals for the construction, operation and maintenance of all utility systems and road improvements on and off the property.
 - (5) A written statement detailing the methods of ownership, control and planning by which the proper operation continues into perpetuity and maintenance of all common lands and facilities, structures, or buildings thereon, parking areas, walkways and utilities will be assured.
 - (6) Where the applicant proposes staging construction over a period of two (2) or more years, a proposed plan indicating the staging of building construction and related improvements within PUD, including estimated timing of each stage, shall be prepared.
 - (7) An application for a PUD shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.
2. Planning Board Review: The Planning Board shall review the application with the applicant. The Planning Board may require additional changes deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the Town. In reaching its decision on the proposed development and changes, if any, the Planning Board shall consider the following:
- a. The existing character of the neighborhood in which the use or uses would be located;
 - b. The location of the principal and accessory buildings on the site in relation to one another and neighboring development;
 - c. The height and bulk of buildings, their relation to one another, and neighboring development;

- d. The pedestrian circulation and open space distribution in relation to the structures and prospective user needs;
 - e. The traffic circulation features within the site, and the amount, location and safety of access to both the site and within the site, including the overall provision of vehicular parking areas;
 - f. The adequacy of proposed private and public utilities including, but not limited to, water supply, sewage treatment and storm water drainage facilities;
 - g. The protection of existing natural features, landscaping plans to be implemented subsequent to development, and a long term maintenance plan for such landscaping;
 - h. The efforts provided to mitigate, if not eliminate, possible detrimental effects of the proposed use or uses on adjacent properties and the neighborhood in general; and
 - i. Such other matters as the Planning Board may consider pertinent.
3. Compliance with State Environmental Quality Review Act (SEQR): Proposed projects are actions subject to the provisions of SEQR. Prior to rendering its decision, the Town Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR, and follow all applicable procedures.
 4. Planning Board Recommendation: Within sixty (60) days of the date of referral from the Town Board, or from the date that all information requested by Planning Board is submitted, whichever is later, the Planning Board shall recommend approval, approval with modifications, or disapproval to the Town Board of such PUD District application.
 5. Town Board Hearing and Decision: Upon receipt of the Planning Board's report, or upon the failure of the Planning Board to act within the prescribed periods, the Town Board shall hold a public hearing on the proposal, with public notice of such hearing published in the newspaper of general circulation within the Town at least ten (10) days prior to the date of the hearing. The Town Board in reaching its decision on the proposal shall consider the standards of Article V, section B (3), above. The Town Board may then act upon the legal establishment of a Planned Unit Development through amendment of the Town's Zoning Ordinance.
 6. Amendment to Zoning Map: If approved, or approved with conditions, the

Zoning Map shall be amended with the boundaries of the PUD District defined subject to the submission of a survey of the property by a licensed surveyor.

C. Applicability of Conditions

All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of the PUD, or any portion thereof, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any Certificate of Occupancy issued for any use or structure in such PUD.

D. Criteria.

1. Location: A Planned Unit Development (PUD) may only be created through the re-zoning of lands and may be established at any location in the Town.
2. Development Area: The minimum development area required to qualify for a Planned Unit Development district shall be twenty-five (25) contiguous acres of land in the case of a residential-mixed use PUD, five (5) contiguous acres in the case of a business/commercial use PUD, ten (10) contiguous acres in the case of an industrial PUD, and five (5) contiguous acres in the case of a recreational use PUD. The calculations of such land area shall not include existing streets, easements, parks, or otherwise dedicated land or acreage, or lands undevelopable by reasons of topography, drainage, occurrence of wetlands, periodic inundation by flood waters, or adverse sub-soil conditions. The Town Board may vary the minimum development area required for all PUD's under special circumstances.
3. Ownership: The tract of land for a project may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all property included in the project. In the case of multiple ownership, the approved plan and its amendments shall be binding on all owners, or their successors in title and interest.
4. Permitted Uses in PUD District: All uses within an area designated as a PUD District are determined by the provisions of this Section and the approved plan of the project concerned.

E. Standards

1. Residential-Mixed Use PUD Standards:

- a. Residences and retail uses, scaled to serve the needs of the community, may be of any building type consistent with the intent and objectives of this PUD Regulation. The design shall conform as closely as possible with all other sections of this Ordinance, as applicable. Building height shall be restricted to thirty-five (35) feet and no more than eight (8) townhouse units may be attached as group. No mobile homes shall be permitted in the PUD District.
- b. Density. The density permitted within the Residential-Mixed Use Planned Unit Development (PUD) District, shall be determined by the provisions of this Section and the approved plan of the project concerned.

2. Business/Commercial Use PUD Standards:

- a. A business/commercial use PUD consisting of various business and commercial pursuits may be permitted if such uses are beneficial and enhance the economic vitality of the Town, and if such proposed uses are consistent with the Town's planning and development goals. Consideration shall also be given to the appropriateness of the proposed use with the existing community setting. All building heights shall be restricted to thirty-five (35) feet.
- b. Density. The density permitted within the PUD shall be as determined by the approved PUD District site plan.
- c. Minimum Yards Required. Front, rear and side yards shall be designed so that no building is closer than fifty (50) feet to any boundary line of the district.

3. Industrial Use PUD Standards:

- a. An industrial use PUD consisting of industrial or manufacturing uses may be permitted if such uses are supportive of the community population in terms of work force, design and character, and if such uses are consistent with the Town's planning and development objectives. Consideration shall be given to the project as it exists in its community setting to determine the appropriateness of such uses. Building height shall be restricted to thirty-five (35) feet.
- b. Density. The density permitted within the PUD shall be as determined by the approved PUD District site plan.
- c. Minimum Yards Required. Front, rear, and side yards shall be designed so that no building is closer than one hundred (100) feet to any boundary line of the district.

4. Recreational Use PUD Standards:

- a. Various recreational uses may be considered as appropriate for siting within the Town. Compatibility factors which shall be considered and evaluated include character of the surrounding area, including predominant land use, existing topography, vegetation as well as noise/sound levels of the proposed recreational use(s). Review considerations should also evaluate the proposal's consistency with the Town's comprehensive plan and open space goals and objectives.
- b. Density. The density permitted within the PUD shall be determined by the approved PUD District site plan.
- c. Minimum Yards Required. Yard area required shall be as determined by the approved PUD District site plan.

5. Building Design Standards:

- a. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses.
- b. Individual buildings shall generally be related to each other in design, masses, materials, placement and connections, to provide a visually and physically integrated development.
- c. Treatment of the sides and rear of all buildings within the Planned Unit Development will be comparable in amenity and compliance to the treatment given to street frontages of these same buildings.
- d. The design of buildings and the parking facilities shall take advantage of the topography of the site where appropriate, to provide separate levels of access.
- e. All building walls shall be designed and built to all applicable building codes and shall be so oriented as to ensure adequate light and air exposures to the rooms within and to adjacent properties.
- f. All buildings shall be arranged as to avoid undue expose to concentrated loading or parking facilities wherever possible and shall be so orientated as to preserve visual and audible privacy between adjacent buildings.
- g. All buildings shall be arranged so as to be accessible to emergency vehicles.

6. Open Space Requirements: Common open space totaling not less than thirty (30) percent of the total Planned Unit Development District tract shall

be provided in perpetuity. This land shall be exclusive of any land area used primarily for vehicular modes of transportation, including parking area, garages, carports and other features. The ownership of such open space may be either public or private. When in private ownership, a homeowners' association, or similar mechanism, for the long-term ownership and maintenance of this common open space shall be provided, subject to the approval of the Town Board and Planning Board. The grant of conservation easement to further ensure the protection of this open space may be required.

- a. The location, shape, size and character of the open space must be suitable for the Planned Unit Development.
 - b. Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the size and character of the Planned Unit Development, considering the size, density, expected population, topography, and number and types of dwellings to be provided.
 - c. Open space must be suitable for its intended use. If intended for active use, said open space shall be suitably improved. The buildings, structures, and improvements which are permitted in the open space must be appropriate to the uses that are authorized for the open space.
 - d. The development schedule which is part of the final site plan must coordinate the improvement of the open space and the construction of buildings, structure, and improvements.
 - e. All land shown on final site plan must be maintained and used for said purpose.
7. Water Supply and Sewage Disposal: All Planned Unit Developments shall be served, where feasible, by a community water supply and distribution system and with sewage disposal facilities which are in accordance with the requirements of the Town of Northumberland and the New York State Health Department. The applicant shall establish perpetual operation and maintenance of these facilities.
8. Storm Water Management Control/Erosion and Sedimentation Control: All applicable standards and requirements of Article XI,Y and any other local, state, and federal regulations and laws which shall apply. A Storm Water Management Plan shall be submitted pursuant to the Towns subdivision regulations.)

9. Landscape Design Standards:

- a. Landscape treatment for plazas, roads, paths, service and parking areas and dumpsters shall be designed as an integral part of a coordinated landscape design for the entire site.
- b. Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate for local growing conditions.
- c. Whenever possible, existing trees shall be conserved and integrated into landscape design plan.
- d. All streets bordering or within the project area shall be planted at appropriate intervals with street trees, whenever possible.

10. Circulation System Design Standards:

- a. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces.
- b. Roads, pedestrian walks and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings, and appropriately landscaped.
- c. There shall be an adequate amount, in a suitable location, of pedestrian walks and landscaped spaces to limit pedestrian use of vehicular ways and parking spaces, and to separate walks and public transportation loading places from general vehicular circulation.
- d. Buildings and vehicular circulation shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffics.
- e. Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- f. The location and design of pedestrian walks should emphasize desirable views of new and existing development.
- g. The maximum separation of private automobiles and service vehicles may be required through the use of separate service lanes.

- h. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained and indicative of their function, and shall comply with other laws, ordinances, rules and regulations wherever applicable thereto. Road installations shall comply with designs specified in the Town of Northumberland Subdivision Regulations.

11. Parking and Loading Design Standards:

- a. The Town Board may require that parking facilities be landscaped and screened to the extent necessary to eliminate unsightliness and monotony of parked cars.
- b. Pedestrian connections between parking areas and buildings shall be via pedestrian walkways.
- c. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of ingress and egress, and shall be developed as an integral part of an overall site design.
- d. Above-grade loading facilities shall be screened from public view to the extent necessary to eliminate unsightliness.

F. Other Requirements

Upon approval of Planning Unit Development District by the Town Board, application shall be made within six (6) months for approval of some portion of the intended PUD development in accordance with the site plan review procedures and requirements contained in Article X herein and Subdivision Regulations, if applicable. In addition, all other applicable regulations shall also apply.

Additional performance requirements which may have been specified by the Town Board in its PUD approval action, such as a time limit for either initiation or completion of improvements and other construction work on the PUD development, shall also be strictly enforced. If these performance requirements are not met, the property shall revert to its prior zoning classifications, unless the Town Board, upon specific application and for good cause, authorizes an extension of time for such performance requirements.

G. Fees

- a. A nonrefundable fee as specified in the Town of Northumberland Fee Schedule shall be paid to the Town of Northumberland with the submittal of each PUD application.

- b. The applicant shall also be responsible for reasonable expenses (legal, engineering, etc.) incurred by the Town in reviewing the application. The Town Planning Board will provide the applicant with a non-binding, good faith estimate of these expenses within 30 days from receipt of the application by the Town Board and referred to the Planning Board. The application will establish an escrow account in the name of the Town of Northumberland in the amount of the above estimate which will be available to the Town to pay for the aforementioned application review expenses. The applicant shall have the right to appeal to the Town Board for a review of the estimate of the application review expenses as determined by the Planning Board.

ARTICLE VI AGRICULTURAL PROTECTION DISTRICT

A. Findings and Purpose

The Town of Northumberland finds that the protection of agriculture is essential to the implementation of the goals and objectives of the Town of Northumberland's Comprehensive Land Use Plan. Protection of land for agricultural purposes is a legitimate and important zoning objective under New York State's statutes, which the regulations in Article VI of the Town of Northumberland's Zoning Ordinance seek to achieve. It is also a policy of the New York State Constitution to preserve agriculture. The purposes of the Agricultural Protection District (hereafter referred to as the APD), among others, are as follows:

1. To protect and maintain the Town's farmland for present and future agricultural use within the Town's Agricultural District as established under Article 25AA of New York State Agricultural and Markets Law;
2. To implement the Town of Northumberland Comprehensive Land Use Plan, which contains the goals of protecting rural and agricultural lands, discouraging nearby incompatible land uses, and promoting agriculture as an important and integral component of the local economy;
3. To support and protect farming by stabilizing the agricultural land base;
4. To maintain a viable agricultural base which will support agricultural processing and service industries;
5. To separate agricultural land uses and activities from incompatible residential, commercial, industrial development, and public facilities;
6. To prevent the fragmentation of the Town's existing farming community by non-farm development; and
7. To reserve the Town's most productive soils for agriculture.

B. Permitted Uses

1. Farms
2. Single family dwellings
3. Agricultural pursuits
4. Agricultural use structures
5. Forestry use
6. Forestry use structures

C. Special Permitted Uses

1. Farm employee dwelling units:
 - a. To be located on a farm of at least twenty-five (25) acres;
 - b. May utilize a mobile home or other temporary manufactured housing;
 - c. Can be used only to house paid farm employees;
 - d. Must be removed when farm employees no longer occupy the dwelling unit
2. Home occupations
3. Bed and breakfasts
4. Garden shops
5. Mining
6. Marinas
7. Parks
8. Composting facilities
9. Agribusinesses
10. Sawmills
11. Riding stables

D. Density

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

E. Siting and Design Standards for Development

1. Mandatory conservation subdivision design of all subdivisions to be constructed within the APD is required of all applicants whenever deemed to be beneficial for the protection of agricultural lands by the Town Planning

Board. This process will require the applicant to submit an alternate conservation subdivision design based on the establishment of a "net" conventional density as referenced in the ***Town of Northumberland Conservation Subdivision Design Regulation*** found within Supplementary Regulations, Article XI, Section R, of this ordinance. This mandatory process is intended to provide the Planning Board with sufficient siting flexibility to create innovative subdivision site designs which will provide for the increased protection of the APD's agricultural viability and the rural character of the land within the District. All active agricultural lands located on the site should be identified and avoided by subdivision development to the greatest extent possible. In its evaluation of each site, the town planning board is urged to review and utilize design and siting methods and criteria such as those utilized in "***Preserving Rural Character***" by Fred Heyer, APA, PAS Report # 429, 1990. Existing land and natural features and views, whose preservation would benefit the town and the subdivision, should be encouraged through sensitive and innovative design techniques contained within the town's conservation subdivision design regulation. Such features include but are not limited to:

- a. The use of "keyhole" or "flag" lots to minimize disturbance along the District's roads and corridors;
 - b. The use of alternate road/driveway designs, to reduce the number of entrances entering the District's rural roads;
 - c. The use of driveway "offsets" which allow adequate screening of structures from the road;
 - d. Any other design technique the Planning Board feels is appropriate in providing visual and functional protection to rural roads and their corridors located within the Town of Northumberland's APD.
 - e. Groves of mature trees
 - f. Large individual trees
 - g. Hedgerows
 - h. Woodlands along roadways, property lines, and streams
 - i. Scenic vistas
 - j. Water features such as streams, ponds, floodplains, and wetlands
 - k. Stone walls
 - l. Steep slopes in excess of fifteen (15) percent
 - m. Habitats of endangered or threatened species
 - n. Visually prominent agricultural landscape features such as fields, pastures and meadows
 - o. Historic structures or sites
 - p. Other similar irreplaceable assets
2. Residential structures in the APD shall be located according to the following criteria, which are listed in order of significance (some of which may conflict with each other on a particular site, in which case, the Planning Board shall use its discretion to

resolve such conflicts):

- a. Evaluation of all available alternative locations;
 - b. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use;
 - c. Away from the boundaries of any preserved farm, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm;
 - d. In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;
 - e. To avoid disturbance to the existing environmental, cultural and scenic features noted in Section E., 1. above;
 - f. To be as visually inconspicuous as possible when seen from State, County and local roads;
 - g. Next to other residences or building lots on adjacent properties;
 - h. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;
 - i. On suitable soils for subsurface sewage disposal (where applicable); and
 - j. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon agricultural soils, provide shade in summer and shelter in winter, and to enable new residential development to be visually absorbed by the natural landscape.
 - k. Vegetated buffer zones adjacent to actively farmed and shall be established in residential subdivisions. Said buffer zones shall be no fewer than 50 feet in width and may be required to be up to 100 feet in width depending upon the type of agriculture or farm use, the topography and the proposed design and planting of such buffer. If naturally occurring vegetation is not present, thickly planted, fast-growing native trees and shrubs shall be planted to create an effective barrier separating residential yards from farm fields and pastures to reasonably protect adjacent residential areas from farming activities including dust and spray drift. However, no new trees shall be planted within 25 feet and no new shrubs shall be planted within 10 feet of any property line adjacent to actively farmed land, to avoid shade and plant roots on adjacent property that could interfere with farming. These buffer requirements may be modified by the Planning Board, as appropriate, in order to maintain or create scenic views or if the circumstances of the specific farm are such that other means are available to buffer potentially incompatible uses.
3. In granting a special use permit for a farm related use or other special permit uses allowed in the APD, the Planning Board shall consider the following

relevant factors, in addition to the standards set forth in other sections of this zoning ordinance and the APD regulations:

- a. The potential for conflict with agricultural uses;
- b. The need of the proposed use for a location in agricultural area;
- c. The availability of alternative locations;
- d. Compatibility with existing or permitted uses on adjacent lands;
- e. The agricultural productivity of the lands or soils involved;
- f. The need to minimize the amount of agricultural soils converted to non agricultural use;
- g. The need for public services created by the proposed use;
- h. The availability of adequate soils for subsurface sewage disposal; and
- i. The effect of the proposed use on the Town's natural resources.

F. Agricultural Nuisance Disclaimer

Most lands within the APD are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and the possibility of injury from normal agricultural operations. Town of Northumberland Local Law #7 of 1991 entitled "*The Right to Farm Law of the Town of Northumberland*," may bar the owners, occupants, and users of such properties from obtaining a legal judgment against such normal agricultural operations.

ARTICLE VII
COMMERCIAL/RESIDENTIAL DISTRICT & HAMLET DISTRICT
PERFORMANCE GUIDELINES

A. Purpose

The Town of Northumberland recognizes that its NYS Route 50 corridor and the hamlet districts are important assets of the Town, reflecting a combination of commercial/ business and residential land uses. It is the intention of the Town to allow for the continued siting of certain well-designed residentially compatible commercial/business uses along the Route 50 corridor and in the Town's Hamlet areas which meet the following design guidelines subject to site plan review and the issuance of a special permit from the Town's Planning Board.

B. Commercial/Residential & Hamlet District Design Guidelines

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

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

the existing Route 50 corridor surroundings and Hamlet areas within the Town. Façade requirements should be determined by the Planning Board on a case by case basis utilizing on-site inspection and the Board's site plan review process for assuring the proposed commercial/business use's exterior design "fits into" the Districts' neighborhood

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

land uses. Suitable types of screening include natural colored wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence should be built to provide screening until the evergreens are of sufficient height. In locations where potential health or safety hazards may arise (such as rubbish storage/collection areas), a solid wooden fence, six (6) feet in height is required to deter children and animals from entering the area. Where new fencing would create a continuous surface greater than ten (10) feet in length, it shall be “softened” visually with tree and shrub plantings.

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

ARTICLE VIII SHORELINE OVERLAY DISTRICT

A. Purpose and Objectives

1. It is hereby found and declared that:
 - a. The conservation, protection and perpetuation of the visual and environmental quality of the Town of Northumberland's Hudson River shoreline are required in the interests of the prosperity, civic pride and general health, safety and welfare of the public;
 - b. The conservation and protection of the Hudson River shoreline will strengthen and preserve Northumberland's visual and environmental attributes;
 - c. The conservation and protection of the Hudson River shoreline will enhance the aesthetic and economic vitality of Northumberland;
2. It is the purpose of the Shoreline Overlay District to:
 - a. Ensure sensitive siting and design of new uses;
 - b. Preserve access to the Hudson River;
 - c. Preserve vegetative cover and natural beauty

B. General Information

1. Application of Regulations: The regulations contained in this Section apply within the Shoreline Overlay District which is defined as all that area within a five hundred (500) foot setback (measured perpendicular to and horizontally) from the mean high water mark of the shoreline.
2. Relation to Other Districts: The Shoreline Overlay District is an overlay district mapped over other districts. It modifies, and where there is inconsistency, supersedes the regulations of such other districts. Except as so modified or superseded, the regulations of the underlying districts remain in effect.

C. Projects within District

1. Application of District Regulations: Within the Shoreline Overlay District, no person shall undertake any Land Use Activity as hereafter defined in Section C (2), below, except pursuant to review and approval by the Planning Board

pursuant to the requirements this Article and Article X, Special Permit Uses, and of Article XI, Site Plan Review.

2. Definition of Land Use Activity:

- a. Land Use Activity means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, removal of vegetation, changes or expansions of roads, fences, driveways and mining for the purpose of extracting soils or mineral deposits, and demolitions.
- b. General Exceptions. All new land use activities within the Town designated in paragraph 2.a. above, shall require review and approval pursuant to the provisions hereof before being undertaken, except the following:
 - (1) Ordinary repair or maintenance or interior alterations to existing structures, provided there is no change of use;
 - (2) Exterior alterations or additions to structures that are in existence on the date this ordinance is enacted which would not increase the square footage of the existing structure by more than twenty-five (25) percent or five hundred (500) square feet, whichever is the smaller, provided there is no change of use;
 - (3) Non-structural agricultural or gardening uses not involving a clear cut;
 - (4) Structures under one hundred (100) square feet in size;
 - (5) Agricultural operations;
 - (6) Cutting of brush; or removal of dead, diseased or dying trees;
 - (7) Municipal activities are not subject to the review procedures of this Article but should undergo joint review with the Planning Board.

3. Required Findings: The Planning Board shall approve Land Use Activity within the Shoreline Overlay District only where it finds (a) the project meets all guidelines set forth in Article X.D. as they pertain to the Shoreline Overlay District or, a variance has been issued as set forth in Article XIV; (b) within the Shoreline Overlay District, the project is located and designed so that its visual impact is minimized; and (c) the project will be located, designed,

constructed and operated such that it will have no adverse impact on the environment, public health, or safety. In making findings (b) and (c), the Planning Board shall adhere to the guidelines and regulations set forth in Articles X, XI, and XII when applicable, except no public hearing will be required.

4. Application: Application for review and approval under this Section shall be filed according to the requirements as set forth in Article XI (D).
5. Procedure: The procedure for review and approval under this Section shall be as set forth in Article IX (D).

D. Land Use and Development Guidelines

1. General: Before any Land Use Activity has begun in the Shoreline Overlay District, the Zoning Administrator shall determine what permits are necessary for the activity. Furthermore, no land use activity or development will be allowed until it has been determined by the Planning Board that the development or activity will not significantly result in: unsafe or unhealthful conditions; erosion or sedimentation; water pollution; degradation of fish and wildlife habitat; conflicts of use; and will conserve and restore vegetation, scenic vistas to and from the water, points of public access to the water; and the natural beauty of the area.
2. Specific: In addition to the standards and guidelines set forth in Articles IX, X and XI, if applicable, the following standards and guidelines shall apply throughout the Shoreline Overlay District.
 - a. Lot Layout and Design
 - (1) The layout of lots and roads should relate to the form of the land rather than ignore it;
 - (2) The natural character of the site should be maintained.
 - (3) Clustering of development is recommended. Clustered development should not, by its massing, cause adverse environmental impact or be visually intrusive when viewed from the Hudson River.
 - (4) It is recommended that shoreline set backs be a sufficient distance from the shoreline to allow for a footpath above mean high water.
 - b. Drainage. Drainage is a specific concern as the Town has no public stormwater collection system. Proposed projects, therefore, shall ensure that all drainage is either carried off-site via natural drainage channels or absorbed on-site, and that post-development runoff shall not exceed pre-

development runoff. Adjacent properties are then protected from unnatural runoff and possible flooding.

- c. Protection of Existing Landscape Character. Existing trees and vegetation shall be preserved to the maximum extent possible. Indigenous species of plants only shall be used in any landscape plans. The use of ground cover on disturbed land is required.
- d. Building Siting and Design. It should be a principle of building siting and design that it is sensitive to the character of the natural and visual environments. The structures should not dominate the natural and visual landscape.
 - (1) Where new construction is adjacent to other buildings, it should establish a relatedness to them in terms of the primary visual aspects of bulk, height, massing and scale.
 - (2) Where practical, buildings should be sited to minimize their prominence. They should not be placed at the top of the slope or crest of the hill, where they will be seen silhouetted against the skyline and will be visible at a distance. Rather, buildings should be placed down the slope where they will have the hillside for a background. Buildings should avoid being placed in the middle of open fields, where possible. Rather, buildings should be located in or adjacent to existing vegetation.
- e. Lighting. Lighting devices shall be oriented so as to minimize disturbances on surrounding properties and on the river;
- f. Screening. All structures, including accessory structures except docks and boathouses, shall be landscaped in such a way so that the visual impact of the structures from the water and land is minimized;
- g. Tree Cutting and Land Clearing. The purpose of the tree cutting and land clearing regulations is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the waterfront lands. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that in the opinion of the Planning Board, present safety or health hazards.
 - (1) Riverfront Cutting
 - (a) Within thirty-five (35) feet extending inland from all points along the mean high water mark no vegetation may be removed. This area shall be maintained as an undisturbed natural buffer strip.

(b.) Undisturbed natural buffer strip.

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

(2) Cutting Plan

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

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

(3) Re-vegetation

Where a waterfront lot owner violates the shoreline cutting restrictions, the Planning Board shall require total re-vegetation so as to create a buffer strip area which is in compliance with this Section. A vegetative recommendation can be made by the Saratoga County Soil & Water Conservation District, if requested by the Planning Board. This provision shall be in addition to any and all penalties contained in this Ordinance.

(4) Cutting More Than Thirty-Five (35) Feet Inland

Beyond thirty-five (35) feet from the mean high water mark, the cutting of trees and shrubbery shall be allowed when in compliance with other provisions set forth in this Ordinance.

ARTICLE IX SPECIAL PERMIT USES

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

A. Procedure

The procedure for review and approval under this Article shall be as set forth in Article X.D.

B. Application

Application for review and approval under this Article shall be filed according to the requirements and procedure set forth in Article X.D.

C. Compliance with State Environmental Quality Review Act (SEQR)

Proposed projects are actions subject to the provisions of SEQR. Prior to rendering its decision, the Planning Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Ordinance and Part 617 NYCRR and follow all applicable procedures.

D. County Planning Board Referral

Prior to taking action on the application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239(m) of the General Municipal Law, if applicable. Pursuant to this Article, applicable uses include any special permit use within five hundred feet of:

1. The boundary of any city, village, or town;
2. Any existing or proposed county or state park or other recreation area;
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
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;

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 Agricultural and Markets Law.

E. Required Fee

An application for a special permit use shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall. The Planning Board, in its discretion, may require the applicant to establish an escrow account not to exceed \$1000.00 to pay for additional engineering review of the application.

F. Time Limit

If the applicant does not substantially complete the terms of the special permit within (1) one-year of issuance, said permit shall become null and void. An extension of up to 12 months may be granted upon review and approval of the Planning Board.

G. General Special Permit Use Standards

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety, general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into strict account the specific conditions set forth in this Section for certain uses, applicable supplementary regulations stated in Section XI of this Ordinance, and the following general objectives for any use requiring Planning Board authorization:

1. Adjacent land uses: The Planning Board shall not approve the special permit use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.
2. The location and size of the use: The nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.
3. The location, nature and height of the buildings, walls and fences, and the nature and intensity of intended operations: These should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

4. Vehicular Circulation: Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls shall be considered.
5. Pedestrian Circulation: Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.
6. Parking: Location, arrangement, appearance and sufficiency of off-street parking and loading shall be considered.
7. Layout: The location, arrangement, size, design and general site compatibility of buildings, lighting and signage shall be considered.
8. Drainage Facilities: Adequacy of stormwater management plans and drainage facilities shall be considered.
9. Water and Sewer: Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be considered.
10. Vegetation: Adequacy, type and arrangement of trees, shrubs and other landscaping constituting at all seasons of the year a visual and/or noise deterring buffer between the Applicant's and adjoining lands, including the maximum retention of existing vegetation shall be considered.
11. Impacts on Adjacent Land Uses: Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features shall be considered.
12. Emergency Access: The accessibility of the use to fire, police, and other types of emergency vehicles shall be considered.
13. Flooding: Special attention shall be given to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion, including compliance with Town of Northumberland Ordinance No. 1 of 1987 as amended by Local Laws #6 of 1989 and #5 of 1991 governing the one hundred (100) year flood hazard area;
14. Driveways: Driveways shall be located and, where possible, relocated to minimize the impact of vehicular traffic on neighboring properties and existing roads.
15. Lighting: The impacts of lighting on adjacent areas and areas within viewing distance shall be considered.

H. Additional Standards for Certain Uses

In addition to the general standards stated above and the site plan review considerations stated in Article X of this Ordinance, the following specific standards shall be complied with for the particular special permit uses cited below:

1. Mining and Excavation Exempt from State Jurisdiction: The regulations below (a.-i.) shall apply to those operations including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of four hundred (400) tons or two hundred (200) cubic yards, whichever is less, but less than one thousand (1,000) tons or 750 cubic yards, whichever is less, within twelve (12) successive calendar months. Non-commercial mining performed on agricultural lands for agricultural purposes and non-commercial mining performed on subdivision lands for the purpose of said subdivision, which mined material shall remain on-site, shall be exempt from the following provisions.
 - a. The hours of operation shall be as determined by the Planning Board. The decision shall be based on potential impacts on nearby land uses;
 - b. The routing of transport shall be as determined by the Planning Board. Said decision shall take into account impacts on roads, public rights-of-ways, natural or man-made barriers to restrict access, dust control measures, ingress/egress, affected land uses, and any other factors deemed worthy of consideration;
 - c. A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval. A special permit shall be issued for a one (1) year period, subject to renewal upon the review and approval of the Planning Board providing that the applicant has met all applicable conditions. No renewal of the special use permit shall be granted until the permit holder has complied with all provisions of item f., below.
 - d. An operations plan, including the number and type of trucks and other machinery to be used on the site shall be submitted for approval;
 - e. A progressive restoration and rehabilitation/reclamation plan showing both existing contours and proposed final contours after operations are completed at two (2) foot intervals shall be submitted for approval. Such restoration and rehabilitation/reclamation plan shall include sowing and planting and proper vegetation so as to prevent erosion, unsightly-ness and noisome impact on neighboring properties, groundwater resources and aquifers;

- f. A buffer area of not less than one hundred (100) feet shall be established between the operation and the nearest property line; and a buffer area of not less than one hundred (100) feet from the nearest road shall be established. The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way;
 - g. Such special use permit, including renewals, shall be restricted to a disturbed area not to exceed five (5) acres, and to a time period not to exceed six (6) years in total, at which time all reclamation activities shall have been completed;
- 2. Mining and Excavation Under State Jurisdiction: The regulations below shall apply to those operations including the loading, hauling, and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of one thousand (1,000) tons or 750 cubic yards, whichever is less, in twelve (12) successive calendar months, or, greater than one hundred (100) cubic yards from or adjacent to any body of water.
 - a. All applicable provisions of the New York Mined Land Reclamation Ordinance and other applicable State and Federal regulations shall be fully complied with;
 - b. Ingress to and egress from the site which involves locally controlled roads shall be such that vehicles associated with the operation can enter and exit safely without undue disturbance to adjacent land uses;
 - c. The routing of mineral transport vehicles over locally controlled roads shall cause as little damage as practicable to the road surface and create as little disturbance as is possible to adjacent land uses;
 - d. The Town has the authority to regulate and place special permit conditions on setbacks from property boundaries and public rights-of-way; natural and manmade barriers to restrict access if required, dust control and hours of operation;
 - e. The Town has the authority to enforce New York State Department of Environmental Conservation requirements as they pertain to reclamation.
- 3. Gasoline Stations:
 - a. A gasoline station lot and/or fuel storage tanks shall not be located within 2,500 feet of any municipal water wells or other public water supply source. All fuel storage tanks shall comply with all federal and state regulations.

- b. No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line;
 - c. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
 - d. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
 - e. No access drive shall be within two hundred (200) feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than fifty (50) persons, unless a street with a right-of-way of not less than fifty (50) feet lies between such gasoline station and such building or use;
 - f. All major repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides, not to be construed as meaning that the doors on any repair shop must be kept closed at all times;
 - g. Suitable year-round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards.
4. Quick Stop Retail Food Stores (with gasoline services):
- a. Ensure that adequate parking is available on site for customers making purchases at the store but not buying gasoline. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline. The design and number of spaces shall be as provided for in Article XI. B. Also, entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line; and no entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way; and there shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same. The siting of gasoline storage tanks and pumps must also comply with Sections H.3.a. and H.3.b. of Article IX.

- b. Provide an enclosed trash dumpster for disposal of stock packings removed by store employees, and trash receptacles for customer use shall be made available on the premises.
 - c. Maintain no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
 - d. Locate all exterior vending machines on the side of the building.
 - e. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.
 - f. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
5. Quick Stop Retail Food Stores (without gasoline services):
- a. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
 - b. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
 - c. There shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same;
 - d. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
 - e. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles. The design and number of spaces shall be as provided for in Article XI.B.;
 - f. An enclosed trash dumpster shall be provided, in the rear or side yard, for the disposal of stock packings, and trash receptacles for customer use shall be made available on the premises;
 - g. There shall be no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
 - h. Locate all exterior vending machines on the side of the building.
 - i. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.

6. Bed and Breakfasts/Boarding, Lodging or Rooming Houses:

- a. There shall be no use of show windows or displays or advertising visible outside the premises to attract customers or clients other than the home occupation announcement sign as permitted;
- b. There shall be no exterior storage of materials;
- c. No external alterations, additions, or changes to the structure shall be permitted to accommodate or facilitate the bed and breakfast other than those required to meet building or safety codes so that the bed and breakfast retains its predominantly residential character;
- d. No offensive noise, odor, vibration, smoke, dust, heat, humidity, glare, or other objectionable effects shall result from the bed and breakfast or rooming house;
- e. The bed and breakfast or rooming house shall be a principal building and owner-occupied.

7. Duplex Dwelling:

- a. Adequate common water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Northumberland, and the New York State Department of Health;
- b. Provision for short-term storage of household trash shall be made on-site. The container(s) used for this purpose shall close securely, be large enough to meet demand, and be screened from adjacent uses;
- c. All open portions of any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust free and erosion-resistant condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or with other material.
- d. The Zoning Administrator shall inspect all the dwelling units annually to ensure that they have been maintained in a habitable condition and that there are no violations of this Ordinance and any other applicable rules and regulations related to multiple family dwelling units. The fee for such inspection shall be paid prior to the inspection as set forth by the Town Board from time to time and posted in the Town Hall.

8. Hotels / Motels:

Accessory uses to a hotel or motel development shall be limited to the following:

- a. Conference, banquet or seminar rooms to accommodate a total of not more than 125 persons;
- b. Restaurant facilities;
- c. Swimming pool;
- d. Personal service/retail shops fully within the hotel or motel;
- e. The hotel or motel service and maintenance facilities.

9. Home Occupations:

- a. A home occupation shall only be conducted wholly within a dwelling which is a bonafide residence of the principal practitioner of the occupation or in an accessory building thereto which is normally associated with the residential use;
- b. Not more than one (1) such home occupation may occur on a single residential premises;
- c. The home occupation, whether located in the dwelling or in a customary accessory structure, shall be in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code and occupy a maximum of five hundred (500) square feet;
- d. No offensive noise, dust, or odor shall be created in the conduct of said activity;
- e. Except for articles produced on the premises, no other items shall be sold on the premises. Nothing in this Section shall prevent the establishment of a mail order business;
- f. No alteration to the exterior of the principal residential building or customary accessory building used for the home occupation activity shall be made which changes the character thereof as a residential premises, except that a single sign, not exceeding four (4) square feet in area, shall be permitted. Any new construction undertaken to accommodate the home occupation activity shall also be wholly consistent with the character of a residential premises;

- g. In the conduct of said activity no more than one (1) person not a member of the resident family shall be employed;
- h. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- i. There shall be permitted no sharing, letting or subletting of space for use by others in the conduct of their profession, trade, service or business.
- j. The use shall not impair the visual quality of the area;
- k. Sufficient off-street parking and landscaping shall be provided as required within Section XII (B) of this Ordinance.
- l. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and impacts on adjacent land uses.

10. Kennels:

- a. The facility shall be screened from neighboring streets and properties by natural vegetation and/or solid fencing. Supervision shall be required to provide conditions to control animal-related noise.
- b. Buildings or structures, including fenced runs and similar outdoor areas, shall be located not less than one hundred (100) feet from any lot line nor within three hundred (300) feet of the nearest neighboring residential structure.

11. Day Care Centers and Facilities:

- a. All day care centers and facilities, as defined by this Ordinance, shall be required to obtain an operating permit from the New York State Department of Social Services pursuant to Section 418 of the New York State Social Services Law;
- b. An appropriately fenced outdoor play area providing adequate room for the size of the proposed day-care center shall be provided on site. If said outdoor play area is not directly adjacent to the indoor day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of said outdoor play area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of ten (10) feet shall be provided between all portions of said outdoor play area and all off-street parking areas. A landscaped buffer area with a minimum width

of ten (10) feet shall be provided between all portions of said outdoor play area and all lot lines;

- c. No portion of said day-care center shall be located in a cellar;
- d. All areas used for day-care shall be provided with windows and adequate lighting and ventilation.

12. Golf Courses

- a. The centerline of a golf hole shall be a minimum of 150 feet from any road, right-of-way, boundary, clubhouse, or maintenance building and a minimum of 220 feet from any residential dwelling.
- b. If night activities are to be held at the golf facility, the parking lot shall be lighted. Said lighting shall be arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and residential buildings.
- c. Any public address system shall be designed and operated in a manner which will not disturb adjacent landowners.
- d. Adequate space for off-street parking shall be provided in accordance with Section XI.B. of this Ordinance.
- e. A grounds maintenance program shall be submitted and approved, including, but not limited to:
 - (1) The names and intended application schedules of all chemicals, including but not limited to, pesticides, herbicides, insecticides, and fertilizers;
 - (2) A listing of all plant, shrub, and tree species on the site and any maintenance other than watering, that may be required to sustain health and vitality.

13. Airports:

- a. The proposed site and plans for development shall meet all of the applicable standards for the type of proposed air facility as promulgated by the Federal Aviation Administration, the New York State Department of Transportation, New York State Department of Environmental Conservation and any other appropriate review agencies;

- b. The owners of the air facility shall present evidence that they have fee title or air rights to the land in the clear zones extending one thousand (1000) feet from each end of the usable landing strip(s) or runway(s);
- c. Hangars and other buildings and structures shall be located at least one hundred (100) feet from any lot line; and
- d. Adequate space for automobile off-street parking shall be provided in accordance with Section XI.B. of this Ordinance.

14. Signs:

It is the intent of this section that signs shall consist of design, materials, size, height, placement and coloration appropriate to the character of the area. Signage will not unduly or adversely affect the qualities of scenic views nor contribute to the appearance of commercial strip development along the Town's major travel corridors.

a. General Provisions.

- (1) The maximum sign area requirements as set forth in this section shall apply to a single side of a sign. On a two-sided sign, only one (1) side shall be counted in computing the sign's area.
- (2) The provisions of this section relating to signs shall apply in all zoning districts.
- (3) Signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises.
- (4) No sign shall be permitted which causes a traffic, health, or safety hazard or creates a nuisance due to its placement, display, or manner of construction. No sign shall be located so as to obstruct views of traffic.
- (5) Nonconforming signs, which existed prior to the adoption of this section, may not be relocated or altered except in conformance with this section. Any change in the content of a nonconforming sign, including names, words, logos, or similar information, shall constitute an alteration requiring conformance with this section.

b. Signs Not Requiring a Permit: The following types of signs shall be allowed in all districts and shall not be subject to permitting by the Town of Northumberland.

- (1) Banners, or pennants, relating to garage, lawn or other individual,

non-recurring sales, for the sale of produce grown or harvested by the property owner where the subject sign is located, or for a church bazaar, political campaign, fund drive, parade, fair, firemen's field day or other event or undertaking conducted by a political, civic, religious, charitable or educational organization. Such temporary signs are not limited in size, however the signs shall be removed within 48 hours after the termination of the activity being advertised.

- (2) Announcement signs: one (1) temporary, unlighted, sign pertaining to a building which is under construction or where a structural alteration or repair is taking place, announcing the project or purpose for which the building is intended, including the names of architects, engineers, contractors, funding sources and others, provided that the sign shall not exceed sixteen (16) square feet.
 - (3) Real estate signs: one (1) temporary unlighted sign not over six (6) square feet in area pertaining to lease or sale of the property on which it is displayed.
 - (4) Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing or off-road vehicles; or warn of hazards.
 - (5) Signs giving the name of the residents of a dwelling and its address: Such signs may be illuminated by external white light only and shall be no greater than four (4) square feet in dimension and limited to one (1) per dwelling.
- c. Signs Requiring A Permit: No sign listed below shall be erected, altered, or relocated, until a sign permit is obtained following Planning Board review and approval.
- (1) Signs shall be constructed of wood, plastic, metal, masonry or stone.
 - (2) No sign shall contain flashing, intermittent, rotating or moving lights, nor consist of other moving, fluttering or revolving devices such as pennants, banners, ribbons, or streamers. However, pennants, banners, ribbons, or streamers may be employed on an occasional, temporary basis, not more than three (3) times per year, for periods of one (1) week, to call attention to special business or related events such as "grand openings," "special sales," etc.
 - (3) No sign shall contain or employ day-glowing or other fluorescent paint or pigments

- (4) No building-mounted sign shall be erected or maintained which extends above the roof ridge of the structure
- (5) No sign shall be erected having a sign area greater than forty (40) square feet nor exceed a maximum height of ten (10) feet above the ground.
- (6) Not more than two (2) signs shall be erected or maintained relating to a single business or activity, except for directional signs that do not exceed four (4) square feet in sign area and which are limited to such texts as "Entrance," "Exit," "No Parking," etc. The total combined sign area of the two (2) permitted signs shall not exceed forty (40) square feet. For the purposes of this provision, a single business or activity shall include all businesses or activities subordinate to or integrated with that business or activity, located on the same premises as that business or activity. Where more than one (1) business or activity is maintained upon the same premises, each business or activity shall be limited to one (1) sign.
- (7) Off premise directional signs: not more than two (2) signs located off premise shall be erected of not more than two (2) square foot each and shall be of a brown background with yellow lettering. Where more than one (1) business or activity is maintained upon the same premises, all businesses or activities shall share the same signpost limited to a total of two (2) signs per signpost.
- (8) Free standing signs shall be placed so as not to obstruct the vision of motorists entering and leaving the premises or the visibility at any road intersection, and shall not interfere with the use and enjoyment of adjoining properties.
- (9) Any sign in existence on the date of this Ordinance's enactment may be replaced with a sign duplicating size, shape and design.

15. Mobile Home Parks

a. Park Standards

- (1) Soils, water table, drainage, and topographic conditions shall not create hazards to the environment, property, or the health or safety of the occupants and no site shall be approved where seasonal or prolonged wetness, flooding or erosion will be detrimental to the proposed use of the site.
- (2) There shall be an established buffer area of thirty-five (35) feet between the park's property line and any individual mobile home

site line within the park. These setback areas shall be landscaped, if necessary, to provide a year round visual buffer.

- (3) Exposed ground in all parts of the park shall be seeded or protected with indigenous vegetation in order to prevent soil erosion and dust while preserving water absorption qualities.
- (4) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, attractive manner. Surface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools.

b. Accessibility

- (1) Each mobile home park shall be directly accessible from an existing street.
- (2) Where a mobile home park has more than twenty (20) lots, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4). Each shall be located with a minimum distance of one hundred (100) feet between them for the safe and convenient movement into and out of the park, and to minimize interference with the movement of traffic on a public highway or street.
- (3) All entrances and exits shall be at right angles to the existing street.
- (4) All entrances and exists shall be free of all objects which would impede the visibility of the driver entering or exiting a street for a distance of twenty (20) feet from the edge of pavement of the street and park road.
- (5) All entrances and exists shall be of sufficient width (minimum thirty (30) foot radius) to facilitate the turning movements of vehicles with mobile homes attached.

c. Internal Streets, Driveways, and Walkways

- (1) No individual mobile home, within a mobile home park, shall have direct access to an existing public roadway.
- (2) Each park shall have improved streets to provide for the convenient access to all mobile home sites and other important facilities within the park.

- (3) The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.
- (4) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
- (5) All streets shall intersect at angles not less than 80°.
- (6) All streets shall be surfaced with an all-weather, dustless material.
- (7) All streets shall have a minimum paved width of eighteen (18) feet and contain two (2) four (4) foot shoulders.
- (8) An all weather, dustless driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.
- (9) There shall be a system of internal walkways to provide safe, convenient pedestrian access of adequate width to common facilities, service areas, and open space areas.
- (10) Except in cases of emergency, no parking shall be allowed on such streets.

d. Parking

Off-street parking spaces shall be provided at strategic and convenient locations.

- (1) There shall be two (2) contiguous parking spaces for each mobile home site within the park.
- (2) Each parking space shall consist of a 9'x 18' area and together shall provide for a minimum parking and maneuvering area of 324 sq. ft. for total parking and maneuvering.

e. Utilities and Service Facilities

The following utilities and service facilities shall be provided in each mobile home park which shall bear the stamp of approval of the New York State Department of Health or any other applicable responsible agency.

- (1) An adequate supply of potable water for drinking and domestic purposes, including laundering, shall be supplied by pipes to all mobile home sites and buildings within the park to meet the

requirements of the park's residents. Each mobile home site shall be provided with sufficient water connections.

- (2) Each mobile home site shall be provided with a sewer which shall be connected to the mobile home situated on the site, to receive the waste from all plumbing related sources in such home. The sewer shall be connected to a public sewer system or one approved by the New York State Department of Health, so as not to present a health hazard. Sewer connections in unoccupied sites shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
- (3) Each mobile home site shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.
- (4) Garbage receptacles with tight fitting covers shall be provided in quantities adequate to permit the disposal of all rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no further than two hundred (200) feet from any mobile home site. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that such containers shall not overflow. Individual garbage receptacles and individual collection can be used instead of collective disposal and pick-up, if approved by the Planning Board.
- (5.) Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.
- (6.) Mailboxes shall be clustered attractively and located near the main entrance roads.

f. Open Space

- (1) Each mobile home park shall provide common open space for the use by the occupants of the park.
- (2) Such open space shall be conveniently located in the park.
- (3) Such space shall have a total area equal to at least ten (10) percent of the gross land area of the park.

g. Lighting

Every mobile home park shall be safely and attractively lighted as may be determined necessary by the Planning Board.

h. Fire and Building Code

All applicable requirements of the New York State Fire and Building Code shall be complied with.

16. Marinas

- a. No paved area, with the exception of boat launching ramps, may be located within twenty five (25) feet of the mean high water mark of the Hudson River.
- b. Marinas may not be operated between the hours of 10 PM. and 6 am.
- c. Lights from a marina may not illuminate adjacent properties or the waterbody greater than 25 feet from shore.
- d. Every marina shall provide restrooms for the use of its clientele. Such restrooms shall be maintained in a clean and orderly condition, and shall be available at all times whenever clientele or employees are utilizing the property.
- e. Each marina owner or operator is required to provide the following facilities for the disposal of sanitary wastes from vessels with on-board sanitary facilities: (i) on-site vessel pullout facilities, or proven access to pullout facilities, for use by vessels which use the services of the marina; and (ii) facilities for the disposal of waste from portable marine toilets, or proven access to such facilities, for use by vessels which use the services of the marina. Such facilities shall be designed, installed, operated and maintained to prevent the discharge of contaminants from portable marine toilets into the waters of the Hudson River or the ground from which they may flow into the waters of the Hudson River.

For the purposes of this subdivision, vessels using the services of the marina shall include vessels which moor, dock or are quick launched by the marina. Written proof of access to disposal facilities for a period equal to the life of the permit shall be required. Off-site facilities must be located within a reasonable distance of the marina.

- f. A boat cleaning area that is designed, operated and maintained in such a manner to prevent contamination of the waters of the Hudson River shall be provided, or boat cleaning shall be prohibited.

- g. Every marina shall provide water tight trash receptacles sufficient to accommodate all trash generated by the marina's customers or clientele. Such receptacles shall be maintained in a clean and orderly condition.
- h. Parking shall be required in accordance with Article XII. B. of this Ordinance. Parking for trailers shall be determined by the Planning Board.
- i. The marina operator shall provide the Planning Board with a maintenance program sufficient to keep all wharves, adjacent shoreline, water and the river bottom clean of debris.
- j. The marina operator shall provide the Planning Board with a landscape plan to minimize visual impact.
- k. The marina operator shall identify potential navigation hazards or conflicts with existing or adjacent uses such as swimming areas, and present a plan to minimize such conflicts.
- l. When applicable, proof of compliance with all applicable state and federal standards regarding bulk storage of gasoline and hazardous materials shall be provided. If applicable, no permit application shall be complete until proof of compliance is submitted.
- m. Each marina operator operating a petroleum sales facility shall submit a plan relative to the inspection and maintenance of petroleum storage facilities and all associated equipment, and appropriate measures relative to spill prevention and countermeasures. Each marina operating a petroleum sales facility shall, as part of such plan: (i) inspect all plumbing and related pumping equipment, not less than daily, to guard against leakage of petroleum products into the groundwater and waters of the Hudson River; (ii) train each person pumping motor fuels in procedures to guard against the spillage of such motor fuels into the waters of the Hudson River and procedures to respond to a spill; and (iii) maintain, in close proximity to the pumping facilities, such equipment as is necessary to respond to any spill of petroleum products into the waters of the Hudson River or onto land or structures where it may flow into the waters of the Hudson River.
- n. No dock shall be constructed in any configuration other than straight E, F, L, T or U-shaped.
- o. No dock shall exceed seven (7) feet in width.
- p. Every dock or wharf constructed shall have a minimum setback of twenty

(20) feet from the adjacent property line extended into the River on the same axis as the property line runs onshore where it meets the River, or at a right angle to the mean high-water mark, whichever results in the greater setback.

- q. No dock shall be constructed so as to interfere with normal navigation.
- r. No dock shall be constructed unless designed to withstand forces of flowing water, wave washes, and ice (if left installed year round).
- s. Any person owning, operating, or building a dock, wharf or mooring, shall be responsible for the complete removal of pilings, cribs, chains and blocks, floats and/or any other related components which are abandoned or fall into disuse.
- t. All persons shall comply with all conditions issued with any permit issued for the construction, operation or use of a marina. Failure to comply with any such condition shall be a violation, and grounds for the immediate revocation of the permit and/or the imposition of a fine for each day until the violation is corrected.
- u. A permit shall not be required for maintenance and repair of an existing dock, wharf or mooring if such repairs do not alter the size or shape of the dock or wharf. All repairs must conform to the requirements of this subpart.
- v. Any change in use of an existing marina which increases the number and/or types of vessels serviced shall require a modification to any previously issued permit.
- w. No person shall clean any vessel with chemicals or detergents where runoff into or contamination of the waters of the Hudson River is likely to occur.
- x. No person shall launch a vessel into the waters of the Hudson River without inspecting the vessel to ensure the detection of marine growth, including macrophytes (weeds), or any other hull contamination, and removing said growth and disposing of it so as to ensure that it is not discharged into the waters of the Hudson River.
- y. No person shall launch or operate a vessel on the waters of the Hudson River which is not permanently sealed to prevent the discharge of wastewater into the waters of the Hudson River.
- z. The regulated community should be aware that the construction of a dock, wharf or mooring may also require a permit from other agencies,

including The Department of Environmental Conservation and the U.S. Army Corps of Engineers.

17. Commercial Communications / Radio Towers

- a. Policy. No commercial communications/radio tower shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as commercial communications/radio tower unless in conformity with these regulations.
- b. Site Plan. An applicant shall be required to submit a site plan in accordance with Article X. The site plan shall show all existing and proposed structures and improvements including roads, building, tower(s), guy wire anchors, parking and landscaping and shall include grading plans for new facilities and roads.
- c. Supporting Documentation. The Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF available from the Planning Board) consistent with SEQRA and documentation on the proposed intent and capacity of use as well as a justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF in addressing this sub-section and sub-sections (k) and (l) below.
- d. Shared Use of Existing Towers. At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
 - (1) An applicant proposing to share use of an existing tower shall be required to document agreement by an existing tower owner to allow shared use.
 - (2) The Planning Board may consider a new commercial communications/radio tower where the applicant demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good faith efforts to secure share use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- e. Shared Usage of Site with New Tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with subsections d (1) and above. Any new commercial communications/radio tower approved for an existing tower site shall be subject to the standards of sub-sections g through o below.
- f. New Tower at a New Location. The Planning Board may consider a new commercial communications/radio tower on a site not previously developed with an existing tower when the applicant demonstrates that shared usage of existing tower site is impractical, and submits a report as described in sub-section d (2) above.
- g. Future Shared Usage of New Towers. The applicant must examine the feasibility of designing a proposed commercial communications radio tower to accommodate future demand for commercial broadcasting and reception facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived provided the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon;
 - (1) The number of Federal Communication Commission (FCC) licenses foreseeable available for the area;
 - (2) The kind of tower site and structure proposed;
 - (3) The number of existing and potential licenses without tower spaces;
 - (4) Available spaces on existing and approved towers; and
 - (5) Potential adverse visual impact by a tower designed for shared usages.
- h. Setbacks for New Towers. All proposed commercial communications/ radio towers and accessory structures shall be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of adjoining residential properties.
 - (1) All tower bases must be located at a minimum setback from any property line at a distance at least equal to the tower height, or the distance between the tower base and guy wire anchors, or the minimum setback of the underlying zoning district, or a minimum setback at a distance which shall be established at the sole discretion of the Planning Board based on the unique characteristics of the site,

whichever of the foregoing is greatest. The minimum setback requirement of this paragraph may be increased at the discretion of the Planning Board.

- (2) Accessory structures must comply with the minimum setback requirements in the underlying district.
- i. Visual Impact Assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing tower. Construction of a new tower or modification of an existing tower shall be subject to the guidelines and criteria below that are determined by the Planning Board.
 - (1) Assessment of “before and after” views from key viewpoints both inside and outside of the town, minimum of one mile distance, including state highways and other major roads, from state and local parks, other public lands, from any privately owned preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of residents. Assessment shall include at least one representative of before and after views. This should be accompanied by a visibility map, scale 1:2000 indicating where tower will be visible within a one-mile radius.
 - (2) Assessment of alternative tower designs and color schemes, as described in subsection (j) below.
 - (3) Assessment of visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
- j. New Tower Design. Alternate designs shall be considered for new towers, including lattice, single poles, and concealment structures. The design of a proposed new tower shall comply with the following:
 - (1) Unless specifically required by other regulations. All towers shall have a neutral, earth tone or similar painted finish that will minimize the degree of visual impact that the new tower may have.
 - (2) The maximum height of any new tower, or any tower in existence intended to be used as a commercial communications/radio tower, shall not exceed that which will permit operations without artificial lighting of any kind or nature, in accordance with Municipal, State and/or Federal law and/or regulation.
 - (3) Any new tower shall have the minimum height needed to provide

future shared usage, but artificial lighting of any kind shall be prohibited.

- (4) The Planning Board may request a review of the application by a qualified structural engineer for evaluation of need for and design of any new or modified tower. This cost will be paid by the applicant.
- (5) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- k. Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. Additional clear cutting for an access road shall be at the discretion of the Planning Board.
- l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten (10) feet in height within two (2) years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
- m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- n. Parking. Parking shall be provided in accordance with Article XI.D., of this ordinance.
- o. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, the design of which shall be determined by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility.

- p. Maintenance and/or Performance Bond. The Planning Board, in its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk of the Town of Northumberland prior to approval of any application and/or license, a maintenance and/or performance bond in an amount sufficient to cover the installation. The amount required shall be determined at the sole discretion of the Planning Board based upon the unique characteristics of the tower and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application to accomplish the foregoing.

18. Agribusiness:

A special permitted use to the principal agricultural use of a property within the Agricultural Protection District, and is subject to the following standards:

- a. For the purposes of this section, agribusinesses may involve any one of a wide range of uses, so long as it remains secondary to, and compatible with, the active farm use.
- b. Any new building constructed for use by the agribusiness shall be of a design so that it can be readily converted to agricultural use, or removed, if the agribusiness is discontinued.
- c. No part of an agribusiness shall be located within three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
- d. The agribusiness shall occupy no more than five thousand (5,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the agribusiness and the farm shall not be calculated as land serving the farm occupation.
- e. Any sign used for an agribusiness shall not exceed ten (10) square feet in size.

19. Public Utility Use.

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

site plan include an evaluation of all public utility use alternatives, a complete visual environmental assessment form pursuant to SEQRA, and documentation on the proposed intent and capacity of use as well as a justification for the proposed public utility use and justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this in Subsections 20.k. and 20.l. below.

- c. Shared use of existing facilities. At all times, shared use of existing facilities and structures shall be preferred to the construction of new facilities and structures. An applicant shall be required to present an adequate report inventorying existing public utility facilities /structures within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to proposed new structures.
 - (1) An applicant proposing to share use of existing facilities shall be required to document intent from an existing facility owner to allow shared use.
 - (2) The Planning Board shall consider a new facility/structure where the applicant demonstrates that shared usage of an existing facility/structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing facilities/structures as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
- d. Shared usage of site with new facility/structure. Where shared usage of an existing facility/structure is found to be impractical, the applicant shall investigate shared usage of an existing public utility site for its ability to accommodate a new facility/structure and accessory uses. Documentation and conditions shall be in accordance with Subsections c.(1) and (2) above. Any new facility/structure approved for an existing public utility site shall be subject to the standards of Subsections f. through o. below.
- e. New facility/structure at a new location. The Planning Board shall consider a new facility/structure on a site not previously developed with an existing facility/structure when the applicant demonstrates that shared usage of an existing public utility site is impractical and submits a report demonstrating good-faith efforts to secure shared use from existing public utility sites as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- f. Future shared usage of new public utility sites. The applicant must examine the feasibility of designing a proposed public utility site to accommodate future demand for similar facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived, provided that the applicant demonstrates that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon the kind of site and structure proposed.
- g. Setbacks for new public utilities. All proposed public utility structures/facilities and accessory structures shall be set back from property lines the distance set forth in the schedule for the underlying zoning district.
- h. Visual impact assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new public utility facility or any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) A “Zone of Visibility Map,” provided in order to determine locations where the facility/structure may be seen.
 - (2) Pictorial representations of “before and after” views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks.
 - (3) Assessment of alternative facility/structure designs and color schemes.
 - (4) Assessment of visual impact of the facility/structure, accessory buildings and overhead utility lines from abutting properties and streets.
- i. Sensory impact assessment. The Planning Board shall require the applicant to undertake a sensory impact assessment of any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) Decibel levels to be produced “before and after” which are audible on adjacent properties, providing an example of a common noise at a similar decibel level.
 - (2) Assessment of alternative facility/structure designs which reduce any audio impact (i.e. the addition of acoustical materials, sound dampening devices, etc.).
 - (3) Assessment of audio impact of the facility/structure and accessory

buildings from abutting properties and streets.

- (4). Assessment of alternative facility/structure designs which reduce any olfactory impact (i.e. the addition of air filters, odor reducing devices, etc.).
 - (5). Assessment of olfactory impact of the facility/structure and accessory buildings from abutting properties and streets.
- j. New facility design. The design of a proposed new public utility facility/structure shall comply with the following:
- (1) Unless specifically required by other regulations, all facilities/structures shall have a neutral, earth tone or similar painted finish that shall minimize the degree of visual impact.
 - (2) Any new facility/structure shall have the minimum size needed to provide future shared usage.
 - (3) Artificial lighting of the facility/structure, unless specifically required by other regulations, shall be prohibited.
 - (4) The Planning Board may request a review of the application by a qualified structural engineer, at the applicants cost, for evaluation of need for and design of any new facility/structure.
 - (5) Accessory facilities shall maximize the use of building materials, colors and textured designed to blend with the natural surroundings.
 - (6) No portion of any facility/structure or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.
- k. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter [measured at a height of four (4) feet off the ground] shall take place prior to the approval of the special permit.
- l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the facility/structure and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.
- m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road

construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbances and reduce soil erosion potential.

- n. Parking. Off street parking spaces shall be provided as required to service the facility.
- o. Fencing. Sites of proposed new public utility facilities/structures and sites where modifications to existing facilities/structures are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Board, unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility.
- p. Removal. Obsolete or unused public utility facilities/structures and related structures shall be removed from any site within four (4) months of discontinuance of use.
- q. Maintenance and/or performance bond. The Planning Board, at its sole discretion, may require the applicant and/or the owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance, and/or construction of said public utility facility/structure(s) during its lifetime. The amount required shall be determined at the sole discretion of the Planning Board, based upon the unique characteristics of the public utility facility/structure and site. The applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Planning Board prior to approval of any application. Cost estimates shall be reviewed by the Town Engineer.

ARTICLE X SITE PLAN REVIEW

A. Intent and Purpose

It is the intent of this Article to promote and encourage the optimum overall conservation, protection, preservation, development and use of the natural and man-made resources of the Town of Northumberland.

B. Authorization

In accordance with Town Law, Section 274-a, the Town of Northumberland Planning Board is hereby authorized to review and approve, approve with qualifications or modifications or disapprove plans for new land use activities within the Town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Ordinance.

C. Applicability

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

1. All special permit uses listed in Article IX. of this Ordinance and all those special permit uses identified elsewhere in this Ordinance.
2. All approved use variances granted by the Zoning Board of Appeals. In lieu of this requirement, approved use variances for the siting of commercial communications/radio towers must meet the requirements of Article IX,H.,17.
3. All land use activities proposed within the boundaries of the Shoreline Overlay District, described in Article VIII of this Ordinance, and shown on the Town of Northumberland Zoning Map.
4. All Planned Unit Developments, after approval of the PUD District, by the Town Board according to the procedure in Article V.
5. All mobile home park expansions.

D. Procedures

Approval of a site plan requires that the proposed use be reviewed by the Planning Board, and after public hearing, approved by the Planning Board.

1. Sketch Plan Review: Prior to submission of an application for site plan review, the applicant is encouraged to meet in person with the Planning Board to discuss the proposed project. Such discussion shall consider the primary aspects of the project and application requirements in order to assist the applicant in preparing a formal site plan. Prior to meeting with the Planning Board, the applicant shall meet with the Zoning Administrator. The Zoning Administrator shall decide if the plan is in conformance with the zoning requirements of the district(s) in which said property is located and collect the applicable fee from the applicant. The Zoning Administrator shall then forward all materials to the Planning Board. The sketch plan should have sufficient data regarding the proposed development to clearly illustrate the intention of the applicant. This should include a map showing the important existing natural and man-made features on and adjacent to the site and a sketch plan showing the major features of the proposed development. If necessary, the site may also be visited by the Planning Board. The Planning Board may, if appropriate, in the case of small developments with little impact on adjoining lands, accept the informal sketch plan as the formal site plan providing all other requirements are met. The Planning Board may, at its discretion, waive any of the requirements of Section D.2.b., below, if found by the Planning Board to be irrelevant to the review of the proposed project.
2. Application: An applicant for site plan approval who has not undergone sketch plan review shall initiate a request by presenting preliminary concept plans to the Zoning Administrator. Upon the Zoning Administrator's decision that the plans are in conformance with the zoning requirements of the district(s) in which said property is located, the Zoning Administrator shall forward all materials to the Planning Board.
 - a. Application Requirements. All applications shall show proof of ownership and be accompanied by a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed development and other drawings or information deemed necessary by the Planning Board to obtain an understanding of the proposed use and its relationship to surrounding properties, as required by this Ordinance.
 - b. The application shall be submitted in triplicate on forms prescribed by the Planning Board and be accompanied by ten (10) copies of a site plan and the appropriate application fee as determined by the Town Board. The site plan shall include information from the following checklist, as determined necessary by the Planning Board at the sketch plan meeting. The site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless this requirement is waived by the Planning Board.

(1) Site Plan Checklist

- a Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- b North arrow, scale of one (1) inch equals fifty (50) feet, and date;
- c Boundaries of the property plotted to scale;
- d Permanent and intermittent watercourses, wetlands and floodplains;
- e Grading and drainage plan, showing existing and proposed contours at no more than five (5) foot intervals;
- f Location, proposed uses and height of all buildings;
- g Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
- h Provision for pedestrian access;
- i Location of outdoor storage, if any;
- j Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- k Description of the method of sewage disposal and location of design and construction materials of such facilities;
- l Description of the method of securing water and location, design and construction materials of such facilities;
- m Location of fire and other emergency zones, including the location of fire hydrants;
- n Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- o Location, size, design and construction materials of all

proposed signage;

- p Location and proposed development of all buffer areas, including indication of existing vegetative cover;
- q Location and design of outdoor lighting facilities;
- r Designation of the amount of building area proposed for retail sales or similar commercial activity;
- s General landscaping plan and planting schedule; and
- t Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any State or County permits required for the project's execution.

- (2) An application for site plan review shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.

The Planning Board has the right to waive any of the aforementioned application requirements.

- 3. Consultant Review: The Planning Board may consult with the Zoning Administrator, Fire Commissioners, County Environmental Management Council, Town Highway Superintendent, Town Engineer, other local and County officials, private consultants, the New York State Health Department, Department of Environmental Conservation and Department of Transportation in its review of the application and site plan.
- 4. Referral to County Planning Board: At least ten (10) days before the required public hearing on the application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239-m of the General Municipal Law if it meets one or more of the following provisions:

Within five hundred (500) feet of the following:

- a. Municipal boundary;
- b. Boundary of any existing or proposed County or State Park or other recreation area;
- c. Right-of-way of any existing or proposed County or State road or highway;

- d. 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
 - e. Existing or proposed boundary of any County- or State-owned land on which a public building or institution is situated.
 - f. The boundary of a farm operation within an Agricultural District established pursuant to Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.
5. Compliance with State Environmental Quality Review Act (SEQRA): Proposed projects are actions subject to the provisions of SEQRA. Prior to rendering its decision, the Planning Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Ordinance and Part 617 NYCRR, and follow all applicable procedures.
 6. Public Notice and Hearing: Within sixty-two (62) days of the Planning Board's meeting at which a complete site plan and application is received, the Planning Board shall hold a public hearing. Notice of said hearing shall appear at least five (5) days prior to the public hearing in a newspaper of general circulation in the Town. A copy of said public notice shall be mailed to all contiguous property owners by the Planning Board at least ten (10) days before the opening of the public hearing. Any hearing may be recessed by the Planning Board in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.
 7. Planning Board Action on Application: Within sixty-two (62) days after the public hearing on the request for site plan approval is closed, the Planning Board shall act on it. The Planning Board shall approve, disapprove, or approve with modifications and/or conditions, the application. The Planning Board's action shall be in the form of a resolution. If the application is disapproved, the reasons shall be stated. The decision shall be filed in the office of the town clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant. If the application is disapproved, the reasons for disapproval shall be stated.
 - a. The Planning Board shall have discretion in determining the number of copies of the site plan required. A reproducible mylar site plan may also be required of the applicant.

- b. Upon approval of the application, the Planning Board shall endorse its approval on all copies of the site plan and shall forward one copy to the Zoning Administrator, the Town Engineer, the Town Highway Superintendent, and provide one (1) copy to the applicant. The remaining copies will be retained by the Planning Board.
 - c. Upon disapproval of the application, the Planning Board shall so inform the Zoning Administrator. The Zoning Administrator shall deny the applicant a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.
 - d. Upon approval of the application with modifications and/or conditions, the Planning Board shall notify the applicant of said modifications and/or conditions and its reasons for requiring such. The applicant shall be advised that a revised site plan which incorporates the modifications and/or conditions must be submitted to and approved by the Planning Board. The Planning Board shall endorse its approval on all copies of the modified site plan and shall forward one (1) copy to the Zoning Administrator. One (1) copy to the Town Engineer, one (1) copy to the Town Highway Superintendent, and provide one (1) copy to the applicant.
8. Appeal of Board Decision: Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for a review by a proceeding under Article 78 of the New York State Civil Practice Law.
 9. Reimbursement of Costs: In addition to fees and costs chargeable pursuant to Section 617.17 of the State Environmental Quality Review Act, costs incurred by the Planning Board for consultation and other professional fees in connection with the review of a proposed development plan shall be charged to the applicant, pursuant to such schedule as shall be established from time to time by the Town Board and posted in the Town Hall. The Planning Board, in its discretion, may require the applicant to establish an escrow account not to exceed \$1,000.00 to pay for additional engineering review of the application.

E. Standards

The following standards and considerations shall be utilized by the Planning Board for the review of a site plan and no application shall be approved, or approved with conditions or modifications, which does not reasonably comply with these standards.

In addition, any applicable standards or requirements found in Articles V., VIII., IX., and XI. shall also apply and be utilized by the Planning Board in its review of a proposed site plan.

1. Aesthetics:

- a. Site development shall be planned so that it harmonizes with the existing landscape character and blends into the landscape by using existing landforms and vegetation.
- b. Where new construction or substantial rehabilitation is concerned, the needs of the site for plantings, paving, screening and other landscaping amenities shall be considered.

2. Off-Site Impacts:

- a. Development shall be planned and undertaken so as to minimize impacts upon adjoining and nearby land uses.
- b. Any noise, odor, vibration, dust, gas or emission of any type that is likely to result from the nature of the operation shall not be hazardous or create a nuisance.

3. Existing Topography and Vegetation:

- a. Existing vegetation, topography and careful siting methods shall be utilized to minimize the visual impact of the proposed development.
- b. Cuts for roads and other site development shall be stabilized and vegetated with indigenous species to avoid erosion and sedimentation.

4. Historical/Geological Forms: Historical, natural or geologic features shall be preserved to the extent possible.

5. Construction Activities:

- a. All earth moving activities shall be planned in such a manner as to minimize the amount of land area disturbed.
- b. Natural features such as topography, waterways and other similar resources should be preserved, and development shall conform substantially to natural boundaries and alignment of watercourses.
- c. Permanent vegetation shall be successfully established and permanent erosion control structures shall be installed in accordance with the

construction schedule approved by the Planning Board. Wherever feasible, indigenous vegetation shall be retained and protected.

- d. Where it is not possible to permanently stabilize a disturbed area immediately after the final earth moving has been completed or where the activity ceases for more than fifteen (15) days, interim stabilization measures shall be implemented promptly, including mulching and planting of vegetation.
- e. Run-off from any slope exposed for longer than fifteen (15) days shall be controlled through utilization of mulching, check dam, temporary sediment basins, and other generally approved engineering methods.
- f. Topsoil from all areas to be excavated shall be removed and stored. Upon completion of the earth movement, the topsoil shall be re-spread to provide a suitable base for seeding and planting except on the immediate building site and the road leading to it.
- g. All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and toxic waste. Fill material shall be compacted sufficiently to prevent problems of erosion.

6. Drainage:

- a. Satisfactory provision shall be made for surface water drainage; existing drainage and runoff patterns shall not be disturbed any more than necessary.
- b. Satisfactory provision shall be made for control of soil erosion and for re-vegetation of disturbed soil areas. (*See Soil Disturbance Local Law #2 of 1991*).
- c. Stormwater shall be managed and controlled on the site utilizing retention structures, infiltration, or other generally accepted engineering practices so as to prevent water volume and velocities exceeding the volume and the velocities encountered prior to site development from being conveyed through or from the project site during a twenty (20) year storm. New York State Phase 2 stormwater permits are required for any construction site disturbance of one(1) acre or more.
- d. The applicant shall provide measures to insure long-term maintenance of retention and detention basins, including periodic clearing of filters, removal of debris and sediment and weed cutting to the satisfaction of the Planning Board. Wherever possible, restrictive deed covenants shall be used to assure that maintenance responsibilities are legally binding.

- e. The quality, infiltration rate and levels of groundwater shall be preserved as much as possible.

7. Roads and Parking:

- a. Vehicular circulation and service access shall be planned to protect pedestrians and to avoid pedestrian/vehicular conflicts.
- b. The visual impact of parking areas shall be minimized.
- c. Parking areas and driveways shall be designed and constructed to provide convenient access to and from public highways.
- d. Activities which involve a new road or driveway entering onto a public highway shall comply with the following standards:
 - (1) The point of intersection with the public highway shall be a point at which sight distances are good and sufficient in both directions.
 - (2) The angle of intersection with the public highway shall be as close to ninety (90) degrees as possible.
 - (3) In the case of new connections to Town highways, the existing public road drainage shall be protected so that surface drainage flow is not impeded. The applicant's engineer, in consultation with the Town Highway Superintendent, shall prescribe the size and type of culvert, if any, to be utilized at the point of intersection. The Planning Board shall prescribe whether the applicant or the Town itself (at the applicant's expense) will supply and/or install the culvert, after recommendation of the Town Highway Superintendent.
 - (4) Any access permits necessary from the County of Saratoga, Town of Northumberland, or State of New York as a result of access causing entry to a State, Town or County highway shall be obtained by the applicant, in addition to compliance with the terms of this Section. Town access permits are required to be obtained from the Town Highway Superintendent for driveways entering Town roads.
 - (5) All roads that will be transferred to the Town shall be designed and built to the requirements specified in the Town of Northumberland Subdivision Regulations.
- e. All proposed traffic access and roads shall be adequate in width, grade,

alignment and visibility, necessary traffic signalization, stop signs, other safety controls, devices and facilities shall be given proper consideration and be duly provided wherever appropriate or warranted.

- f. Access shall be restricted to discrete points of entry and exit and shall not be along the entire road frontage of the project.
 - g. Snow removal, if applicable, shall be provided on the site, where practical, so as to avoid obstructing drivers' vision, protect landscaping elements and avoid problems for adjoining properties.
 - h. All roads shall be planned and installed to logically relate to the existing soils, topography and vegetation. For these purposes, areas with steep slopes, shallow soils, soils with the water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall generally be avoided.
 - i. Clearing and grading of roads in wooded areas shall be limited to that which is necessary to provide needed roadside and embankment drainage, construct stable cuts and fills, and provide for utility installation.
 - j. All cleared banks, exposed borrow areas and cut and fill slopes, including ditch banks, shall be re-vegetated in a manner suited to site conditions.
 - k. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of peak flow by means of re-vegetation, sodding, mulching, netting, stone paving, rip-rap and other materials or combinations of these, depending on hydraulics and soils properties.
 - l. Road and private drive grade shall not exceed a twelve (12) percent average grade over any 150 foot length, and shall not exceed fifteen (15) percent over any length.
 - m. Where feasible, access should be combined with existing access to public roads and consideration should be given to the number and width of access points.
8. Sewage: No on-site sewage tile field or seepage pit shall be located within one hundred (100) feet of any shoreline, stream, or wetland and no septic or other holding tank shall be located within one hundred (100) feet of any shoreline, stream, or wetland, as measured from the normal annual high water mark of the water body. See the Town of Northumberland Watercourse Protection Local Law #1 of 1991 (Article XI,U.).

- a. Every on-lot sewage disposal system shall comply with the standards as to type, capacity, location, layout and minimum lot size of the New York State Department of Health (DOH) as set forth in the booklet entitled Waste Treatment Handbook: Individual Household Systems and, where applicable, the regulations of the NYS Department of Environmental Conservation (DEC), from time to time in effect (whether or not the construction of such a system is subject to the prior approval of such departments) and shall also comply with the provisions of this law. In case of conflict between the requirements of the DOH, DEC and this Ordinance, the most restrictive shall prevail.
9. Water Supply: Any drilled, point-driven, or dug well shall comply with the generally accepted standards of the NYS DOH.
10. Emergency Access: It is recommended that all proposed structures should be readily accessible for emergency vehicles, including police, ambulance and fire protection. The Board of Fire Commissioners can provide information on emergency access.
11. Impact on Municipal Services: The Planning Board shall take into account the ability of the responsible unit of government to provide the services and facilities that will be required by the use or project under consideration, and guide development in a manner that reflects the physical capacity of the service system or facility and the financial capacity of the responsible unit of government to respond to additional requirements generated by the use or project.
12. Shoreline Protection:
 - a. All construction involving any shoreline shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased run-off of ground and surface water into the waterway and to remove only that vegetation which is necessary to the accomplishment of the project.
 - b. Any pump-out or other connection to provide for the accommodations of sanitary wastes should be connected to an adequate and approved sewage disposal system whether a public system or an individual on-site system.
 - c. Any paved or otherwise improved parking area, driveway, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or soil siltation into the waterway.

13. Historical Property: Uses of State or federally designated historic places, sites, buildings and structures should make, where possible and practical, an efficient contemporary use of such an historical property through repair or alteration utilizing State guidelines, while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

ARTICLE XI SUPPLEMENTAL REGULATIONS

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

A. General Performance Standards

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

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

4. Industrial and Commercial Wastes: No solid or liquid wastes, including solvents, greasecutters, paint thinners, oils, pesticides, herbicides, heavy metals, or radioactive materials shall be discharged into any public sewer, common or private sewage disposal system, stream or on or into the ground, except in strict conformance with the standards approved by the NYSDOH and NYSDEC, or with the standards established by any applicable local law or ordinance, or other duly empowered agency. Where more than one (1) standard exists, the most stringent shall apply. Radioactive material shall be stored in compliance with all applicable regulations of NYSDOH, New York State Labor Department, NYSDEC, and the Federal Environmental Protection Agency.

5. Radioactivity or Electromagnetic Disturbance: No activities shall be permitted which emit any radioactivity beyond the building in which such activity is located. No electrical disturbance adversely affecting the operation of any equipment other than that of the generator of such disturbance shall be permitted. No emission or discharge of radioactive gases, liquids or solids shall be permitted. The handling and disposal of radioactive materials or waste by-products, whether or not licensed by the Nuclear Regulatory Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," as amended, and in accordance with any other applicable laws, regulations or ordinances including those established by the Town of Northumberland.
6. Fire and Explosion Hazards: All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed. All burning of such waste materials in open fires is prohibited.
7. Maintenance of Developed Lots: All open portions of any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or by other material.

B. Parking Standards and Design

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

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

a. Residential Uses:

- | | | |
|---|--|---|
| - | Single-family dwelling | 2 spaces |
| - | Mobile home | 2 spaces |
| - | Two-family dwelling | 4 spaces |
| - | Boarding or rooming house,
Bed & Breakfast, Inn | 1 space per bedroom plus
required spaces for resident
occupants of same and other
dwelling units |

b. General Uses:

- | | | |
|---|---|---|
| - | Church or other place of worship,
meeting hall, membership club,
auditorium, theater or other place
of public seating assembly not
otherwise specified. | 1 space per 3 seats or
50 sq. ft. of seating area
where fixed seating is not
provided |
| - | School | 1 space per 12 classroom
seats or the auditorium
requirements as specified
above, whichever is greater |
| - | Cultural facility (museum, library),
art gallery or public/semi
public use | 1 space for each 300 sq. ft.
of gross floor area plus
1 space for each employee |
| - | Nursing home | 1 space for each
2 beds |

c. Accessory Uses:

- | | | |
|---|-----------------|---|
| - | Home occupation | 1 space per 250 sq. ft. of
such use, if customers or
clients routinely visit the
use plus 1 space per
employee, if applicable |
|---|-----------------|---|

d. Business Uses:

- | | | |
|---|--------------|---|
| - | Funeral home | 1 space per 3 seats within
public areas, plus 1 space
per employee and business-
related vehicle |
|---|--------------|---|

- Medical clinic and related health service office 5 spaces per professional, plus 1 space per employee
- General or other professional office 1 space per 300 sq. ft. of gross floor area, plus one space per employee
- Retail business, store or service shop 1 space per 200 sq. ft. of gross floor area, plus one space per employee
- Personal Service Establishment 1 space per 200 sq. ft. of floor area, plus one space per employee
- Hotel or motel 1 space per bedroom plus 10 per 1,000 sq. ft. of gross floor area non-guest room area, plus 1 space per employee
- Restaurant and Tavern 1 space per 3 seats or 50 sq. ft. of floor space available to patrons, whichever is greater, whether such seats or floor area are situated within an enclosed building or outdoor service area plus 1 space per employee

e. Recreational Uses:

- Indoor commercial recreation facility 2 spaces per alley, table, court, or similar measure
- Golf course 220 spaces for 18 holes; 110 spaces for 9 holes
- Park To be determined by the Planning Board upon recognition of park's size and type
- Stable/riding academy 1 space per 2 horse stalls

- Marina 1 space per 1.5 boats dock spaces, plus 1 space per employee

f. Industrial Uses:

- Industry and Manufacturing 1 space per number of employees on largest shift, or 800 sq. ft. gross floor area, whichever is greater, plus 1 space per company vehicle
- Warehouse 1 space per 2 employees and 1 space per company vehicle

g. Miscellaneous

- Kennel 1 space per 10 dogs capable of accommodation plus 1 space per employee
- Airport To be determined by the Planning Board upon recognition of airport's size and type
- Veterinarian Clinic/Hospital 4 spaces per veterinarian plus 1 space per employee
- Day care center 1 space per 4 children (Total children = # of children per session) plus 1 space per employee
- Composting center To be determined by the Planning Board upon recognition of Center's size and type
- Recyclables and transfer center To be determined by the Planning Board upon recognition of Center's size and type

For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time

of special permit and/or site plan review, as provided for in Articles IX. and X., respectively, of this Ordinance.

In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit modification.

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

2. Design Standards for Off-Street Parking Spaces:

- a. Areas which may be considered as meeting off-street parking space requirements may include a garage, carport or other properly developed area available for parking;
- b. Parking shall not encroach within fifteen (15) feet of any public right-of-way, side or rear property line, except that if abutting a residential district a minimum of twenty (20) feet separation shall be maintained;
- c. In all districts, each parking space provided shall be at least nine (9) feet wide and eighteen (18) feet long. Parking spaces for the physically handicapped shall measure twelve (12) feet in width. Each space shall have direct and usable driveway access to a street and adequate maneuvering area between spaces;

The average parking lot area per automobile parking space shall not be less than three hundred (300) square feet, including adjacent circulation areas;

- d. All parking areas shall be suitably drained. Except for one or two-family dwellings, parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article X. of this Ordinance, with particular consideration given to the number of vehicles accommodated and the proposed intensity and season(s) of use;
- e. All non-residential off-street parking areas shall be designed to eliminate the need to back out onto any public street, road, or highway and where feasible for residential;

- f. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and impacts on adjacent land uses;
- g. Parking facilities shall be adequately lighted

C. Loading Standards and Design

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

- a. General Uses:
(other than residential)

	1 berth per 5,000 to 25,000 sq. ft. of floor area and 1 additional berth for each additional 25,000 sq. ft., unless truck deliveries do not exceed 1 vehicle per day.
--	---
- b. Business Uses:
 - Office and retail uses

	1 berth per 5,000 to 25,000 sq. ft. of floor area and 1 additional berth for each additional 25,000 sq. ft.
--	---
 - Hotel, motel

	1 berth for floor area in excess of 5,000 sq. ft.
--	---
- c. Industrial and Manufacturing Uses

	1 berth for the first 5,000 sq. ft. of floor area and 1 additional berth for each additional 25,000 sq. ft., unless truck deliveries do not exceed 1 vehicle per day.
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2. Design Standards for Off-Street Loading Berths:

- a. Each required loading berth shall be at least twelve (12) feet wide, thirty five (35) feet long, and fourteen (14) feet high. Alternative design standards to these may be accepted by the Planning Board if applicant demonstrates that such standards are appropriate to meet demand. If deliveries are by semi trailer, the berth shall be 75-feet long.
- b. Unobstructed access, at least twelve (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as permitted below. No entrance or exit for any off-street parking or loading area

shall be located within fifty (50) feet of any street intersection, nor shall any off-street loading berth encroach on any required front yard or required side yard, accessway or off-street parking area, except that in a commercial district off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for any more than three (3) hours during the daily period that the establishment is open for business.

- c. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments.

D. Swimming Pools

Any outdoor swimming pool, whirlpool or hot tub, as defined in Section II.B. of this Ordinance, shall be subject to the following requirements:

1. The outdoor swimming pool, whirlpool or hot tub shall be enclosed on all sides by a security fence not less than four (4) feet nor more than six (6) feet in height, or, in the case of whirlpool or hot tub, a securely locked cover may be provided in lieu of a fence;
2. Such security fence, as may be applicable, shall be provided with a locking gate to prevent accidental entry or unauthorized use of the outdoor swimming pool, whirlpool or hot tub;
3. Height restrictions shall not apply to swimming pools;
4. Compliance with all other requirements of the New York State Uniform Fire Prevention and Building Code.

E. Fences and Walls

1. All fences shall be sited in such a manner to allow proper maintenance of same on both sides without entering upon an adjoining property unless an easement is provided by the neighbor to permit this maintenance;
2. Except as otherwise provided in E.3 or E.4 of this Section, in any residential or commercial district, fences and walls shall not exceed eight (8) feet in height when erected in rear or side yards nor four (4) feet in height when erected within the front yard;
3. In the Industrial (I) District, fences and walls shall not exceed eight (8) feet in height;

4. In any district, all fences and walls shall conform to the requirements of Article XI.M. as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety;
5. The side designed to be viewed shall face outward, away from the area/use being fenced.

F. Automobile Junk Yards

No automobile junk yard shall be hereinafter established in the Town of Northumberland. Existing lawfully established junk yards shall be operated in full compliance with the following standards:

1. No automobile junk yard shall be located within one hundred fifty (150) feet of any residential building (except that belonging to the owner of the junk yard), public park, church, educational center, nursing home, public building or other place of public gathering, or any stream, lake, pond, marsh, swamp or other body of water.
2. The junk yard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others;
3. There must be erected and maintained an eight (8) foot fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junk yard. All the materials dealt with by the operator of the junk yard shall be kept within such fence at all times. Whenever the junk yard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Where a junk yard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junk yard from view. As an alternative, the Planning Board may permit such screening by adequate planting of evergreen trees or shrubbery. The Board may also waive the requirements of fencing where topography or other natural conditions effectively prohibit the entrance of children and others;
4. Adequate means of fire protection shall be maintained on the premises at all times;
5. The junk yard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with applicable New York State Ordinance regarding outdoor burning.

G. 100 Year Flood Hazard Areas

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

1. All structures shall be designed and anchored to prevent floatation, collapse, or lateral movement due to flood water related forces;
2. All construction materials and utility equipment used shall be resistant to flood damage;
3. Construction practices and methods shall be employed which minimize potential food damage;
4. Adequate drainage shall be provided to reduce flood hazard exposure; and
5. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

H. Principal Buildings Per Lot

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

I. Through Lots

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

J. Frontage Upon a Street

Every principal building shall be built upon a lot with frontage upon a street improved to meet the standards of the Town of Northumberland.

1. The minimum required frontage for one principal building shall be twenty-five (25) feet; and such frontage shall provide actual physical access to and from the lot to be built upon for such purposes of ingress and egress to the lot by emergency vehicles such as fire trucks and/or ambulances.

K. Special Lot Regulations

1. Existing Substandard Lots. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the erection of a building on any lot separately owned or under contract of sale and containing, at the time of the passage of this Ordinance, an area or a width smaller than that required for a

permitted use shall be allowed without requiring a variance. The minimum side yard requirements are reduced in proportion to the reduction of lot width over the specified minimum lot width for the district. This provision applies only where such lot is not adjacent to other property owned by the applicant.

2. Front yard depth. Notwithstanding the limitations imposed by any other provisions of this Ordinance, each building hereafter erected may have a front yard equal in depth to the average front yard depth of the building within one hundred (100) feet adjacent thereto on either or both sides.
3. Reduction in rear yards. When a lot is less than the minimum area prescribed for the district in which it is located at the time of passage of this Ordinance or subsequent amendments thereto which may affect the area requirement of the particular lot, the rear yard may be reduced in proportion to the reduction in lot depth over the specified minimum lot depth for the district. However, no rear yard shall be less than fifteen (15) feet in depth, except that an accessory building may be placed no closer than ten (10) feet to the rear lot line.
4. Corner lot transition. On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side-street.

L. Unregistered Vehicles

No more than one (1), unregistered motor vehicle may be stored in an unenclosed area in any zoning district, except for unregistered vehicles utilized for active agricultural purposes.

M. Obstructions at Street Intersections

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

N. Outdoor Storage on Residential Lots

Not more than two (2) commercial vehicles in excess of twenty (20) feet in length nor more than a total of two (2) camping trailers or boats may be stored outdoors on a lot in a residential district. All such outdoor storage shall occur as inconspicuously as practicable on the lot and may not occur within the minimum required front yard whenever a suitable side or rear yard exists. No such vehicle,

boat, or trailer shall be stored within twenty five (25) feet of an adjoining residential lot line, unless a dense natural screen is planted and maintained, in which case the above-stated minimum distance may be reduced to fifteen (15) feet.

O. Garage Sales

Garage sales shall not exceed three (3) days in duration and not occur more than five (5) times in a calendar year.

P. Required Screening

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

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

Q. Mobile Homes

1. Mobile homes in the Town of Northumberland shall be installed in accordance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
2. Each mobile home lot shall be improved to provide a permanent foundation or a poured concrete slab with a minimum of six (6) tie down positions, per each frame rail, for anchoring said mobile home.
3. Each mobile home shall be placed upon the land so that rain water and surface water shall run off and drain away from the mobile home and not interfere with adjoining properties.
4. Within sixty (60) days of placement on a lot each mobile home shall be equipped with a skirt of metal, fiberglass, masonry, or suitable fire retardant

material. The skirt shall be securely fastened and shall extend from the outside wall of the mobile home to ground level around the entire perimeter of the mobile home.

R. Conservation Design Subdivision

I. Purpose and Intent

- a. To allow for greater flexibility and creativity in the design of residential developments;
- b. To encourage the preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources and historical resources in a manner that is consistent with the goals and objectives of Town of Northumberland Comprehensive Land Use Plan;
- c. To encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than conventional or grid subdivision;
- d. To minimize the total amount of disturbance on the site;
- e. To preserve and enhance the community's rural character;
- f. To preserve and protect agriculturally significant land;
- g. To protect community waterways and water supplies;
- h. To protect the value of real property;
- i. To provide for a diversified housing stock.
- j. To further the goals and policies of the Town of Northumberland Comprehensive Land Use Plan.

II. Definitions

Conservation Design Subdivision (CDS)

The subdivision of land creating five (5) or more lots or consisting of ten (10) or more acres of property for residential use, the design of which, requires the identification and the preservation of the important natural, cultural, and scenic resources of the site, subject to the requirements of the Town's Conservation Design Subdivision Regulation.

Conservation Area

Those areas identified on the subdivision parcel which because of environmental constraints or important natural, cultural, or scenic attributes are not to be used for developmental purposes

Conservation Area Analysis

An analysis of the various conservation values and features of a proposed subdivision site to be prepared by the applicant and provided to the Planning Board to assist in the proper design of a Conservation Design Subdivision. This analysis shall include the submittal of a Conservation Analysis Checklist for the site and all relevant site information required by this regulation.

Conventional Subdivision Design

A conventional subdivision design consistent with the Town's Subdivision Regulation which shows the number of lots which can be sited on the subdivision plat.

Dedicated Open Space

Lands within or related to a development that are to be preserved as open space, and which are designed and intended for the common use or enjoyment of the residents of the subdivision or the Town. These are lands intentionally set aside for the protection of open space areas such as woodlands, farmland, and scenic viewsheds. These lands may include complementary structures and improvements. Public access may be permitted through easements or other means.

Development Areas

Those areas identified on the subdivision parcel which exclude all identified conservation areas and are suitable for residential construction.

Rural Road

A roadway utilizing two 18' travel lanes with 2' shoulders designed to serve low volumes of rural subdivision traffic while accommodating a variety of residential service vehicles.

III. Design Standards

The following design standards shall guide the design and approval of all Conservation Design Subdivisions in the Town of Northumberland:

- The creation of a Conservation Design Subdivision begins with an analysis of the particular parcel to be subdivided. The applicant and the planning board must understand the unique landscape features of the parcel, and the relationship of the parcel to adjoining lands.

- Conservation Areas are the first areas to be identified when designing the subdivision. Development Areas are identified only after Conservation Areas have been designated. The applicant and the Planning Board shall select Conservation Areas and Development Areas as early as possible in the subdivision review process (during the Pre-Application Conference stage). Agreement on the conceptual design of a Conservation Design Subdivision at this early stage is intended to ensure that the greater expense of a more detailed, engineering-level design is not undertaken on a layout that is inconsistent with the town's goals for development.
- Conservation of important natural, cultural, and scenic resources shall be the starting point for the design of subdivisions using the CDS process. Protection of wetlands, floodplains, steep slopes and streams shall be the guiding principle in designating a subdivision's conservation area. Additional lands that contribute to the unique character of the parcel to be subdivided may also be included in the subdivision's conservation area. Such lands shall contain important open space resources including, but not limited to:
 - a. Existing farms,
 - b. Land suitable for agricultural use,
 - c. Land for recreational use including potential trail linkages to adjoining lands
 - d. Environmentally sensitive lands,
 - e. Lands that are inappropriate for development,
 - f. Lands that adjoin other conservation lands and larger tracts of land which have the potential to create continuous networks of open space,
 - g. Rural character of the surrounding area, and
 - h. Scenic rural roads and viewsheds.

Land designated for permanent conservation shall be limited to the following uses:

- a. Farm operation land (farm operation land shall not include agricultural buildings except fences)
 - b. Public open space
 - c. Private open space
 - d. Forestry or forest farming operations
- The designation of land for development with Conservation Design Subdivisions shall be made in consideration of the town's desire to:
 - a. Avoid locating buildings in open fields. Preference will be to locate structures at the edges of fields along more heavily vegetated areas.
 - b. Site buildings so that they do not protrude above treetops

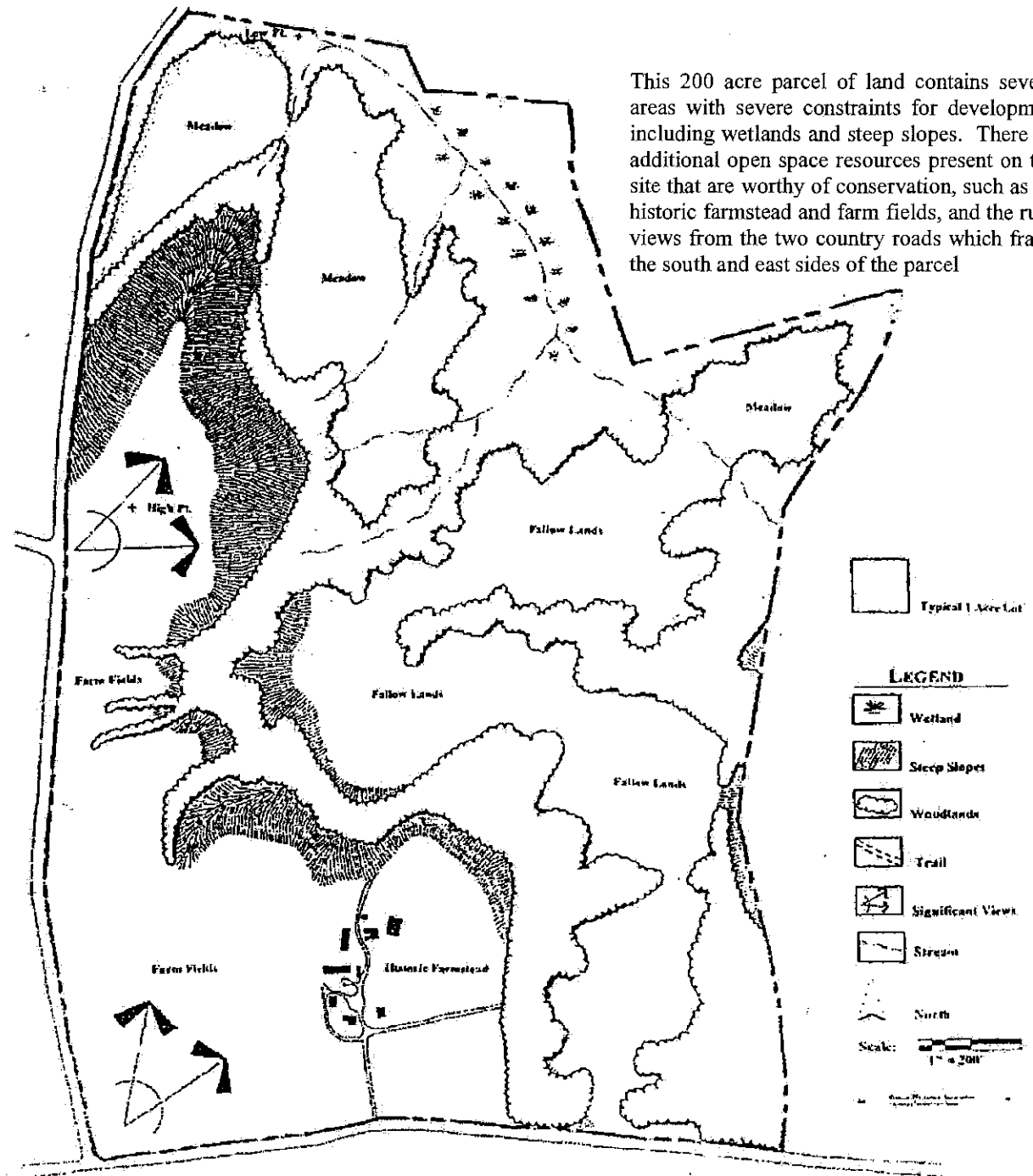
and the crest lines of hills. Buildings shall be sited so as to use existing vegetation to buffer the view of new structures from pre-existing public places and roads.

- c. Retain and re-use existing farm roads and country lanes instead of constructing new roads or driveway.
 - d. Minimize clearing of vegetation at the edge of existing roads, clearing only as much as necessary to create a driveway entrance with adequate sight distance.
 - e. Minimize the disturbances of natural features of the landscape.
 - f. Minimize the number of curb-cuts on existing town, county, and state roads.
 - g. Use curves in driveways and new roads to increase the screening of buildings.
 - h. Consider the potential impact of new homes on existing neighbors when new structures are located.
 - i. Avoid locating new homes near existing farms and farmlands.
 - j. Build new homes only on lands that are most suitable for development and associated wells and septic systems.
- Conservation design for subdivisions is preferred to conventional subdivision design because it is a development process which allows the preservation of significant areas of important open space within the Town. Because the minimum lot size and other area requirements are reduced for these subdivisions, there is considerably more room for creativity in subdivision design. This flexibility allows important site features and open space resources to be conserved, while allowing homes to be located on the most suitable lands. It also provides the ability to situate the homes in harmony with the land landscape.
- The design flexibility provided by the CDS process is intended to ensure that important site features and open space resources are conserved, and the rural character of the Town of Northumberland is protected. This is why these regulations have been adopted.
- There is no “one-size fits-all” solution to creating a subdivision that conserves significant features of the landscape while locating homes to take maximum advantage of the open space amenity created. However, the following illustrations demonstrate a recommended design process for subdivisions that utilize the Conservation Design Subdivision approach.
- The most important idea contained in these regulations is to design with the landscape. The design process illustrated on the following pages provides a “way of thinking” about the layout of a rural

subdivision. This way of thinking, which starts with the identification of conservation areas, should be foremost in the mind of an applicant when designing a subdivision, and shall guide the Planning Board when reviewing applications.

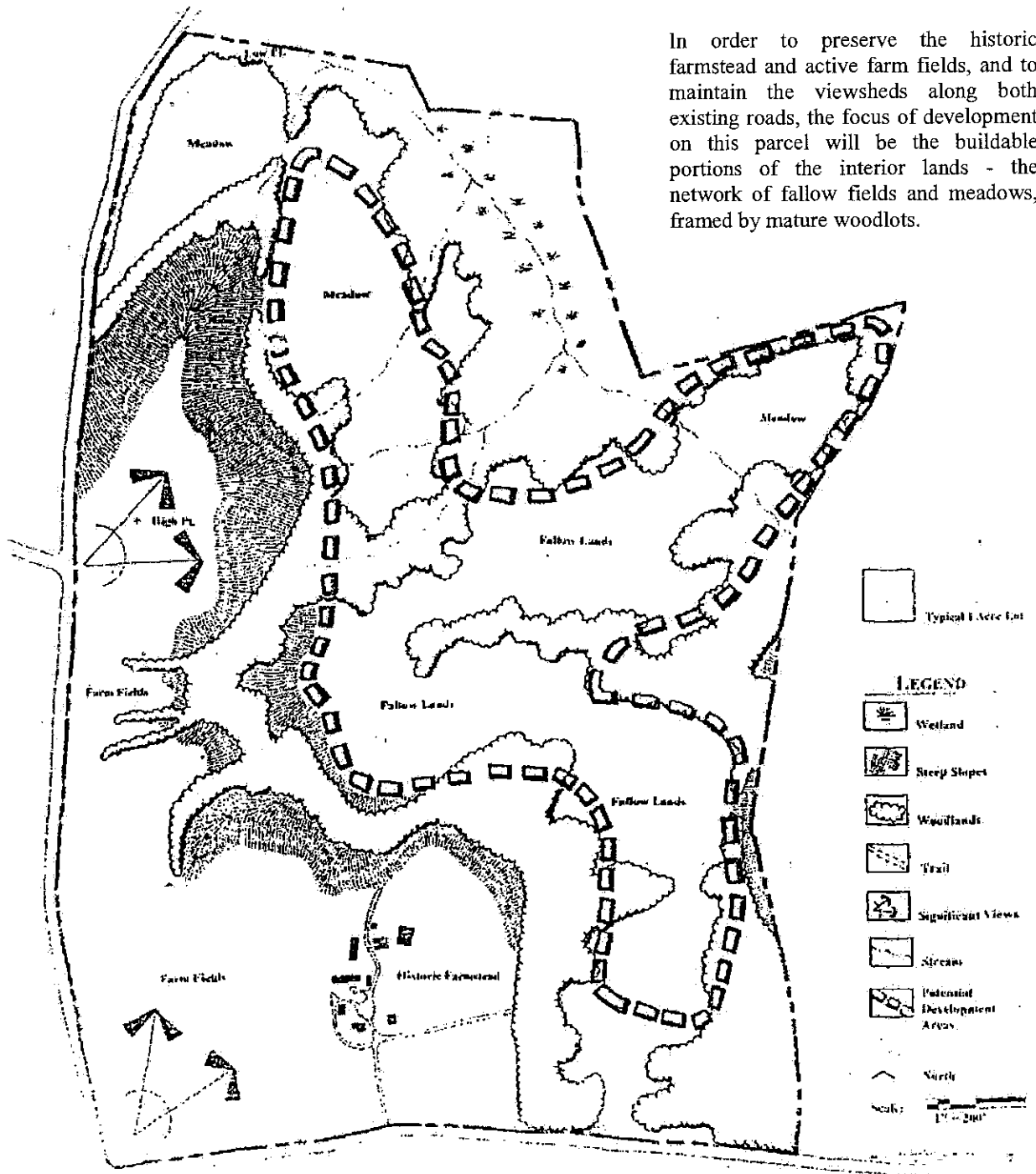
The Design Process For Conservation Design Subdivision Options

Step 1: Analyze the unique landscape features of the parcel to be subdivided and identify lands with severe constraints to development and other areas that are worthy of conservation. These will be the potential Conservation Areas.



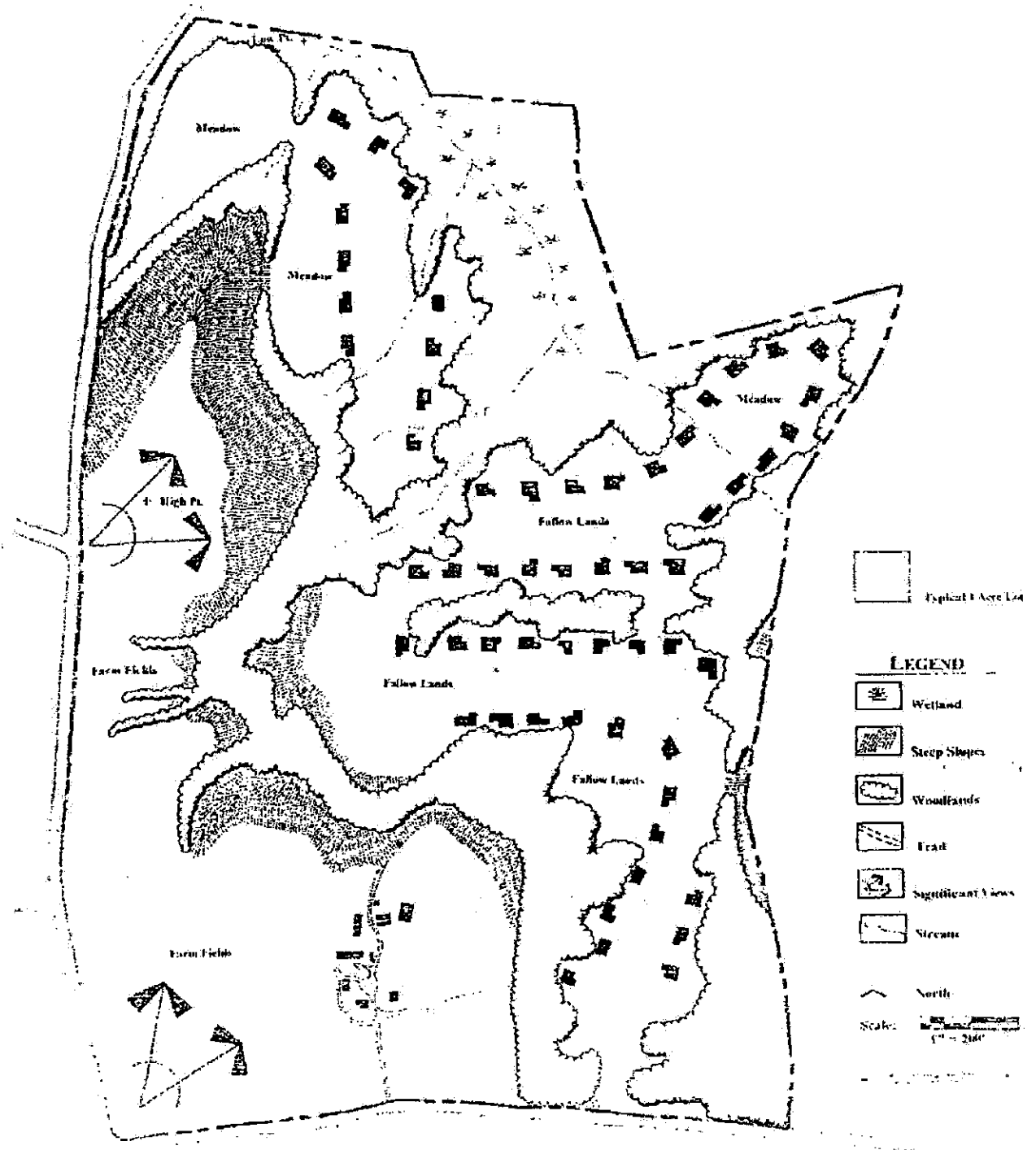
The Design Process for Conservation Design Subdivisions

Step 2: Based on the identification of conservation areas in Step 1, identify remaining areas that are suitable for development. These will be the potential Development Areas.



The Design Process for Conservation Design Subdivisions

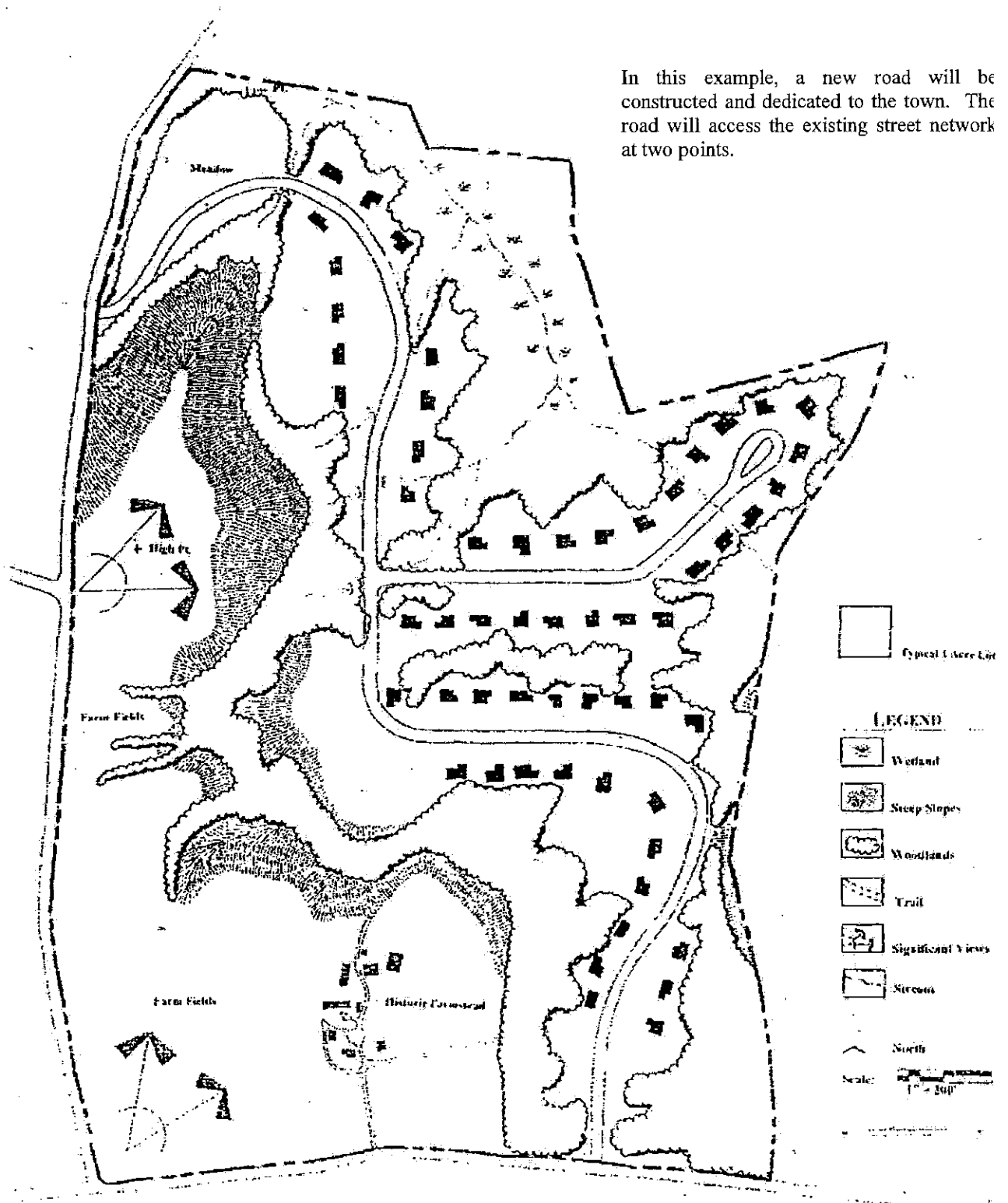
Step 3: Locate homes in the potential Development Areas.



The Design Process for Conservation Design Subdivisions

Step 4: Align roads to provide access to each of the homes.

In this example, a new road will be constructed and dedicated to the town. The road will access the existing street network at two points.



The Design Process for Conservation Design Subdivisions

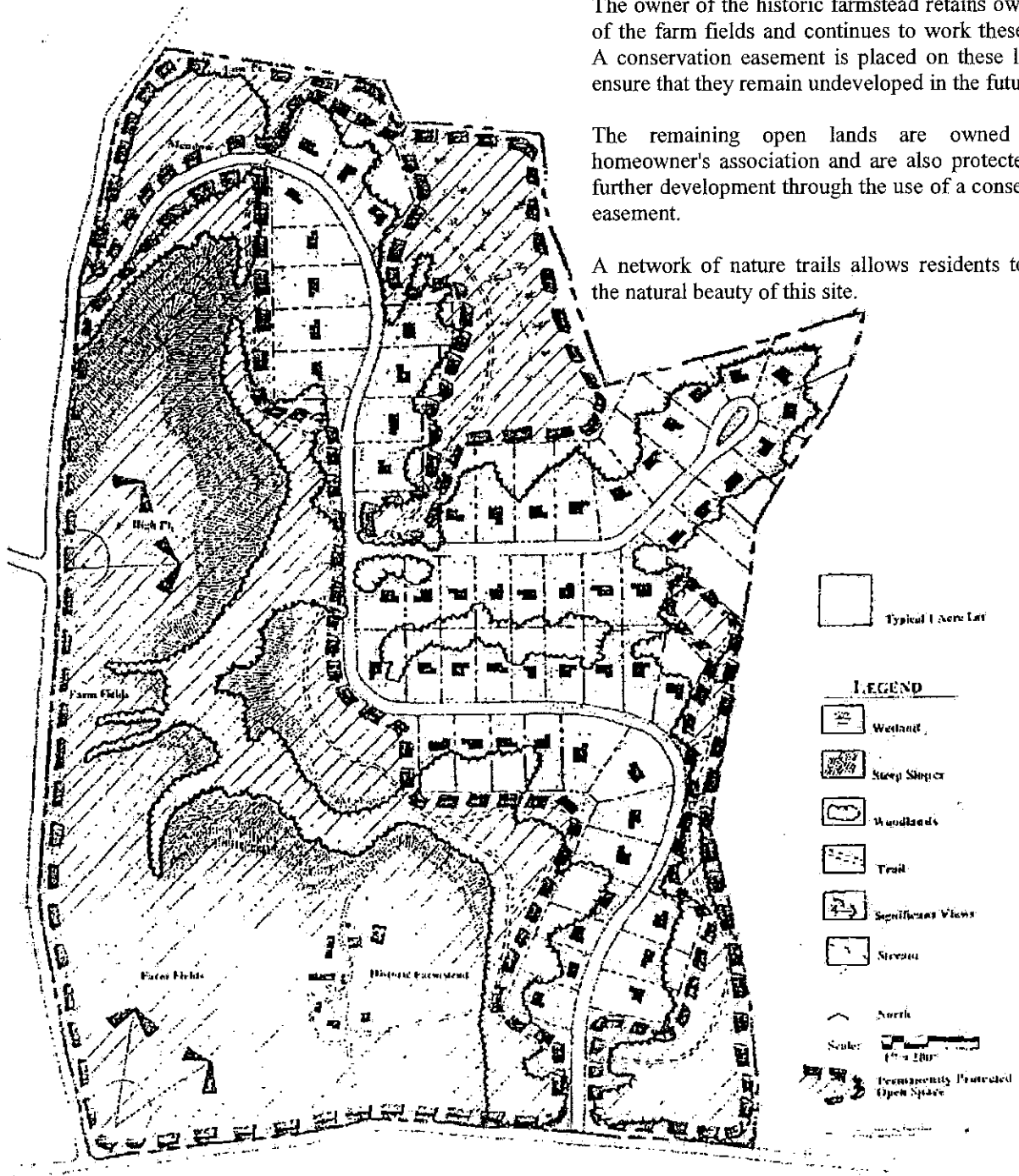
Step 5: Draw in lot lines and determine ownership and necessary accommodations for the permanently protected open space created from this subdivision.

In this example, the 59 new housing lots range in size from the minimum 1 acre (as required under zoning), to about 2 acres.

The owner of the historic farmstead retains ownership of the farm fields and continues to work these lands. A conservation easement is placed on these lands to ensure that they remain undeveloped in the future.

The remaining open lands are owned by a homeowner's association and are also protected from further development through the use of a conservation easement.

A network of nature trails allows residents to enjoy the natural beauty of this site.



IV. Procedures

- A. All applicants required to prepare a Conservation Design Subdivision shall provide the Planning Board with a conceptual conventional subdivision design as well as a proposed layout for a conceptual Conservation Design Subdivision during the Pre-Application Conference. During Pre-Application Conference, the applicant should demonstrate how the conservation subdivision design process was utilized to arrive at the conceptual design.

The following items shall be required as part of the Conceptual Subdivision submittals:

- A site map showing the parcel with USGS topography
- A soils map of the site
- An aerial photograph of the site
- A NYS wetlands map of the site
- A Conservation Analysis Checklist (Town will provide)

As part of the CDS conceptual design, the applicant utilizing the above information shall prepare and submit to the Planning Board a conservation analysis consisting of inventory maps, description of the land, and an analysis of the conservation value of the various site features (utilizing a Conservation Analysis Checklist available from the Town). The Conservation analysis shall show lands with conservation value, included but not limited to site lands exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. The Planning Board, utilizing the conceptual conventional subdivision design and the conceptual conservation subdivision design and the aforementioned conservation analysis, shall determine the usable Development Area and the number of residential building units which will be allowed to be constructed pursuant within the proposed Conservation Design Subdivision.

- B. The Preliminary and Final Subdivision approval process as outlined in the Town of Northumberland's Subdivision Regulations shall be utilized for all Conservation Design Subdivision. The Planning Board has the final authority to designate all Conservation Areas and Development Areas.

V. Rural Road Design Option

The applicant shall have the opportunity to submit a rural road design, which after review, consultation, and approval by the Planning Board and the Town's Highway Superintendent may be utilized within the CDS.

VI. Reduction of Dimensional Requirements

- A.** The Planning Board encourages applicants to modify lot size, shape and other requirements for dimensional lots within a CDS, subject to the following limitations:
1. Lots having reduced area or frontage shall not have frontage on a street or road other than a street or road created by the CDS; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this regulation.
 2. At least 50% of the required setbacks for the district shall be maintained in the CDS unless a reduction is otherwise authorized by the Planning Board.

VII. Open Space Requirements

- A.** Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
1. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon demonstration that such inclusion promotes the purposes of this regulation.
 2. The open space shall be contiguous. Contiguous shall be defined as being connected. Open space will still be considered connected if it is separated by roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this regulation and/or protect identified primary and secondary conservation areas.
 3. The open space shall be used for wildlife habitat, conservation and/or the following additional purposes: agriculture, historic preservation, recreation, trail, park purposes, horticulture, forestry, and a combination of these uses and shall be served by suitable access for such purposes. The Planning Board may permit open space to be paved or built upon

for structures accessory to the dedicated use or uses of such open space (i.e. pedestrian walks, bike paths, etc.)

4. Wastewater and storm water management systems serving the CDS may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space requirement.
5. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:
 - a. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
 - b. A corporation or trust owned jointly by or in common by the owners of lots within the CDS. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for the maintenance expenses to each lot.
 - c. An individual property owner with deed restrictions or conservation easements.
 - d. The Town of Northumberland (requires Town Board approval).

S. Solid Waste Management and/or Resource Recovery Facilities

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

T. Soil Disturbance

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

1. Exceptions:

Nothing contained within this Ordinance will preclude soil disturbing

activities in the event of a bona fide emergency for authorized governmental activities or for the customary cultivation of farmland associated with agricultural activities or the conversion of various lands for agricultural purposes or for the non-commercial selective cutting of trees for firewood and/or woodland management purposes.

U. Commercial Timber Harvesting

Local Law #1 of 2006 requires a permit from the Town for commercial timber harvests which removes more than 10,000 board feet or ten (10) cords of wood.

V. Watercourse Protection

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

1. Regulated Watercourse Areas.

These watercourse protection standards are applicable to all streams within the Town of Northumberland which are delineated on the most recent edition of the U.S. Geological Survey's 7.5 minute quadrangle maps for the Town of Northumberland and to all adjacent areas lying within one hundred feet (100') measured horizontally from the centerline of the stream in each direction.

Said maps are on file and copies are available for reference at the Town Clerk's Office.

2. Prohibited Activities.

The following activities shall be prohibited within the regulated watercourse areas:

- a. The installation of any septic tank, leach fields or other on-site sewage disposal facility.
- b. The storage or dumping of any waste material, junk, refuse, or other debris.
- c. Substantial clearing or grading, or any building construction. Substantial clearing shall be defined as removal of more than 50 percent of the existing vegetation.
- d. The piping or culvert of streams in excess of 50 feet.

3. Activities subject to site plan review and approval:

The following activities shall require site plan approval before being undertaken in the regulated watercourse areas:

- a. The alteration, repair, or removal of any existing buildings or structures.
 - b. The repair or replacement of existing faulty or deteriorating sewage facilities.
 - c. Culverts and bridges.
 - d. Discharges.
 - e. Agricultural activities within fifty feet (50') of a regulated watercourse.
4. Exempt Activities.

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

- a. Active agricultural activities greater than 50' from a regulated watercourse which do not involve a point discharge to said watercourse.
- b. Watercourse maintenance activities, if carried out in accordance with applicable New York State DEC standards, requirements, and permits.
- c. The following activities related to the necessary, normal maintenance and upkeep of property:
 - (i) Ordinance care (required by decree, law or ordinance – municipal regulation)
 - (ii) Gardening
 - (iii) Tree and shrub care
 - (iv) Removal of dead and deteriorating vegetation
- d. Municipal utility and road crossings.
- e. Maintenance and reconstruction of municipal utilities and roads.

W. Right to Farm Law

The Town of Northumberland encourages the maintenance and preservation of farming within its boundaries. Local Law #7 of 1991, as amended by Local Law

#1 of 1992, known as the Right to Farm Law, has been adopted by the Town of Northumberland and requires the following public notification be included on all building permits and subdivision plats:

"This property may border a farm, as defined in Town of Northumberland Local Law No. 7 of the year 1991. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

X. Travel Trailers

Any travel trailer sited on property within the Town of Northumberland and actively used for more than thirty (30) consecutive days or forty-five (45) days aggregate in any one calendar year shall be considered a mobile home.

Y. Construction Trailers

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

Z. Stormwater Management

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

ARTICLE XII

NON-CONFORMING USES, BUILDINGS, AND STRUCTURES

The following provisions shall apply to all non-conforming or non-complying uses, buildings, and structures existing on the effective date of this Ordinance, to all buildings and uses that may become non-conforming or non-complying by reason of any subsequent amendment to this Ordinance and the Zoning Map which is a part thereof, and to all complying buildings housing non-conforming uses:

A. Existing Non-Conforming Uses

Any lawful non-conforming use of buildings or open land in existence on the effective date of this Ordinance, may be continued indefinitely if maintained in accordance with all applicable codes, ordinances, regulations, and other requirements, but:

1. Shall not be enlarged, altered, extended, reconstructed or restored, except as provided in this Section, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this Ordinance.
 - a. The owner of any already established and legal small business, light industry, or residence may expand or increase the size and area of such building(s) by no more than twenty five (25) percent of their size and area on the date of passage of this Ordinance or any amendment thereafter, only after receipt of a special use permit from the Planning Board in accordance with procedures outlined in Article IX. However any business or light industry made non-conforming by the Zoning Ordinance of the Town of Northumberland of December 12, 1977, or any amendment thereafter, may not increase the size and area of said building more than twenty five (25) percent of its size and area as of the time of passage of that Ordinance, or any amendment thereafter. This provision does not apply to owners of mobile home parks.
2. Shall not be moved to another location where such use would be non-conforming;
3. Shall not be changed to another non-conforming use; and
4. Shall not be re-established if such use has been discontinued for any reason, whether through vacancy or cessation of use, for a period of eighteen (18) months or longer, or has been changed to or replaced by a conforming use. The intent to resume a non-conforming use shall not be deemed as conferring the right to do so. If the owner of said use has been in the military service in excess of eighteen (18) consecutive months, said owner shall be exempted from this provision for said period of time served.

While a non-conforming use may not be extended, nothing contained herein shall prohibit the extension of a lawful use to any portion of a non-complying building or structure which existed prior to the effective date of this Ordinance. No non-conforming use shall, however, be extended to displace a presently conforming use.

B. Non-Complying Buildings

Normal repair and maintenance of a non-complying building, or structural alteration of, or expansion of a non-complying building or structure declared unsafe by the Zoning Administrator or other proper authority may be restored to a proper condition within the time period provided by such authority.

C. Restoration after Damage

Nothing contained in this Article shall be deemed to prevent the restoration of a lawful non-conforming use, after damage for any reason or by any cause, provided that the bulk, height and area shall not be in excess of that which existed prior to the damage, that all applicable New York State Uniform Fire Prevention and Building Code provisions be fully complied with, and that the restoration be commenced within one (1) calendar year of the damage and be fully completed within three (3) calendar years of such occurrence, or the use of such buildings or lands as a legal non-conforming use shall thereafter be terminated.

D. Completion

Nothing in this Article shall prohibit the completion of any lawful structure for which the excavation has been prepared and the foundation walls constructed at the date this Ordinance takes effect, provided however, that the construction must be completed within a period of one (1) year from that date.

E. Mobile Homes

No provision of this Ordinance shall prohibit or restrict in any way the right of a mobile home owner to replace his or her existing mobile home with one of equal or greater value. The replacement mobile home shall comply with all local and state requirements.

ARTICLE XIII
ADMINISTRATION AND ENFORCEMENT

A. The Zoning Administrator: Powers and Duties

1. General: This Ordinance shall be administered and enforced by the Town Zoning Administrator except where otherwise specifically provided herein. This person shall be appointed by the Town Board of the Town of Northumberland. The Town Board may fix the salary or remuneration of such person and provide for the payment thereof. Except where otherwise required by this Ordinance, whenever any permit is required, the same shall be applied for and shall be issued in the first instance from the office of the Zoning Administrator in accordance with the requirements of this Ordinance and applicable regulations governing building construction and the issuance of building permits.
2. General Administration: The Zoning Administrator shall review all Planning Board and Zoning Board of Appeals applications for completeness, including compliance with SEQRA, collect all applicable fees, and forward all complete applications to the appropriate board.
3. Building Permits:
 - a. The Zoning Administrator receives all applications for building permits. Where required, a driveway permit shall always be obtained prior to the issuance of a building permit. Except as provided herein, the following activities shall not be undertaken until the Zoning Administrator has issued a building permit stating that the proposed use and/or structure complies with all applicable provisions of this Ordinance:
 - (1) Erection, structural alteration, reconstruction or enlargement of any building or structure, including antennae;
 - (2) Excavation in preparation of building;
 - (3) Construction of, substantial alteration of, or additions to sewage disposal systems, electrical systems or water supply systems, including plumbing or drainage facilities;
 - (4) Construction of, substantial alteration of, or additions to driveways or parking lots, with the exception of those used solely for one-family dwellings and two-family dwellings;
 - (5) Movement of a mobile home onto a lot, when in the Mobile Home District. A mobile home is not allowed outside a Mobile Home District, except for farm help.

- b. All building permit applications shall include a plot plan or an approved site plan, if applicable, drawn to scale and accurately dimensioned, showing the location of all existing and proposed structures on the lot, required setbacks, and such other information as may be required by the Zoning Administrator to determine compliance with this Ordinance and other applicable regulations. The required fee shall accompany the application.
 - c. The Zoning Administrator shall make a determination, based upon submitted material and any relevant facts which may come to his/her knowledge, whether such application complies with all relevant provisions of this Ordinance. Based upon the Zoning Administrator's determination, the building permit shall be issued or refused. He/she shall provide the applicant for any permit which is refused with a written notice thereof and reasons for such refusal. A copy thereof shall be forwarded to the Zoning Board of Appeals, if appropriate, or to the Planning Board, if the applicant's request requires a special permit.
4. Certificates of Occupancy or Use: All persons desiring permission to occupy and use a building or structure or part thereof following construction, erection, relocation, extension or structural changes, wholly or in part, or to change the use of an existing building or part thereof; or to change the use of land, for any uses other than those consisting principally of tilling the soil, removal of topsoil, removal of gravel or sand, extracting minerals, gas or oil, removal of timber or wood products, shall apply to the Zoning Administrator for a Certificate of Occupancy or Use.
- a. Application for Certificate of Occupancy or Use: Any such application for a Certificate of Occupancy or Use shall be made in duplicate in accordance with rules established by the Zoning Administrator. Such application shall be made concurrently with an application for a Building Permit.
 - b. Approval: The Zoning Administrator may issue a Certificate of Occupancy or Use after determining by inspection that the premises complies with the plans, specifications, and conditions for which a Building Permit was issued.
 - c. Entitlement: The issuance of a Certificate of Occupancy or Use by the Zoning Administrator shall entitle and authorize the applicant to occupy and use, initially and continuously, or to change the use of, building and land in accordance with this Article.

- d. **Validity:** A Certificate of Occupancy or Use shall remain valid only for those specific conditions of use and occupancy in effect at the time of issuance or for which said certificate was issued, subject to the requirements for non-conforming uses.
 - e. **Disapproval:** In case the Zoning Administrator shall refuse to issue a Certificate of Occupancy or Use, his/her reasons shall be stated in writing on the applications and one (1) copy shall be returned to the applicant.
 - f. **Rescission:** The Zoning Administrator may rescind for just cause a Certificate of Occupancy or Use which he/she has issued.
 - g. **Fees:** There shall be paid to the Building Inspector prior to the issuance of any Certificate of Occupancy or Use not requiring a building permit, a Certificate of Occupancy or Use fee as set forth in the fee schedule as established by the Town Board.
 - h. **Appeal:** Any persons allegedly aggrieved as a result of an action or failure to act by the Zoning Administrator in regard to a Certificate of Occupancy or Use shall have recourse to the Zoning Board of Appeals.
 - i. **Referral to Planning Board, Town Board and Zoning Board of Appeals.** The Zoning Administrator shall instruct any applicant of the appropriate Town agency to whom an application should be presented prior to issuance of a Building Permit, as specified by the procedures set forth in this Ordinance.
 - j. **No Certificate of Occupancy or Use shall be issued for any special use of a building or land requiring special permit or final site plan approval by the Planning Board, unless and until such special use permit or final site plan approval has been granted by the Planning Board. Every Certificate of Occupancy or Use for which special use permit or final site plan approval has been granted, or in connection with which a variance has been granted by the Zoning Board of Appeals, shall contain a detailed statement of any condition(s) to which the same is subject and include, by attachment, a copy of such Board of Appeals or Planning Board decision.**
5. **Temporary Certificates of Occupancy:** After review and under such rules and regulations as may be established by the Board of Appeals and filed with the Town Clerk, a temporary Certificate of Occupancy for not more than one (1) year may be issued by the Zoning Administrator. The Board of Appeals shall have the right to revoke any Temporary Certificate at its own discretion. Such a certificate shall be required for:

- a. Unfinished structures;
 - b. Land for the purpose of temporary amusements, provided that such use shall not be detrimental to the community welfare;
 - c. The Board of Appeals may, after public notice and hearing, authorize the Zoning Administrator to issue a single renewal of said Temporary Certificate of Occupancy for a period of not more than one (1) additional year.
6. Records: The Zoning Administrator shall keep clear, concise and adequate records of all activities in performance of his/her office including all applications for permits and certificates and his/her action thereupon.
7. Reports: The Zoning Administrator shall make a monthly report to the Town Board of all activities in performance of his/her duties in the form required by the Town Board, and shall turn over to the Town Board all fees collected. A copy of the monthly report shall be filed with the Town Clerk, the Planning Board, and the Zoning Board of Appeals.
8. Enforcement: The Zoning Administrator shall initiate any legal action the Town Board shall determine appropriate to require compliance with this Ordinance and abate any violations thereof.
9. Action in Response to Appeal: In the event that any of the Zoning Administrator's actions are appealed to the Zoning Board of Appeals, he/she shall forward to the Zoning Board of Appeals copies of all records relevant to such action. The Zoning Administrator shall be present before the Zoning Board of Appeals when a public hearing upon such appeal is held.
10. Issuance of Notices of Violation: Whenever, in the opinion of the Zoning Administrator, after proper examination and inspection, there exists a violation of any provision of this Ordinance, or of any rule or regulation adopted pursuant hereto, he/she shall on his/her own initiative serve a written notice upon the appropriate person or persons responsible for such alleged violation and forward a copy of said notice to the Town Supervisor. Such notice may be served upon the person to whom it is directed either by delivering it personally to him or her, or by posting the same upon a conspicuous portion of the building under construction or premises in use and by sending a copy of the same to the person or persons responsible by certified mail. Such notice shall inform the recipient of the following:
 - a. The nature and specific details of such alleged violation;
 - b. The date by which the alleged violation must be remedied or removed, which date shall be not more than twenty (20) days from the date of

notice.

The Zoning Administrator and his or her deputy or deputies are hereby empowered to issue appearance tickets to enforce the provisions of this Ordinance.

11. Taking of Emergency Action: If, in the opinion of the Zoning Administrator, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building or to other persons, the Zoning Administrator may direct that such violation be immediately remedied or may take direct action on his or her own initiative to abate the hazard. Any costs incurred by such action shall be paid for by the owner, occupant, or person responsible for the violation. The Zoning Administrator shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore authorized to institute a lawsuit, if necessary, against the person liable for such expenses, or place a lien against the property, in order to recover the said costs.
12. Entry and Inspection: The Zoning Administrator shall give reasonable written notice to the owner (s) of his or her intent to examine or inspect any building or property and shall enter only with permission of the owner. At such time, the Zoning Administrator shall have the right to enter upon, examine and inspect, or cause to be entered, examined and inspected, any building or property for the purpose of carrying out his or her duties, and to determine the compliance by request with the provisions of this Ordinance. If such permission is denied, the Zoning Administrator shall contact the Town Attorney to pursue appropriate legal action necessary to gain entry for the purposes of examinations and inspection of the building or property in question.
13. Unsafe Structures

Upon written complaint or written notice by any person to the Zoning Administrator, or upon the Zoning Administrator's own initiative, that a structure may be unsafe:

 - a. The Zoning Administrator shall make an inspection of the structure and shall file a report of said inspection with the Town Attorney and the Town Board.
 - b. Upon the preliminary finding by the Zoning Administrator that the structure endangers the health, safety or welfare of the public, the Zoning Administrator shall serve notice upon the owner and all other persons having an interest in such property or structure, either personally or by registered mail addressed to the last known address as shown by the

records of the Tax Assessors and/or in the Office of the County Clerk, containing a description of the premises, a statement of the particulars in which the structure is unsafe or dangerous and an order of the Zoning Administrator requiring the structure to be repaired or removed. If such service is made by registered mail, the Zoning Administrator shall cause a copy of said notice to be posted on the premises.

- c. The owner so served shall have no more than ninety (90) days within which to commence the repair or removal of such structure.
- d. The Zoning Administrator shall file a copy of said notice in the Office of the Saratoga County Clerk, which notice shall be filed by said County Clerk in the same manner as a Notice of Pendency, pursuant to Article 65 of the New York State Civil Practice Law. The notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Town Attorney. The Saratoga County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- e. The Zoning Administrator shall hold a hearing, notice of which shall be served upon the owner and such persons having and interest in the property or structure as is herein prescribed.
- f. The Department of Public Works shall remove or contract for the removal of such structure in the event such owner fails or refuses to repair or remove the same within the time provided.
- g. All costs and expenses incurred by the Town in connection with the proceeding to repair or remove such structure, including the cost of actual removal of same, shall be assessed against the land on which such structure is located.
- h. The powers conferred by this section shall be in addition to those contained in the New York State Building and Fire Code.

B. Misrepresentation

Any permit or approval granted under this Ordinance which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This Section shall not be construed to affect the remedies available to the Town under Section D of this Article.

C. Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Zoning Administrator who may require such complaint to be in writing. The Zoning Administrator shall have the complaint properly investigated and report thereon to the Town Board.

D. Penalties for Violations

1. Penalty: Violation of any provision or requirement of this Ordinance or violation of any statement, plan, application, permit, or certificate approved under the provisions of this Ordinance, shall, in accordance with Section 268 of Town Law, be considered an offense punishable by a fine of not more than two hundred fifty dollars (\$250.00), and/or imprisonment for not more than six (6) months for each offense. The owner, general agent or contractor of a building premises, or part thereof, where such a violation has been committed or does exist, and any agent, contractor, builder, architect, corporation or other person who commits, takes part or assists in such violation, shall be liable for such an offense. All such penalties shall be collectable by and in the name of the Town. Each and every day that any such violation continues after notification that such violation exists shall constitute a separate offense. Such notice shall be given in writing by the Zoning Administrator and shall be served by certified mail or personal service.
2. Court Action: The imposition of penalties herein prescribed shall not preclude the Town from instituting any appropriate legal action or proceeding in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance of use, or to restrain by injunction, correct or abate a citation or prevent the illegal occupancy of a building, land or premises.

E. Status of Existing Violations

No building permit or Certificate of Occupancy or Use required by this Ordinance shall be issued by the Zoning Administrator pertaining to any premises on which there exists a violation of this Ordinance, or any related town regulation which governs either building construction or the use of land and structures within the Town of Northumberland.

F. Form of Petitions, Applications and Appeals

Unless otherwise stated, all petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the Planning Board and Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

G. Application Fees

Fees provided for by this Ordinance shall be paid upon the submission of petitions, applications and appeals and prior to inspections, in such amount or amounts as shall be established by the Town Board from time to time. Said fees will be posted in the Building Department on the official "Schedule of Fees for the Town of Northumberland". The following actions will require fees.

1. Building Permit
2. Certificate of Occupancy or Use
3. Temporary Certificate of Occupancy
4. Special Permit
5. Site Plan Review Application
6. Zoning Variance Application
7. Planned Unit Development Application
8. Inspections

This list is not necessarily all inclusive.

H. Payment of Fees

1. All fees shall be paid at the time of application to the Zoning Administrator.
2. No fee shall be allowed to be substituted for any other required fee.

I. Notice of Public Hearing

Each notice of hearing upon an application for site plan review or a special permit, an application for PUD districting, the review of a variance application, or upon an appeal to the Zoning Board of Appeals from an action of the Zoning Administrator shall be published once in a newspaper having general circulation in the Town at least ten (10) days prior to the date of the hearing. In addition, at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of the property within five hundred (500) feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.

ARTICLE XIV ZONING BOARD OF APPEALS

A. Purpose and Intent

The purpose of this Article is to provide for the creation of a Zoning Board of Appeals with the power to issue variances from this Ordinance in cases where the strict application thereof would result in practical difficulty or unnecessary hardships inconsistent with the general purpose and objectives of this Ordinance. It is further the purpose of this Article to provide a mechanism for appeal of any decision of the Zoning Administrator and to provide a mechanism for interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

B. Creation, Appointment and Organization

The Town Board shall appoint a Zoning Board of Appeals pursuant to Section 267 of Town Law. Said Board shall consist of seven (7) members and two (2) alternate members, to serve for staggered seven (7) year terms. The Chairperson of the Board shall be one of the seven (7) members and shall be designated as such annually by the Town Board. Vacancies shall be filled for such unexpired term only. The Board shall elect a Vice Chairman from its membership, and shall establish rules for the conduct of the officers. The Town Board shall appoint a secretary. All members are subject to removal by the Town Board for cause and after public hearing. The Board of Appeals may employ such clerical or other staff assistance as may be necessary and prescribe their duties, provided it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.

C. Powers and Duties

1. Rules of Procedure, Bylaws, Forms: The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws, and forms as may be provided for in Section 267 of Town Law for the proper execution of its duties and to secure the intent of this Ordinance. Such rules, by-laws, and forms shall not be in conflict with, or have the effect of waiving, any provisions of this Ordinance or any other Ordinance or Ordinances of the Town of Northumberland. Such rules, by-laws, forms, and any subsequent amendments or supplements thereto, shall be submitted to the Town Board by the Zoning Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject, or modify such rules, by-laws and forms within seventy (70) days after submission.
2. Appeals Seeking Interpretations: The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. This shall not be construed

so as to permit an appeal to the Zoning Board of Appeals of a decision or determination made by the Zoning Administrator which is based upon a determination of the Planning Board. Such appeals shall be made pursuant to Article XI.D.8 of this Ordinance.

3. Appeals Seeking Variances:

- a. Area Variances. Except as otherwise provided herein, where there are practical difficulties in the way of carrying out the strict letter of this Ordinance pertaining to area regulations, the Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify yard requirements, setback lines, lot coverage, frontage requirements, height requirements, and density regulations.
 - (1) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - (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 Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (2) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood.

- b. Use Variances. Except as otherwise provided herein, when the literal application of this Ordinance pertaining to use of land will result in unnecessary hardship, the Zoning Board of Appeals shall have the power in passing upon appeals to vary the use requirements of this Ordinance.
- (1) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that
- (a) Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
- (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.
- (2). The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.
- c. Variances to Flood Damage Prevention Law. See Local Law Number 1 of 1995 for specifics.
- d. Imposition of Conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Ordinance, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

4. The indirect implications of such change in its effect on other regulations; and
5. Whether such proposed amendment is consistent with the underlying objectives of the Town's Comprehensive Land Use Plan and this Ordinance.

C. Town Board Procedure

1. Public Hearing: No such change in text or zoning district boundary of this Ordinance shall become effective until after a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.
2. Public Notice of Hearing: At least ten (10) days prior to the date of such public hearing, a notice of the time and place of such hearing shall appear in a newspaper of general circulation in the Town. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves according to Section 265 of the Town Law. Notice of any proposed change or amendment affecting property within five hundred (500) feet of any other municipality, state park or parkway shall be provided to the clerk of such municipality(ies) at least ten (10) calendar days prior to the date of such public hearing. Written notice of such proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law shall be given at least ten (10) calendar days prior to the date of such hearing.
3. Required Referral: The Town Clerk shall promptly transmit to the Saratoga County Planning Board any matters required to be referred pursuant to the provisions of Sections 239(l) and 293(m) of the General Municipal Law. Sections 239(l) and (m) of the General Municipal Law require that any municipal zoning regulation, or amendment to a zoning regulation, which would change the district classification of, or the regulations applying to real property lying within a distance of five-hundred (500) feet from the boundary of any city, village, town, existing or proposed county or state park or other recreation area; any right-of-way or any stream or drainage channel owned by the County for which the County has established channel lines; any existing or proposed boundary of any county or state owned land on which a public building or institution is situated. The boundary of a farm operation within an Agricultural District established pursuant to Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the County Planning Board or thirty (30) calendar days have elapsed since the County Planning Board received all materials relevant to such proposed amendment.

4. Compliance with State Environmental Quality Review Act: Proposed amendments are actions subject to the provisions of the New York State Environmental Quality Review Act. Prior to formal consideration and public hearing, the Town Board shall make a determination as to the type of action, lead agency status, and environmental significance of the proposal in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR.
5. Town Board Action: The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four (4) members of the Town Board, i.e. a majority plus one, shall be required if:
 - a. Action being taken is contrary to the advisory recommendation received from the Saratoga County Planning Board under the provisions of Sections 239 (l) and (m) of the General Municipal Law; or
 - b. In accordance with the provisions of Section 265 of the Town Law, a protest petition against such amendment has been duly signed and acknowledged by the owners of at least twenty percent (20%) of the land area included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or directly across a street.
6. Publication and Postings: Every Zoning Ordinance and every amendment to a Zoning Ordinance, including any map incorporated therein, shall be entered into the minutes of a meeting of the Town Board. An abstract of said ordinance shall be published in accordance with Local Law Number One (1) of the year 1975.
7. Conformance with Town Comprehensive Land Use Plan: In all cases where the Town Board shall approve an amendment to the Zoning Map, said Board shall find, for reasons fully set forth in its resolution, such amendment to be in conformity with the Town Comprehensive Land Use Plan.

**ARTICLE XVI
MISCELLANEOUS PROVISIONS**

A. Interpretation, Conflict with other Ordinances.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

B. Adherence to Covenants, Easements and Restrictions.

All filed maps or other instruments of record restricting the use or partition of land, such as covenants, easements or restrictions, shall be adhered to.

C. Effect of Existing Violations.

No site plan or special permit shall be approved, no building permit or Certificate of Occupancy or Use issued, no subdivision or variance granted under this Ordinance for any premises upon which there is an existing violation of this Ordinance, unless the building permit, variance or Certificate of Occupancy or Use is necessary to allow for the removal of the violation.

D. Severability.

Should any Section or provision of this Ordinance be decided by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the Section of provision so declared to be unconstitutional or invalid.

E. Periodic Review Required.

From time to time, at intervals of not more than five (5) years, the Planning Board shall conduct a review of the effectiveness of the provisions of this Ordinance, including the location of zoning district boundaries, and shall submit a report thereon to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of the public health, safety, convenience, necessity, or welfare.

F. Supersession.

The Zoning Ordinance of the Town of Northumberland, Saratoga County, New York" enacted by the Town Board in December 1977, together with all

subsequent changes and amendments thereto, is hereby comprehensively revised and superseded by this Ordinance.

- G. Effective Date.** This Ordinance shall become effective immediately, in accordance with the applicable provisions of law, specifically Section 27 of the Municipal Home Rule Law.

ATTACHMENT A

**USE, AREA AND BULK REGULATIONS
OF THE TOWN OF NORTHUMBERLAND**

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

APD – Agricultural Protection District

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	----- Setbacks -----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Farms	10	300	NA	NA	NA	10%	35 (1)
Single Family Dwelling	5	300	50	25	25	10%	35
Agricultural Pursuits	10	300	50	25	25	10%	35
Agricultural Use Structures	10	300	50	25	25	10%	35 (1)
Forestry Uses	10	300	50	25	25	10%	35
Forestry Use Structure	10	300	50	25	25	10%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	10%(2)	25
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Swimming Pool	NA	NA	70	20	20	NA	NA
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Storage Shed	NA	NA	60	20	20	NA	10
Special Permit Uses							
Farm Employee Dwelling Units	10(2)	300	50	25	25	10%(2)	35
Home Occupation	5(2)	300	50	25	25	10%(2)	35
Bed & Breakfast	5	300	50	25	25	10%	35
Forestry Use Structures	10	300	50	25	25	10%	35
Garden Shop	5	300	50	25	25	10%	35
Mining	1	300	100	100	100	NA	35

APD – Agricultural Protection District (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	-----Setbacks-----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses (continued)							
Nursing Home	5	300	100	50	50	10%	35
Marina	5	300	50	30	30	10%	35
Park	5	300	10	10	10	10%	35
Composting Facility	10	300	50	30	30	10%	35
Agribusinesses	10	300	100	100	100	10%	
Sawmills	5	300	100	100	100	50%	
Riding Stables	10	300	100	100	100	20%	
Signs: See Article X (H) (14) for regulations							
(1)	A silo shall have a maximum height of 90 feet						
(2)	The requirement for the principal and accessory uses, combined.						

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

R-3 Residential

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	----- <u>Setbacks</u> -----			Maximum Lot Coverage	Height
Permitted Principal Uses							
Farms	5	300	NA	NA	NA	20%	35 (1)
Single Family Dwelling	3	200	50	25	25	20%	35
Agricultural Pursuits	10	300	50	25	25	20%	35
Agricultural Use Structures	10	300	50	25	25	20%	35 (1)
Forestry Uses	10	300	50	25	25	20%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	20%(2)	25
Storage shed	NA	NA	60	20	20	NA	10
Swimming Pool	NA	NA	70	20	20	NA	NA
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Farm Employee Dwelling Unit	10(2)	200	50	25	25	20%(2)	35
Special Permit Uses							
Forestry Use Structure	10	300	50	25	25	20%	35
Home Occupation	3(2)	200	50	25	50	20%(2)	35
Stable/Riding Academy	10	300	100	100	100	20%	35
Veterinarian Clinic/Hosp.	3	300	100	100	100	20%	35

R-3 Residential – (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	-----Setbacks-----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses (continued)							
Kennel	10	300	100	100	100	20%	35
Garden Shop	3	200	50	25	25	20%	35
Bed & Breakfast	3	200	50	25	25	20%	35
Golf Course	160	300	100	100	100	20%	35
Mining	3	300	100	100	100	NA	35
Public Utility	3	200	50	50	50	20%	35
Park	1	200	10	10	10	20%	15
Airport	20	NA	100	100	100	20%	35
Nursing home	3	300	100	50	50	20%	35

Signs: See Article X (H) (14) for regulations

(1) A silo shall have a maximum height of 90 feet

(2) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

R-1 Residential

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	----- <u>Setbacks</u> -----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Single Family Dwelling	1	150	50	25	25	20%	35
Duplex Dwelling	1	150	50	25	25	30%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	20% (1)	25
Storage Shed	NA	NA	60	20	20	NA	10
Swimming Pool	NA	NA	70	20	20	NA	NA
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Special Permit Uses							
Duplex Dwelling	1	150	50	25	25	30%	35
Park	1	200	10	10	10	20%	35
Library	1	200	50	25	25	20%	35
Daycare Center	1	150	50	25	25	20%	35

Signs: See Article X (H) (14) for regulations

(1) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

MH – Mobile Home

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	----- <u>Setbacks</u> -----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Mobile Home on an established lot in an established mobile home park	9,000 sq. ft	75	20	20	20	30%	35
Permitted Accessory Uses							
Private Garage	NA	NA	20	5	5	30%(1)	25
Storage Shed	NA	NA	25	5	5	NA	10
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Swimming Pool	NA	NA	40	10	10	NA	NA
Satellite Dish Antenna	NA	NA	NA	10	10	NA	15
Special Permit Uses							
Park	1	50	10	10	10	10%	35
Mobile Home Park, expansion of	5	150	50	25	25	10%	35
Laundromat	20,000 sf	50	25	15	15	50%	35
Recreation Area	1	50	10	10	10	10%	35
QuickStop Retail	20,000 sf	50	25	15	15	50%	35
Food store (gasoline pumps prohibited)							
Signs: See Article X(H) (14) for regulations							
Sf Square Feet							
(1) The requirement for the principal and accessory uses, combined.							

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

C/R - Commercial Residential

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	-----Setbacks-----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Single Family Dwelling	1	150	50	25	25	20%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	20%	25
Storage Shed	NA	NA	60	20	20	NA	10
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Swimming Pool	NA	NA	70	20	20	NA	NA
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Special Permit Uses							
Duplex Dwelling	1	150	50	25	25	30%	35
Veterinarian clinic/hosp	1	150	50	25	25	20%	35
Church	1	150	50	30	30	50%	70
Library	1	150	50	25	25	30%	35
Park	1	150	10	10	10	10%	35
Home Occupation	1 (1)	150	50	25	25	20%(1)	35
Professional Offices	1	150	50	25	25	50%	35
Office Building	1	150	50	25	25	50%	35
Bed & Breakfast	1	150	50	25	25	20%	35
Funeral Home	1	150	50	25	25	20%	35
Research & Development Center	1	150	50	25	25	50%	35
Indoor Commercial Recreation Center	1	150	50	25	25	50%	35
Restaurant	1	150	50	25	25	50%	35

C/R - Commercial Residential (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	----- <u>Setbacks</u> -----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses							
Tavern	1	150	50	25	25	50%	35
Theater	1	150	50	25	25	50%	35

Signs: See Article X (H) (14) for regulations

(1) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

H - Hamlet

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	-----Setbacks-----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Single Family Dwelling	20,000 sf	100	25	15	20	50%	35
Duplex Dwelling	40,000 sf	100	25	15	20	50%	35
Permitted Accessory Uses							
Private Garage	NA	NA	25	10	15	50%(2)	25
Storage Shed	NA	NA	35	10	15	NA	10
Swimming Pool	NA	NA	45	10	15	NA	NA
Satellite Dish Antenna	NA	NA	NA	10	15	NA	10
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Special Permit Uses							
Retail Business	20,000 sf	50	25	15	20	60%	35
Restaurant	20,000 sf	50	25	15	20	60%	35
Tavern	20,000 sf	50	25	15	20	60%	35
Home Occupation	20,000 sf(2)	100	25	15	20	50%(2)	35
Professional Office	20,000 sf	50	25	15	20	60%	35
Gasoline Station	20,000 sf	50	25	20	20	50%	35
Public/ Semi-public use	1 acre	75	25	15	20	50%	35
Library	1 acre	75	25	15	20	50%	35
Park	1 acre	100	25	10	10	10%	35
Funeral Home	1 acre	100	25	20	20	50%	35
Daycare Center	1 acre	150	25	25	20	50%	35
Nursing Home	1 acre	150	25	20	20	50%	35
Hotel or Motel	2 acre	100	25	20	20	50%	35
Bed & Breakfast	1 acre	100	25	20	20	50%	35
Laundromat	20,000 sf	50	25	15	15	60%	35
Theater	20,000 sf	100	25	15	20	60%	35

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM SIZES,
AREA AND BULK REGULATIONS

H - Hamlet (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	-----Setbacks-----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses (continued)							
School	1 acre	150	25	25	20	50%	35
Church	1 acre	150	25	25	20	50%	70
Public Garage	20,000 sf	50	25	15	20	50%	35
Membership Clubhouse	20,000 sf	50	25	20	20	60%	35
Boarding House	20,000 sf	50	25	15	20	60%	35
Antique shop	20,000 sf	50	25	15	20	60%	35
Medical Clinic	20,000 sf	50	25	15	20	60%	35
Cultural Facility	20,000 sf	50	25	15	20	60%	35
Personal Service Establishment	20,000 sf	50	25	15	20	60%	40
Health and Fitness Club	20,000 sf	50	25	15	20	50%	35
Pharmacy	20,000 sf	50	25	15	20	50%	35

Signs: See Article X (H) (14) for regulations

SF Square foot

(1) Dwelling Unit

(2) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

I - Industrial

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	-----Setbacks-----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses							
Manufacturing	1	200	50	30	30	60%	35
Research & Development Centers	1	200	50	30	30	60%	35
Wholesale Storage & Trade	1	200	50	30	30	60%	35
Sawmills	3	200	50	30	30	60%	35
Lumberyard	3	200	50	30	30	60%	35
Truck Terminal	3	200	50	30	30	60%	35
Agribusiness	1	200	50	30	30	60%	35
Public Utility Use	1	200	50	30	30	60%	35
Mining	3	200	50	30	30	60%	35
Warehouse	1	200	50	30	30	60%	35
Composting Facility	5	200	50	30	30	60%	35
Recyclables, Handling and Recovery Facility	2	200	50	30	30	60%	35
Adult Businesses	1	200	50	50	50	25%	35
Commercial Communications Radio Towers	1	200	50	50	50	25%	35

Signs: See Article X (H) (14) for regulations

ATTACHMENT B

**PLANNED UNIT DEVELOPMENT DISTRICT MODEL LAW
OF THE TOWN OF NORTHUMBERLAND**

MODEL LOCAL ORDINANCE

Each Planned Unit Development District is in an amendment to the Zoning Ordinance. Their adoption requires a change to the existing zoning map and must be accompanied by a local law or ordinance approved by resolution of the Town Board. This model local ordinance is provided as a guide to the applicant who will be responsible for preparation of the local ordinance which should be developed during the sketch plan review process and submitted to the Town Board along with the planning board's recommendation on the project. The town attorney may amend the proposed ordinances at the direction of the Town Board.

Section 1. Title of Proposed P.U.D. District

"This ordinance shall be known as Ordinance # _____ of 20____ of the Town of Northumberland amending the Zoning Ordinance of the Town of Northumberland as adopted _____, providing for the creation of a Planned Unit Development District # _____ to be known as _____."

Section 2.

"The Zoning Ordinance of the Town of Northumberland as adopted _____ and the Zoning Map of the Town of Northumberland set forth therein and made a part thereof are amended by changing from the existing zoning districts _____ as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known and described as _____."

Section 3.

"The area of _____ (Name of P.U.D.D.) _____ consists of approximately _____ acres in the Town of Northumberland and is bounded and described as set forth in Appendix A (legal description) and Appendix B (sketch plan). Attached hereto, and made a part hereof. The area is located (approximate) and bordered by (streets)."

Section 4.

- A. Description of uses allowed in P.U.D.D. by type, number and acreage. Description of open space/recreation areas and any lands to be dedicated for public use.
- B. The sketch plan and the proposed uses are set forth in Appendix B and are in the office of the Town Clerk. The sketch plan may be amended after a Public Hearing by the Town Board.

Section 5.

Explanation of the manner in which the P.U.D.D. will be provided with water and sewer service.

Section 6.

Established construction standards for buildings and public improvements; i.e., "Plans to be approved by licensed architect or engineer. Construction will comply with N.Y. Building Codes. All construction shall be subject to inspection by Town Building Inspector, Town Engineer, and Town Highway superintendent."

Section 7.

Construction to begin within _____ months, years of final approvals and issuance of all required permits. Description of staging of development.

Section 8.

"All roads, drainage easements, and right-of-ways shall be constructed by the developer and shall be in accordance with the Town Building codes and Subdivision Regulations, be offered without cost to the Town of Northumberland for public use."

Section 9.

Dedication of open space/recreation areas to the town or non-profit entity (homeowner's association). Dedication of lands for future public use; i.e., schools, fire stations, etc.

Section 10.

"Uses permitted in P.U.D.D. are set forth in Appendix B." Statement that developer shall follow procedures of town, site plan review ordinance, and town subdivision regulations. Statement that "no use shall be permitted except as approved by the Town Board as being in conformity with this ordinance.

Section 11.

Submission of plans. "Developer shall in accordance with the town site plan review ordinance and subdivision regulations submit plans for approval of each phase of construction prior to the issuance of a building permit.

Section 12.

This ordinance shall take effect _____ days after approval by the Town Board and posting and publishing in the official newspaper of the town as required by law

_____.

Town of Northumberland

Local Law #4 of the year 2006

A Local Law Amending the Town's existing Zoning Ordinance.

This amendment would establish an Agricultural Protection District, a Commercial/Residential District, would adopt siting criteria, and would amend the lists of permitted uses within certain zoning districts. This proposed local law would apply throughout the Town of Northumberland.

Be it enacted by the Town Board of the
Town of Northumberland as follows:

ATTACHMENT C
ZONING MAP
OF THE TOWN OF NORTHUMBERLAND

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of NORTHUMBERLAND
Town
Village

Local Law No. 1 of the year 19 91

A local law WATERCOURSE PROTECTION
(Insert title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~
~~City~~ of Northumberland as follows:
Town
~~Village~~

"WATERCOURSE PROTECTION"

I. Purpose.

The Purpose of these standards is to encourage planning and development of natural and man-made watercourses and adjacent lands in the Town of Northumberland, in ways which will restore, protect and enhance the recreational and visual amenities; preserve and protect the surface water carrying capacity; maintain surface absorption and water retention capabilities of adjacent land thereby minimizing sedimentation and erosion due to rapid runoff; to protect upstream and downstream land from increased potential for periodic excessive flooding due to removal of riparian vegetation, dredging, filling, damming or channelization; to prevent degradation or loss of stream related wetlands and their flora and fauna; to maintain the stream or waterway free from litter, trash and other debris; and to control adjacent activities that will cause organic or chemical pollution to such watercourses.

II. Regulated Watercourse Areas.

These watercourse protection standards are applicable to all streams within the Town of Northumberland which are delineated on the most recent edition of the U.S. Geological Survey's 7.5 minute quadrangle maps for the Town of Northumberland and to all adjacent areas lying within one hundred feet (100') measured along the ground from the center line of the stream in each direction.

Said maps are on file and copies are available for reference at the Town Clerk's Office.

Prohibited Activities.

regulated watercourse areas shall be prohibited within the regulated watercourse areas:

- 1.) The installation of any septic tank, leach field or other on-site sewage disposal facility.
- 2.) The storage or dumping of any waste material, junk, refuse, or other debris.
- 3.) Substantial clearing or grading, or any building construction. Clearing shall be defined as removal of more than 50 percent of the existing vegetation.
- 4.) The piping or culvert of streams in excess of 50 feet.

III. Activities subject to permit:

The following activities shall require the issuance of a permit before undertaking in the regulated watercourse areas:

- 1.) The alteration, repair, or removal of any existing buildings or structures.
- 2.) The repair or replacement of existing faulty or deteriorating sewage facilities.
- 3.) Culverts and bridges.
- 4.) Discharges.

IV. Exempt Activities.

The following activities shall, to the extent provided, be exempt from these permit requirements:

- 1.) All active agricultural activities.
- 2.) Watercourse maintenance activities,
- 3.) The following activities related to the necessary, normal maintenance and upkeep of property:
 - (a) Lawn care
 - (b) Gardening
 - (c) Tree and shrub care
 - (d) Removal of dead and deteriorating vegetation
- 4.) Municipal utility crossings.
- 5.) Maintenance and reconstruction of municipal utilities.

V. Review and Issuance of Permits

- 1.) In those situations involving an application for permit, the applicant shall demonstrate the following:
 - a.) That there is no other reasonable alternative.
 - b.) That issuance of the permit will not violate the purposes of this law.
- 2.) The Town of Northumberland Planning Board shall act on all permits required by this section. In its review of any

application, the Planning Board shall coordinate its review as follows:

- a.) Consult with the Town Conservation Advisory Council (if applicable).
- b.) To the extent applicable, integrate review of the watercourse protection permit application with the Planning Board's subdivision and site plan review and approval process.

VI. Application Requirements.

The property owner shall initiate a request for a watercourse protection permit by filing an application with the Town of Northumberland Planning Board. The application shall be accompanied by plans and other data, as required by the Planning Board, to satisfactorily demonstrate that the proposed activity will be consistent with the regulations and standards set forth in this section. In general, the plans and data which shall accompany the initial application shall, for proposed activities requiring site plan and/or subdivision review, be that same information as required by Section 17 of the Town of Northumberland Zoning Ordinance and/or the Town of Northumberland Subdivision Regulations, respectively.

VII. FEE

Each application for a soil disturbance activity permit shall be accompanied by a fee as set forth in the fee schedule as established and adopted by the Town Board of the Town of Northumberland. In addition the Applicant shall be responsible for any additional engineering review costs to the Town of Northumberland as deemed necessary, to be determined by the Planning Board. The Planning Board, in its discretion, has the authority to waive any and all fee requirements related to this local law.

VIII. VIOLATIONS & PENALTIES

A. If there is any damage due to a violation of this ordinance the person, firm, partnership, corporation, or other party responsible shall be notified and shall cause the same to be removed from such property or right-of-way within thirty-six (36) hours of notice. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the violation shall be remedied immediately. In the event it is not so remedied, the Town of Northumberland shall cause such and the cost of such by the Town shall be paid to Town of Northumberland by the party who failed to so remedy and shall be a debt owed to the Town.

B. Any person, firm, partnership, corporation, or other party who violates any provision of this ordinance shall be guilty of a violation and subject to a fine of not less than fifty

dollars (\$50) nor more than two hundred and fifty dollars (\$250) or to imprisonment of not more than fifteen (15) days, or both such fine and imprisonment; and in addition, any party who violates any of the provisions of this ordinance or omits or refuses to perform any and every act hereby required shall respectively forfeit and pay a penalty of one hundred dollars (\$100) for each and every such violation and nonperformance. The imposition of any such penalty for the violation of this ordinance shall not excuse such violation nor permit the continuance thereof. The application of the above penalty or penalties for a violation of the provisions of this ordinance shall not be held to prevent the removal of conditions prohibited by this ordinance by such legal means as may be proper.

C. Every week that a violation of any of the provisions of this ordinance continues after written notice shall have been served upon the owner or his agent, either personally or by registered mail addressed to such person at his last known address, shall constitute a separate violation.

IX. EFFECTIVE DATE

This law shall take effect immediately upon filing in the Office of the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No.1..... of 19..91.
County
City of NORTHUMBERLAND as duly passed by the Town Board
Town (Name of Legislative Body)
Village
on March 11, 19..91 in accordance with the applicable provisions of law.

~~(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~2. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.~~

(Final adoption by referendum.)

~~3. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual cable provisions of law.~~

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

~~4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
on 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.~~

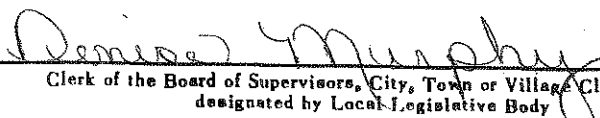
*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on the 19 became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.


Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local Legislative Body
Denise Murphy, Town Clerk

Date: April 8, 1991

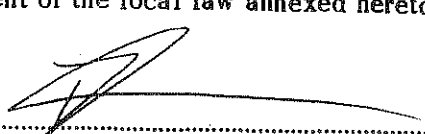
(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OFSaratoga.....

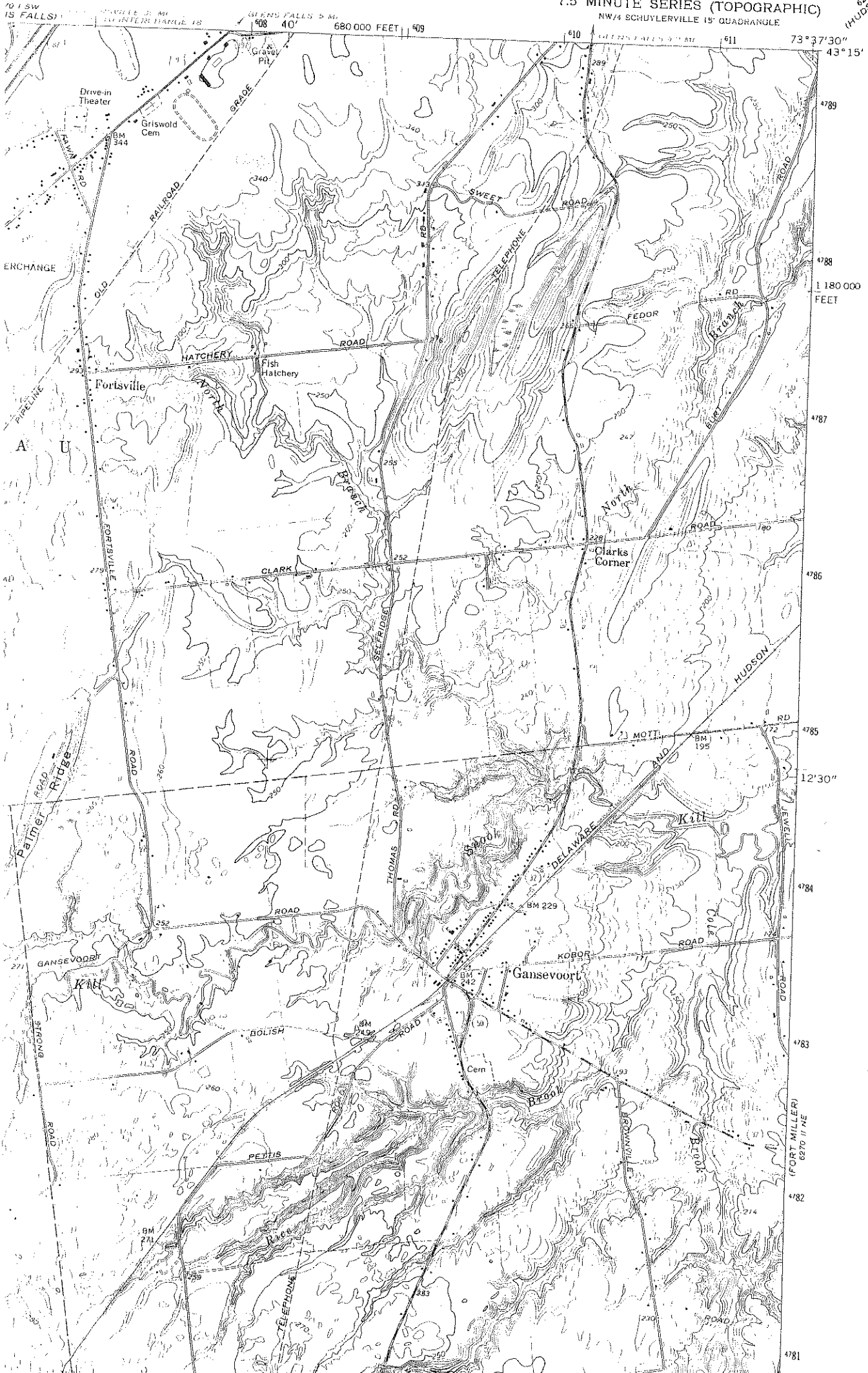
I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had of taken for the enactment of the local law annexed hereto.


.....
(Title of Officer) Richard Kupferman
~~County~~ Town Attorney
~~City~~ ofNorthumberland.....
~~Town~~
~~Village~~

Dated: April 8, 1991

GANSEVOORT QUADRANGLE
NEW YORK
7.5 MINUTE SERIES (TOPOGRAPHIC)
NW 1/4 SCHUYLerville 15' QUADRANGLE

6270 1 SE
(HUDSON FALLS)



(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
City of.....NORTHUMBERLAND
Town
Village

Local Law No.2..... of the year 19 91.....

A local lawSoil Disturbing Activities Law
(Insert title)

Be it enacted by theTown Board..... of the
(Name of Legislative Body)

County
City of.....NORTHUMBERLAND
Town
Village as follows:

I. PURPOSE & AUTHORIZATION:

It is the purpose of this local law, in accordance with Article 9 of the Town Law of the State of New York, to protect the public health, safety, and welfare of the Town of Northumberland by regulating certain soil disturbing activities undertaken within the Town of Northumberland. This local law will insure the protection of the Town of Northumberland's natural environment by minimizing the adverse effects which site preparation and associated construction activities may have on the soil, water, and vegetative resources of the Town of Northumberland.

II. DEFINITIONS:

- A. Agricultural Activities - All activities directly related to the growing or raising of crops or livestock for the sale of agricultural produce, including horticultural and fruit operations.
- B. Letter of Credit - A commitment secured by an owner from a bank to the Town, which provides that a specific amount of money may be drawn upon by the Town only, to secure the completion of construction and/or required soil conservation measures.
- C. Person - Any individual, corporation, partnership, association, trustee or other legal non-government entity.
- D. Soil Conservation Measures - Methods, procedures and techniques to be used during the conduct of any soil disturbing activity or construction activity to control the effects of soil disturbing activities.

E. Soil Disturbing Activity - Any activity which directly or indirectly changes the natural topography or vegetative cover of more than one (1) acre of land by any kind of soil disturbance (including but not limited to, excavation, grading and filling), or by the cutting of trees or clearing of any type of vegetation.

F. Soil Erosion and Sediment Control Plan - A sketch plan which fully identifies the degree of soil and vegetative alteration (including the harvesting of trees) being proposed and describes the land protection and structural soil conservation measures which will be implemented to effectively minimize soil erosion and sediment loss

resulting from the proposed soil disturbing activity. Such sketch plan shall be at a scale of 1"=100' and shall include the following:

1. General topographic data, soil conditions, and vegetative cover type.
2. All watercourses, wetlands, rock outcrops and other important land features (including all 100 year federally designated flood hazard and New York State regulated wetlands.
3. The location of all proposed public utilities including, water supply, sewerage, and storm water drainage facilities to be constructed.
4. A copy of the appropriate Saratoga County tax map orthophoto, scale 1"=400' or larger for the site.
5. Any other information which the Town of Northumberland Planning Board may deem necessary for its review of the project.

III. PROHIBITED ACTIVITIES:

No person will engage in any soil disturbing activity which affects one (1) or more acres of land within the Town of Northumberland.

IV. EXCEPTIONS:

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

B. The Building Inspector of the Town of Northumberland may issue a soil disturbing activity permit to allow, subsequent to his/her receipt, review, and approval of a suitable Soil Erosion and Sediment Control Plan, the conducting of a soil disturbing activity affecting less than five (5) acres of land within the Town of Northumberland.

C. The Building Inspector of the Town of Northumberland may only issue a soil disturbance activity permit to allow the conducting of a soil disturbing activity affecting five (5) acres or more of land within the Town of Northumberland with the approval and consent of the Town Planning Board of the Town of Northumberland. Such approval and consent shall be

given by the Town Planning Board only after said Board's review and approval of a suitable Soil Erosion and Sediment Control Plan submitted by the applicant which will adequately minimize the impact of the proposed soil disturbing activity upon the land and water resources of the Town of Northumberland.

D. The Town of Northumberland, at the discretion of the Town Planning Board or the Town Building Inspector, as appropriately determined by the size of the proposed soil disturbance activity, may require a bond or letter of credit prior to the issuance of any soil disturbing activity permit to cover the cost of constructing and maintaining all soil erosion and sediment control measures which it deems necessary. The amount of the bond or letter of credit will not exceed one thousand dollars (\$1,000.00) per acre.

E. Whenever a Soil Disturbing Activity is proposed and such activity is also subject to the Town of Northumberland's site plan and/or subdivision review requirements, the Town Planning Board will incorporate, to the extent practicable, the requirements of this local law as part of such site plan and/or subdivision review process. Said process does not relieve, however, the applicant from fulfilling all the requirements of this local law. In such instances, the Town Planning Board, in its discretion, may waive the fee requirements for complying with this local law.

V. FEE:

Each application for a soil disturbance activity permit shall be accompanied by a fee as set forth in the fee schedule as established and adopted by the Town Board of the Town of Northumberland. In addition the Applicant shall be responsible for any additional engineering review costs to the Town of Northumberland as deemed necessary, to be determined by the Planning Board. The Planning Board, in its discretion, has the authority to waive any and all fee requirements related to this local law.

VI. VIOLATIONS & PENALTIES:

A. If there is any damage due to a violation of this ordinance or if any soil, liquid, or other material is caused to be deposited upon or to roll, flow, or wash upon any public property, private property, or right-of-way in violation of this ordinance, the person, firm, partnership, corporation, or other party responsible shall be notified and shall cause the same to be removed from such property or right-of-way within thirty-six (36) hours of notice. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the violation shall be remedied immediately. In the event it is not so remedied, the Town of Northumberland shall cause such

and the cost of such by the Town shall be paid to Northumberland by the party who failed to so remedy and shall be a debt owed to the Town.

B. Any person, firm, partnership, corporation, or other party who violates any provision of this ordinance shall be guilty of a violation and subject to a fine of not less than fifty dollars (\$50) nor more than two hundred and fifty dollars (\$250) or to imprisonment of not more than fifteen (15) days, or both such fine and imprisonment; and in addition, any party who violates any of the provisions of this ordinance or omits or refuses to perform any and every act hereby required shall respectively forfeit and pay a penalty of one hundred dollars (\$100) for each and every such violation and nonperformance. The imposition of any such penalty for the violation of this ordinance shall not excuse such violation nor permit the continuance thereof. The application of the above penalty or penalties for a violation of the provisions of this ordinance shall not be held to prevent the removal of conditions prohibited by this ordinance by such legal means as may be proper.

c. Every week that a violation of any of the provisions of this ordinance continues after written notice shall have been served upon the owner or his agent, either personally or by registered mail addressed to such person at his last known address, shall constitute a separate violation.

VII. EFFECTIVE DATE:

This law shall take effect immediately upon filing in the Office of the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No.2..... of 19..91.
County
City
of the Town of Northumberland as duly passed bythe Town Board.....
Town (Name of Legislative Body)
Village
on March 11, 1991 in accordance with the applicable provisions of law.

~~Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~2. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.~~

(Final adoption by referendum.)

~~3. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.~~

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

~~4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
City
of the Town of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... not disapproved
and was approved by the on
repassed after disapproval Elective Chief Executive Officer
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., in accordance with the applicable provisions of law.~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

~~(City local law concerning Charter revision proposed by petition.)~~

~~5. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
of the City of having been submitted to referendum pursuant to the
provisions of ^{§ 36} ~~§ 37~~ of the Municipal Home Rule Law and having received the affirmative vote of a majority
of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on the
..... 19 became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph1..... above.



Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local Legislative Body

Denise D. Murphy, Town Clerk

Date: April 8, 1991

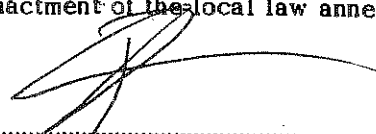
(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had of taken for the enactment of the local law annexed hereto.



(Title of Officer) Richard Kupferman

~~County~~ Town Attorney

~~City~~ of Northumberland

~~Town~~

~~Village~~

Dated: April 8, 1991

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
City of Northumberland
Town
Village

Local Law No. One of the year 19 92

A local law Regulating and Controlling the Siting,
Construction, or Operation of Solid Waste Management
and/or Resource Recovery Facilities Within the
Town of Northumberland without a Permit Granted by
the Town Board.

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Town of Northumberland
Town
Village as follows:

Be it enacted by the Town Board of the Town of
Northumberland as follows:

Section 1: Legislative Findings.

1.1. Prevailing solid waste disposal practices generally
result in unnecessary environmental damage, waste valuable land
and other resources, and constitute a continuing and increasing
hazard to the health, safety, and welfare of the people of the
Town of Northumberland.

1.2. The inadequacy of present facilities for solid waste
management and solid waste practices have resulted
in conditions inimicable to the public health, safety, and
welfare, including the increased incidence of water, air, and
noise pollution, noxious odors, litter, pests, and environmental
degradation.

1.3. Several solid waste management facilities have been proposed to be constructed in the Town of Northumberland, including but not limited to, the paper sludge management facility proposed to be constructed by Finch, Pruyn Company and Scott Paper Company and a municipal garbage landfill proposed to be constructed by Saratoga County.

1.4. The Saratoga County Solid Waste Management Plan provides that the towns within Saratoga County should make provision for disposal of construction and demolition (C & D) waste by the Towns providing for C & D landfills within their borders or by other means.

1.5. Environmental Conservation Law 27-0711 provides that Towns may enact local laws, ordinances, or regulations which are not inconsistent with Article 27, Title 7, of the Environmental Conservation Law or with any rule or regulation which shall be promulgated pursuant thereto and which comply with at least the minimum applicable requirements set forth in Title 7, Article 27 of the Environmental Conservation Law or with any such rule or regulation promulgated pursuant thereto.

1.6. In the event of a leachate escape incident from a solid waste management facility, leachate would travel in and migrate in a horizontal direction through sandy and/or silty varves or lenses or channels at a faster rate than through surrounding clay soils in a vertical direction. Current Department of Environmental Conservation regulations define hydraulic conductivity only in terms of the rate of verticle migration of groundwater through soils. In this and other respects, current Department of Environmental regulations are not adequately protective of the environment.

1.7. The Town Board has determined that the construction and operation of sanitary landfills, construction and demolition disposal sites, sludge management facilities, and other solid waste management and/or resource recovery facilities within this jurisdiction presents a significant threat to the health, safety, and welfare of the citizens of the Town of Northumberland.

Section 2: Legislative Intent.

2.1. By adoption of this local law, the Town Board of the Town of Northumberland intends to regulate and control the dumping, storing or placing of solid waste and the siting, construction, and operation of solid waste management and/or resource recovery facilities within the boundaries of the Town of Northumberland. This local law is enacted by the Town of Northumberland in the exercise of its police power and pursuant to Town Law 130 subdivision (6), (8), and (15), and Environmental Conservation Law 27-0711.

Section 3: Definitions.

3.1. "Solid Waste" means any putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, offal, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and abandoned vehicles or parts thereof, and any hazardous or toxic wastes, but not including sewage or other highly diluted water carried materials or substances and those in gaseous form.

3.2. "Solid Waste Management Facility" means any facility employed beyond the initial solid waste collection process including but not limited to transfer stations, bailing facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, recycling facilities, sanitary landfills, plants and facilities for compacting, composting, or pyrolyzation of solid waste, incinerators and other solid waste disposal, reduction or conversion facilities.

3.3. "Resource Recovery" means the separation, extraction, and recovery of useable materials, energy, or heat from solid waste through source separation, recycling centers, or other programs, projects, or facilities.

3.4. "Person" means any individual, society, club, firm, association of persons, joint venture, partnership, corporation, public corporation, district, public authority, industrial development agency, village, town, city, county, or other municipality, state or state agency, or any contribution thereof, and the singular shall include and refer to one or more of said persons acting singly or together.

3.5. "Groundwater" means water below the land surface in the saturated zone of soil or rock, and this includes perched water separated from the main body of groundwater by an unsaturated zone.

3.6. "Groundwater table" means the naturally occurring seasonally high surface of groundwater at which groundwater is subjected to atmospheric pressure; the upper surface of groundwater or that level below which the soil is saturated with water, excluding the capillary fringe; the locus of points in the soil water at which hydraulic pressure is equal to the atmospheric pressure; but groundwater table does not include the potentiometric head level in a confined aquifer.

Section 4: Restriction on Use and Licensing of Sites.

4.1. No person may locate or site, construct, or operate, a solid waste management facility or resource recovery facility within the Town of Northumberland for any solid waste coming from inside or outside the boundaries of the Town of Northumberland without first obtaining a license for such site from the Town Board of the Town of Northumberland.

4.2. No person shall carry or leave or dump or deposit any solid waste in any place within the Town of Northumberland unless it shall have been licensed as a solid waste management facility or resource recovery facility pursuant to Section 4.1.

4.3. Such license application shall be procured from the Town Clerk of the Town of Northumberland, and shall be accompanied by a license application fee in the sum of \$1,000.00. Any such license shall expire on the 31st day of December following its issuance and annually thereafter.

Section 5: Groundwater Separation Requirements.

5.1. Any application for a license for a proposed solid waste management facility must define the groundwater table at the proposed site of the facility.

5.2. A minimum separation of five feet must be maintained between the base of the constructed liner system of a solid waste management facility and the seasonal high groundwater table.

5.3. The minimum five foot separation requirement between the base of the constructed liner system of any solid waste management facility and the seasonal high groundwater table required by 6 NYCRR 360-2.13(d) may not be reduced, waived, or varied.

Section 6: Bedrock Separation Requirements.

6.1. Any application for a license for a proposed solid waste management facility must define the depth to bedrock at the proposed site of the facility.

6.2. A minimum separation of ten feet must be maintained between the base of the constructed liner system of a solid waste management facility and bedrock.

6.3. The minimum ten foot separation requirement between the base of the constructed liner system of any solid waste management facility and bedrock required by 6 NYCRR 360-2.13(e) may not be reduced, waived or varied.

Section 7: Hydraulic Conductivity Requirements.

7.1. Where there are sandy varves or lenses found in soils, hydraulic conductivity shall be measured horizontally, and studies must be done to determine whether the varves or lenses are continuous and to determine the horizontal seepage velocity through the sandy varves or lenses.

7.2. In determining the minimum coefficient of permeability of soils on the site of a proposed solid waste management facility, the hydraulic conductivity of soils shall be deemed to be the rate of vertical travel or migration of leachate, or the rate of horizontal travel or migration of leachate through the sandy varves or lenses, whichever is greater.

7.3. If hydraulic conductivity through the sandy varves or channels or lenses exceed 5×10^{-6} centimeters per second, as measured through the sandy varves or lenses, then the soils will be deemed to have a coefficient of permeability which exceeds 5×10^{-6} centimeters per second.

7.4. If the soils where a proposed solid waste management facility is proposed to be constructed is not underlain with a thickness of at least 30 feet to homogeneous soils with a minimum coefficient of permeability of 5×10^{-6} centimeters per second throughout its thickness, the 18 inch thick impermeable layer in the primary (upper) composite liner required in 6 NYCRR 360-2.13(f) (4) cannot be waived or varied.

Section 8: Landfill Siting Requirements.

8.1. Where there are sandy varves or lenses found in soils, studies must be done to determine the average thickness and concentration of the varves or lenses, whether the varves or lenses are continuous, and to determine the horizontal seepage velocity through the sandy varves or lenses.

8.2. In determining the minimum coefficient of permeability of soils on the site of a proposed solid waste management facility, the hydraulic conductivity of soils shall be deemed to be the rate of horizontal travel or migration of leachate through the sandy varves or lenses.

8.3. If hydraulic conductivity through the sandy varves or channels or lenses exceed 5×10^{-6} centimeters per second, as measured through the sandy varves or lenses, then the soils will be deemed not to be homogeneous and not to be low permeability materials.

8.4. If the site where a proposed solid waste management facility is proposed to be constructed is not underlain by thick sequences of homogeneous clay and rich low permeability materials, then the unconsolidated deposits on the site shall be deemed not soils most likely to minimize the migration of contaminants from the facility as required by 6 NYCRR 360-2.12(d)(1).

Section 9: Restrictions on Hazardous Waste Disposal

9.1. Ash residues from resource recovery facilities that qualify for disposal in non-hazardous waste landfills solely because such residues are generated from solid waste incinerators providing energy recovery from mass burning which combusts only (i) household waste, (ii) solid waste from commercial or industrial sources that do not contain hazardous waste, (iii) other non-hazardous solid waste, (iv) does not accept hazardous waste, and (v) has contractual requirements or notification or inspection procedures to assure that hazardous waste is not received at or combusted at the facility, as set forth at 6 NYCRR 360-3.5, shall not be disposed of in any solid waste management facility located in the Town of Northumberland, unless such ash residues shall be subjected to the procedures for identifying hazardous waste currently in effect in New York State and it shall be determined that such ash residues are not to be subject to regulation under 6 NYCRR Parts 370 through 373 pertaining to hazardous waste.

9.2. No solid waste management facility located in the Town of Northumberland shall accept or take any toxic waste or hazardous waste for disposal therein.

9.3. Any person making application to construct a solid waste management facility in the Town of Northumberland shall, in addition to the requirements of 6 NYCRR 360-1.14(f), submit a plan for a control program to insure that such hazardous waste will not be disposed of in the proposed facility.

9.4. Any such control program shall, at a minimum, provide that the facility owner or operator will inspect every third vehicle carrying solid waste to the proposed facility, and such inspection shall be performed by a qualified staff trained to identify hazardous wastes. In the event there is any doubt about whether any such waste is hazardous, the owner or operator must follow the procedures set forth at 6 NYCRR Parts 370 through 373 pertaining to hazardous wastes and must certify that there are no hazardous wastes in such vehicle or load.

Section 10: Restrictions on Waste Importation.

10.1. It shall hereafter be unlawful for any person or entity to import solid waste, including but limited to garbage refuse, industrial and commercial waste, rubbish, ashes, incinerator residue, demolition and construction debris, and all hazardous wastes from outside Saratoga County for the disposal in any solid waste management facility located in the Town of Northumberland.

Section 11: Bond for Environmental Damages.

11.1. No such license will be granted to any person unless he first posts a bond, or other financial security, in the minimum sum of \$10,000,000.00, to constitute a fund for reclamation and compensation for damages, resulting from the use of said license. The amount and term of the bond or other financial security to be obtained shall be negotiated based upon the size of the proposed operation, type of soil, condition type of material to be deposited, and such other relevant criteria as the Board may determine. Said bond or financial security shall provide extended coverage during site operations and for a minimum period of twenty (20) years after the closing of the landfill site or other cessation of business thereon. The Board shall reserve the right to accept or reject any bond or financial security which it deems does not provide proper protection to the Town.

Section 12: Application.

12.1. The requirements of this local law shall be applicable to any solid waste management facility and/or resource recovery facility proposed to be located within the Town of Northumberland, regardless of whether or not a license to construct under this local law is required from the Town Board. Whether or not a license for construction, operation, or maintenance of a solid waste management facility is required from the Town Board under this local law, no person shall grant

an approval, license, or permit of any kind for construction, operation, or maintenance of a solid waste management or resource recovery facility located within the Town of Northumberland unless the applicant demonstrates that the said proposed facility shall comply with all of the standards and requirements of Sections 5, 6, 7, 8, 9, and 10 herein.

Section 13. Permit Processing.

13.1. A complete application for a license provided in Section 4.1 shall contain the following:

(a) A map of the proposed solid waste management facility.

(b) A copy of the complete application for a permit to construct a solid waste management facility or resource recovery facility submitted to the Department of Environmental Conservation pursuant to 6 NYCRR Part 360 together with the DEIS and FEIS if any and all attachments and maps.

(c) An engineering report by the applicant or its which demonstrates that the proposed facility complies with all provisions of the local law.

(d) An environmental damage bond as required by Section 7 in a form approved by the Town Attorney of the Town of Northumberland.

(e) When a person makes an application for a permit or license, the Town Board shall be the lead agency for review of the application under the State Environmental Quality Review Act, may charge a fee to the applicant in order to recover the actual costs of review the application for compliance with this local law and the State Environmental Quality Review Act, including the cost of legal and engineering consultants to be retained by the Town. The fee charged may not exceed one half of one percent of the total project cost. The total project cost shall be calculated on the cost of supplying utility service to the project, the cost of site preparation and the cost of labor and material as determined with reference to a current cost data publication in common usage.

(f) The requisite application fee.

Section 14. Standards for Decision.

14.1. No license may be granted by the Town Board except upon proof that the proposed site for accumulation, deposit, storage or management has fully complied with all applicable local, state, and federal laws, rules and regulations, including, but not limited to, the New York State Environmental Conservation Law and the applicable regulations thereunder; and the provisions of this local law.

Section 15: Exclusions.

15.1. Specifically excluded from the operation of this local law are existing facilities actually in operation before the effective date of this local law provided that such existing facilities are not expanded in scope or geographic area, and compostable materials generated on a landowner's own property and deposited thereon.

15.2. Specifically excluded from the operation of this local law are organic and inorganic agricultural fertilizers, unless and until they are used in such a manner so as to be hazardous to the health and well being of the residents of the Town of Northumberland. The Town Board of the Town of Northumberland, or the officials it designates, shall possess the sole power and authority to determine whether agriculture fertilizers in certain situations may be considered hazardous to the health and well being of the residents of the Town of Northumberland and included within the aforementioned definition entitled "solid or liquid waste material." Upon such determination by the Town Board of its designated official(s), notice of such determination shall be served upon the offending person or persons as that term is herein defined, together with those specific facts forming the basis for such determination. There shall be no enforcement of the provisions of this law relating to misdemeanor conviction, fine and/or imprisonment against any person, or persons prior to receipt of such notice, but only for their continued engagement in

such activities after such notice. All other and civil enforcement procedures of this statute, such as but not limited to, injunctive relief, filing of liens, monitoring, cleanup and/or control of lands involved and the costs and expenses thereof, shall apply whether prior or subsequent to any notice of violation.

Section 16. Enforcement and Penalties.

16.1. Should the Town of Northumberland Town Board deem it necessary for the protection of the health and wellbeing of the residents of the Town of Northumberland, the Town Board, or its duly authorized representatives, may enter upon the premises of any person or legal entity in violation of the Local Law for purposes of monitoring, clean up, and controlling, in any way it deems necessary, the prohibited material located on said premises. The expenses and costs associated with said monitoring, clean up and/or control shall be assessed against the offending person or entity who owns or controls the premises and/or shall be assessed against the real property, the subject of said monitoring, clean up and/or control of prohibited materia and shall constitute a lien and charge against said real property until fully and completely discharged.

16.2. Any person violating any provision of this local law shall be guilty of a misdemeanor to be prosecuted in the Town Court of the Town of Northumberland, or any other court of competent jurisdiction, and upon conviction, be subject to a fine of not less than \$50.00, and not more than \$5,000.00 or imprisonment for a period not to exceed four (4) months, or by both such fine and imprisonment. Each day shall constitute a separate violation. In addition, the Town Board of the Town of Northumberland shall have the power to bring a civil action to restrain by injunction any violation of this local law by any person in any court of competent jurisdiction.

Section 17. Revocation of Privilege.

17.1. Any person who, or whose servants, agents, or employees or officers shall be convicted of violation hereof, may have his permit revoked by resolution of the Town Board after public hearing.

Section 18. Applicability.

18.1. This local law shall be applicable to any proposed solid waste management facility for which actual construction pursuant to a valid permit to construct granted by the Department of Environmental Conservation and the Town Board of Northumberland has not commenced prior to or on the effective date hereof.

Section 19. Severability.

19.1. If any section, sub-section, sentence, clause, or phrase of this local law is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of any of the remaining portions of this ordinance.

Section 20. Ordinance Repealed.

20.1. The Local Law No. 1 of 1989 and Local Law No. 2 of 1989 of the Town of Northumberland adopted on or about February 13, 1989 and April 10, 1989, respectively, dealing with the disposal of rubbish and garbage, are hereby repealed.

Section 21. Effective Date.

21.1. This local law shall take effect immediately upon filing with the office of the New York Secretary of State.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town
~~City~~ of Northumberland
~~Village~~

Local Law No. 1 of the year 1995

A local law for FLOOD DAMAGE PREVENTION

as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation law, Article 36.

Be it enacted by the Town Board of the
(Name of Legislative Body)

Town
~~City~~ of Northumberland, Saratoga County,
~~Village~~

N.Y. as follows:

SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

1.1 FINDINGS

The Town Board of the Town of
Northumberland finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Northumberland and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before

the effective date of the floodplain management regulations adopted by the community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source. (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

**SECTION 3.0
GENERAL PROVISIONS**

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Northumberland, Saratoga County, N.Y..

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Northumberland, Community No. 360725 are identified and defined on the following documents prepared by the Federal Emergency Management Agency :

- (1) A scientific and engineering report entitled "Flood Insurance Study, Saratoga County , New York, "(all jurisdictions)" dated August 16, 1995.
- 2) Flood Insurance Rate Map for Saratoga County, New York "(all jurisdictions)" as shown on Index No. 36091C0000, and panels 0333, 0334, 0355, 0365, 0456, 0457, 0476, 0477, whose effective date is August 16, 1995 .

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at:

Town Hall, Catherine Street, Gansevoort

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through November 1, 1989 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Northumberland Town Board from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Northumberland Town Board, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Building/Zoning Administrator is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of

protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

- (1) All applications for a floodplain development permit shall be accompanied by an application fee of \$ 35.00. In addition, the applicant shall be responsible for reimbursing the Town of Northumberland for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDEN-

TIAL STRUCTURES.

- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited the following.

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, sub-section

5.1-1 SUBDIVISION PROPOSALS.

- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or

to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.

- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATERCOURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals

and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

(ii) the Town of Northumberland agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Northumberland for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Northumberland for all costs related to the final map revision.

- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(ii) the Town of Northumberland agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all

necessary data, analyses and mapping and reimburses the Town of Northumberland for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Northumberland for all costs related to the final map revisions.

5.2 STANDARDS FOR ALL STRUCTURES

5.2-1 ANCHORING

- (1) New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards, in addition to the standards in subsections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES, apply to structures located in areas of special flood hazard as indicated.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.
- (2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two

feet if no depth number is specified).

- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (4) and (5).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either:
 - (i) outside of an existing manufactured home park or subdivision as herein defined;
 - (ii) in a new manufactured home park or subdivision as herein defined;
 - (iii) in an expansion to an existing manufactured home park or subdivision as herein defined; or
 - (iv) in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (3) A manufactured home to be placed or substantially improved in Zone

Al-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

- (i) elevated in a manner such as required in paragraph 5.5(2), or
 - (ii) elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- (4) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

SECTION 6.0 VARIANCE PROCEDURE

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Zoning Ordinance shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure".
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met;
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Be it enacted this 12 day of June, 19 95 by the
Town Board of the Town of
Northumberland, Saratoga County,
New York, to be effective Upon filing with the Secretary of State.

Councilmen Paul Bolesh

Councilmen Richard Colozza

Councilmen George Hodgson

Councilmen Gary Sherman

Supervisor Edgar King

SEAL

Denise Murphy
ATTEST Town Clerk CLERK

Attachment A

**MODEL FLOODPLAIN DEVELOPMENT
APPLICATION FORM**

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign): _____

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE) _____ DATE _____

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

NAME	ADDRESS	TELEPHONE
APPLICANT		
BUILDER		
ENGINEER		

PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A sketch attached to this application showing the project location would be helpful.

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

<u>ACTIVITY</u>	<u>STRUCTURE TYPE</u>
<input type="checkbox"/> New Structure	<input type="checkbox"/> Residential (1-4 Family)
<input type="checkbox"/> Addition	<input type="checkbox"/> Residential (More than 4 Family)
<input type="checkbox"/> Alteration	<input type="checkbox"/> Non-residential (Floodproofing? <input type="checkbox"/> Yes)
<input type="checkbox"/> Relocation	<input type="checkbox"/> Combined Use (Residential & Commercial)
<input type="checkbox"/> Demolition	<input type="checkbox"/> Manufactured (Mobile) Home (In Manu-
<input type="checkbox"/> Replacement	factured Home Park? <input type="checkbox"/> Yes)

ESTIMATED COST OF PROJECT \$ _____

B. OTHER DEVELOPMENT ACTIVITIES:

- ☐ Fill ☐ Mining ☐ Drilling ☐ Grading
☐ Excavation (Except for Structural Development Checked Above)
☐ Watercourse Alteration (Including Dredging and Channel Modifications)
☐ Drainage Improvements (Including Culvert Work)
☐ Road, Street or Bridge Construction
☐ Subdivision (New or Expansion)
☐ Individual Water or Sewer System
☐ Other (Please Specify) _____

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

The proposed development is located on FIRM Panel No. _____, Dated _____.

The Proposed Development:

☐ Is NOT located in a Special Flood Hazard Area (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED).

☐ Is located in a Special Flood Hazard Area.

FIRM zone designation is _____.

100-Year flood elevation at the site is: _____ Ft. NGVD (MSL)

☐ Unavailable

☐ The proposed development is located in a floodway.

FBFM Panel No. _____ Dated _____

☐ See Section 4 for additional instructions.

SIGNED _____ DATE _____

SECTION 4: ADDITIONAL INFORMATION REQUIRED (To be completed by LOCAL ADMINISTRATOR)

The applicant must submit the documents checked below before the application can be processed:

- ☐ A site plan showing the location of all existing structures, water bodies, adjacent roads, lot dimensions and proposed development.
- ☐ Development plans, drawn to scale, and specifications, including where applicable: details for anchoring structures, proposed elevation of lowest floor (including basement), types of water resistant materials used below the first floor, details of floodproofing of utilities located below the first floor and details of enclosures below the first floor.
Also, _____
- ☐ Subdivision or other development plans (If the subdivision or other development exceeds 50 lots or 5 acres, whichever is the lesser, the applicant must provide 100-year flood elevations if they are not otherwise available).
- ☐ Plans showing the extent of watercourse relocation and/or landform alterations.
- ☐ Top of new fill elevation _____ Ft. NGVD (MSL).
- ☐ Floodproofing protection level (non-residential only) _____ Ft. NGVD (MSL). For floodproofed structures, applicant must attach certification from registered engineer or architect.
- ☐ Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the 100-year flood. A copy of all data and calculations supporting this finding must also be submitted.
- ☐ Other: _____

SECTION 5: PERMIT DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

I have determined that the proposed activity: A. ☐ Is
B. ☐ Is not
in conformance with provisions of Local Law # _____, 19 _____. The permit is issued subject to the conditions attached to and made part of this permit.

SIGNED _____, DATE _____

If BOX A is checked, the Local Administrator may issue a Development Permit upon payment of designated fee.

If BOX B is checked, the Local Administrator will provide a written summary of deficiencies. Applicant may revise and resubmit an application to the Local Administrator or may request a hearing from the Board of Appeals.

APPEALS: Appealed to Board of Appeals? ☐ Yes ☐ No
Hearing date: _____
Appeals Board Decision --- Approved? ☐ Yes ☐ No

Conditions _____

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certificate of Compliance is issued)

The following information must be provided for project structures. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest structural member of the lowest floor, excluding piling and columns) is: _____ FT. NGVD (MSL).
2. Actual (As-Built) Elevation of floodproofing protection is _____ FT. NGVD (MSL).

NOTE: Any work performed prior to submittal of the above information is at the risk of the Applicant.

SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL ADMINISTRATOR)

The LOCAL ADMINISTRATOR will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS: DATE _____ BY _____ DEFICIENCIES? ☐ YES ☐ NO
DATE _____ BY _____ DEFICIENCIES? ☐ YES ☐ NO
DATE _____ BY _____ DEFICIENCIES? ☐ YES ☐ NO

SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by LOCAL ADMINISTRATOR)

Certificate of Compliance issued: DATE: _____ BY: _____

Attachment B

**SAMPLE
CERTIFICATE OF COMPLIANCE**

for Development in a Special Flood Hazard Area

**CERTIFICATE OF COMPLIANCE
FOR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA
(OWNER MUST RETAIN THIS CERTIFICATE)**

PREMISES LOCATED AT:

PERMIT NO. _____
PERMIT DATE _____

OWNERS NAME AND ADDRESS:

CHECK ONE:
☐ **NEW BUILDING**
☐ **EXISTING BUILDING**
☐ **VACANT LAND**

THE LOCAL ADMINISTRATOR IS TO COMPLETE A. OR B. BELOW:

**A. COMPLIANCE IS HEREBY CERTIFIED WITH THE REQUIREMENTS OF
LOCAL LAW # ____, 19 __.**
SIGNED: _____ **DATED:** _____

**B. COMPLIANCE IS HEREBY CERTIFIED WITH THE REQUIREMENTS OF
LOCAL LAW # ____, 19 __, AS MODIFIED BY VARIANCE # _____,
DATED _____.**
SIGNED: _____ **DATED:** _____

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 95 of the ~~(County)(City)~~(Town)(Village) of Northumberland was duly passed by the Town Board on June 12 19 95, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Dermise D. Murphy, Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 06/13/95

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

E. J. [Signature]
Signature

Town Attorney
Title

County
City of Northumberland
Town
Village

Date: 6/12/95

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Northumberland
~~Town~~
~~Village~~

Local Law No. 1 of the year 1997

A local law to provide for Driveway Permit Regulations
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Northumberland as follows:
~~Town~~
~~Village~~

Section 1
Driveway Permits

- A. All persons, owners of real property, or other legal entities who wish to construct a driveway connection within the right of way of a town highway in the Town of Northumberland shall make application for a permit for said purpose to the Town of Northumberland Highway Department.
- B. Said application shall be made on forms provided by the Town of Northumberland Highway Department.

Section 2
General Requirements

- 1. The connection shall be in accordance with the requirements listed herein on plan "STANDARD DRIVEWAY DITCH CROSSING" attached hereto and made a part hereof and all special requirements shown on or attached to "PERMIT".
- 2. The applicant shall furnish all materials and bear all costs of construction within the Town Highway Right of Way and all work done and materials used shall meet the requirements of the Town of Northumberland Highway Department.
- 3. No alteration or addition shall be made to any driveway without first securing a new permit from the Town.
- 4. The angle of the driveway with respect to the highway pavement edge shall be not less than 45°.
- 5. No new driveway will be permitted within 50 ft. of an intersection.
- 6. No new driveway entrance will be permitted at a location where lack of sight distance in either direction along the highway is a hazard.
- 7. Residential driveway entrance shall be a maximum of 20 feet wide

Alterations to the general requirement are at the discretion of the Highway Superintendent.

8. Commercial driveways shall be a maximum of 50 feet wide for a single combined entrance and exit, or a maximum of 30 feet each when two separate entrances are permitted. No more than two entrances from one highway to a single commercial establishment shall be permitted. Application for a commercial entrance shall include a fully dimensioned plan of the proposed driveway showing drainage.

Alterations to the general requirement are at the discretion of the Highway Superintendent.

Section 3 Replacement

The Town Highway Department is only required to replace 20' of pipe in the event the pipe has worn out or been destroyed. If any legally permitted culvert pipe is destroyed by Town Highway Department activities, the Department is responsible for replacement of all existing pipe regardless of length. Any legally permitted culvert destroyed by persons other than the Highway Department must be replaced by the landowner.

Section 4 Fees

1. No charge if issued with building permit.
2. \$35 Permit Fee

Section 5 Penalties

- A. Any person or persons who shall violate the provisions of this local law shall be subject to a penalty for each violation thereof, there will be a fine of not more than \$250.00 or imprisonment for a term not exceeding 15 days or both such fine and imprisonment.
- B. Any violation of this chapter may also be enjoined pursuant to law.

Section 6 Repealer

All prior ordinances, local laws, or resolutions or parts of ordinances, local laws, or resolutions of the Town of Northumberland inconsistent with the provisions of this Local Law are hereby repealed, however, that such repeal shall be only to the extent of such inconsistency, and in all respects, this Local Law shall be in addition to other legislation regulating and governing the subject matter covered by this Local Law. Local Law #3-1987 is repealed.

Section 7 Severability

Any section, paragraph, subdivision, or provision of this Local Law shall be adjudged invalid or held unconstitutional and the same shall not affect the validity of the Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 8 Effective Date

This Local Law shall take effect immediately.

Complete the certification in the paragraph which applies to the filing of this local law and strike out the latter therein which is not applicable.)

Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 1997.
County
the City of Northumberland was duly passed by the Town Board
Town (Name of Legislative Body)
Village
January 13, 1997 in accordance with the applicable provisions of law.

~~Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,*
or repassage after disapproval.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____.
County
the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
_____ 19_____ and was approved _____ by the _____
not disapproved _____ Elective Chief Executive Officer *
repassed after disapproval
It was deemed duly adopted on _____ 19_____, in accordance with the applicable
provisions of law.

Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____.
County
the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
_____ 19_____ and was approved _____ by the _____
not disapproved _____ Elective Chief Executive Officer *
repassed after disapproval
Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on _____ 19_____, in accordance with the appli-
annual
cable provisions of law.

subject to permissive referendum, and final adoption because no valid petition filed requesting
referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____.
County
the City of _____ was duly passed by the _____ on _____
Town (Name of Legislative Body)
Village
_____ 19_____ and was approved _____ by the _____ on _____
not disapproved _____ Elective Chief Executive Officer *
repassed after disapproval
Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis
If there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town,
where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

~~5. I hereby certify that the local law annexed hereto, designated as local law No. of 19~~
of the City of having been submitted to referendum pursuant to the
provisions of ~~§ 36~~
~~§ 37~~ of the Municipal Home Rule Law and having received the affirmative vote of a majority
of the qualified electors of such city voting thereon at the ~~special~~
~~general~~ election held on the
~~19~~ became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph above.

Dennis Murphy
Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer
designated by Local Legislative Body

Date:

01/14/97

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Wm. J. W.
(Title of Officer) Town Attorney
~~County~~
~~City~~ of Northumberland
~~Town~~
~~Village~~

Dated: January 14, 1997

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~County~~

~~City~~

~~Town~~

~~Village~~

of Northumberland

Local Law No. 2 of the year 1999

A local law amending Local Law No. 1 of 1997 with respect to

(Insert Title)

Driveway Construction Permits

Be it enacted by the Town Board of the

(Name of Legislative Body)

~~XXXXXX~~

~~County~~

~~City~~

~~Town~~

~~Village~~

of Northumberland

as follows:

Section 1

Section 1 of Local Law 1 of 1997 is hereby amended by addition of the following language:

- C. No Building Permit shall be issued by the Building Inspector for any structure requiring a new driveway until the applicant therefore has filed Driveway Construction Permit signed by Town Highway Superintendent or his authorized designee.
- D. Any person who shall construct any structure in violation of the provisions of this local law shall be deemed to have committed an offense against this local law which shall be punishable by the penalties set forth in Section 5. Each day that such violation of this local law persists shall be considered a separate offense.
- E. In addition to the penalties set forth below, no Certificate of Occupancy shall be issued for any structure requiring a new driveway until the applicant therefore has filed Driveway Construction Certification signed by Town Highway Superintendent or his authorized designee certifying that the driveway has been constructed in accordance with applicable state and local laws, rules and ordinances, together with any conditions set forth on the Driveway Construction Permit.

Section 2
Local Law 1 of 1997 To Remain in Effect

Except as specifically modified by the provisions of this Local Law, all sections, paragraphs, subdivisions, and provisions of Local Law 1 of 1997 shall remain in full force and effect.

Section 3
Severability

Any section, paragraph, subdivision, or provision of this Local Law shall be adjudged invalid or held unconstitutional and the same shall not affect the validity of the Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 4
Effective Date

This Local Law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1999 of the ~~(County)(City)(Town)(Village)~~ Town Board of Northumberland was duly passed by the Town Board on June 14 1999, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

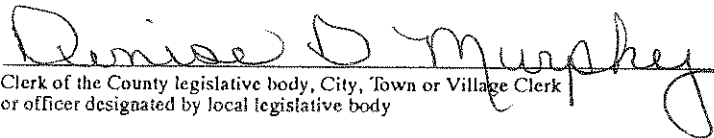
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit ~~voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____¹_____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 06/15/99

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney

Title

~~XXXXXX~~
~~XXXXXX~~ of Northumberland
Town
~~XXXXXX~~

Date: 6-14-99

TOWN OF NORTHUMBERLAND

Local Law No. 2 of the year 2005

Local Law regarding noise and nuisance

**Be it enacted by the Town Board of the
Town of Northumberland as follows:**

Section 1. General prohibition; declaration of nuisance.

It shall be unlawful and in violation of this chapter to create and/or suffer, permit and/or allow the creation of any unreasonably loud, disturbing or unnecessary noise in the Town. Noise of such character, intensity or duration as to endanger the public comfort, peace or repose or to be detrimental to the life or health of any individual is declared to be a nuisance and is prohibited.

Section 2. Playing of radios or similar apparatus.

It shall be unlawful and in violation of this chapter for any person and/or owner or occupant of property in the Town to operate or play or cause to be operated or played or to suffer, permit and/or allow the operation or playing of any radio, phonograph or any musical instrument or device in such manner or with such volume at any time, particularly during the hours between 11:00pm and 7:00am, as to annoy the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence in the town.

Section 3. Mufflers required on engines.

It shall be unlawful and in violation of this chapter for any person to discharge, cause to be discharged and/or suffer, permit and/or allow the discharge into the open air the exhaust of any engine or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.

Section 4. Use of mechanical devices operated by compressed air.

It shall be unlawful and in violation of this chapter for any person to use, cause to be used and/or suffer, permit and/or allow the use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

Section 5. Penalties for offenses.

- A. Criminal penalty. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both.
- B. Civil penalties; construal.
 - (1) Obedience to the provisions set forth herein may be enforced by criminal information for the penalties herein prescribed, by prosecution of the offender as provided in Subsection A of this section or by a civil action for a penalty or by civil remedy at law or equity by way of injunction or otherwise to abate or prevent a violation of the provisions of this chapter.

(2) Neither a judgment in nor the pendency of a criminal prosecution for an alleged violation of the provisions of this chapter nor a judgment in the pendency of a civil action at law or in equity shall be a bar to the other form of proceeding.

(3) The imposition of a penalty for a violation of this chapter shall not excuse the violation or permit it to continue, and the remedies herein provided for penalties and civil action to enjoin or abate a violation shall be cumulative.

C. Definitions. As used in this chapter, the following terms shall have the meanings indicated.

CIVIL PENALTY --- A penalty not to exceed \$250, to be imposed in a civil proceeding upon proof of a violation of this chapter.

Section 6.

This Local Law shall take effect immediately upon filing in the office of the Secretary of State

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20____ of the ~~(County)~~(City)(Town)(Village) of Northumberland was duly passed by the Town Board on 10/10 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

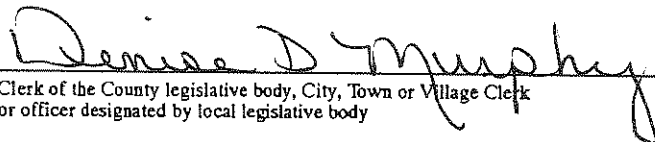
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____¹, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

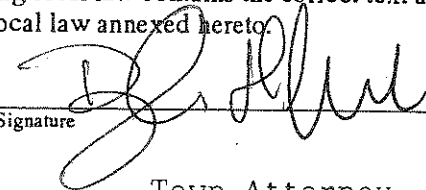
(Seal)

Date: 10/17/2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature _____
Town Attorney
Title _____

~~County~~
~~City~~ of Northumberland
~~Town~~
~~Village~~

Date: 10/17/05

APR 10 2007

MISCELLANEOUS
& STATE RECORDS

Town of Northumberland

Local Law #1 of the year 2007

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

Be it enacted by the Town Board of the Town of Northumberland, in the County of Saratoga, as follows:

SECTION 1: PURPOSE AND INTENT

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use of occupancy, are subject to the provisions this local law.

SECTION 2: DEFINITIONS

In this local law:

"Building Permit" shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Certificate of Occupancy" / "Certificate of Compliance" shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Compliance Order" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

"Energy Code" shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

"Operating Permit" shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit has been issued.

"Person" shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"Stop Work Order" shall mean an order issued pursuant to section 6 of this local law.

"Temporary Certificate" shall mean a certificated issued pursuant to subdivision (d) of section 7 of this local law.

"Town" shall mean the Town of Northumberland.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

SECTION 3: CODE ENFORCEMENT OFFICER AND INSPECTORS

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

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Town Board of this Town;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by Northumberland Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement

personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Northumberland Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(d) One or more Inspectors may be appointed by the Town Board of Northumberland to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspections shall be fixed from time to time by the Town Board of this Town.

SECTION 4: BUILDING PERMITS

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

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one story detached structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

(2) installation of swings and other playground equipment associated with a one or two-family dwelling or multiple single-family dwellings (townhouses);

(3) installation of swimming pools associated with a one or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(4) installation of fences which are not part of an enclosure surrounding a swimming pool;

(5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(6) construction of temporary motion picture, television and theater stage sets and scenery;

(7) installation of window awnings supported by an exterior wall of a one or two-family dwelling or multiple single-family dwellings (townhouses);

- (8) installation of partitions or movable cases less than 5'-9" in height;
- (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement. Alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information, as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals the Town Zoning Law or Subdivision Regulations. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the state address of the premises where the work is to be performed;
- (3) the occupancy classification of any affected building or structure;
- (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicated with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted

construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations. .

(g) Building Permits to be displayed. Building permits shall be visible displayed at the work site and shall remain visible until the authorized work has been completed.

(h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents with were submitted with and accepted as part of the application fro the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within [6] months following the date of issuance. Building Permits shall expire [12] months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued or violates the Uniform Code or the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code or any approvals or permits issued by the Town Planning Board or Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, or the Town Zoning Law or Subdivision Regulations.

(k) Fee The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

SECTION 5: CONSTRUCTION INSPECTIONS.

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals the Town Zoning Law or Subdivision Regulations. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals the Town Zoning Law or Subdivision Regulations reinspected and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

SECTION 6: STOP WORK ORDERS.

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

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, or the Town Zoning Law or Subdivision Regulations, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

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

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

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by [registered mail / certified mail]. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by [registered mail / certified mail]; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State Law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

SECTION 7: CERTIFICATES OF OCCUPANCY/ CERTIFICATES OF COMPLIANCE

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

(b) Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub classification to another complies with all applicable provisions of the Uniform Code and Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board Appeals the Town Zoning Law or Subdivision Regulations. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

(1) a written statement of structural observations and/or a final report of special inspections, and

(2) flood hazard certifications.

(c) Contents of Certificates of Occupancy / Certificates of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the assembly occupant load of the structure, if any;
- (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) any special conditions imposed in connection with the issuance of the Building Permit; and
- (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and the date of issuance.

(d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Office determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6] months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations.

(e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

SECTION 8: NOTIFICATION REGARDING FIRE OR EXPLOSION

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

SECTION 9: UNSAFE BUILDING AND STRUCTURES

ALTERNATIVE 1: Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Local Law Number 3 of 1991, as now in effect or as hereafter amended from time to time.

ALTERNATIVE 2: Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures as referenced in The Zoning Ordinance of the Town of Northumberland, effective February 15, 2006, Article XIII Administration and Enforcement, under unsafe structures.

SECTION 10: OPERATING PERMITS.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

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

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

(3) use of pyrotechnic devices in assembly occupancies;

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

(5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate

Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

ALTERNATIVE 1: (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

ALTERNATIVE 2: (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit

SECTION 11: FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS

(a) Inspections require. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

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

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

(3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every year or not to exceed thirty-six (36) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

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

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulation's exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code or any approvals or

permits issued by the Town Planning Board or Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulation's exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

SECTION 12: COMPLAINTS

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

SECTION 13: RECORD KEEPING.

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

(1) all applications received, reviewed and approved or denied;

(2) all plans, specifications and construction documents approved;

(3) all Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;

(4) all inspections and tests performed;

(5) all statements and reports issued;

(6) all complaints received;

(7) all investigations conducted;

(8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and

(9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

SECTION 14: PROGRAM REVIEW AND REPORTING

(a) The Code Enforcement Officer shall annually submit to Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

(c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provided to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

SECTION 15: VIOLATIONS

(a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations, or this local law; (4) specify the provision or provisions of the Uniform code, the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonable necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail / certified mail. The Code Enforcement Office shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail / certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

(b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Civil Penalties. In addition to those penalties proscribed by State Law, any Person who violates any provision of the Uniform Code, the Energy Code or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals or the Town Zoning Law or Subdivision Regulations or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to

a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this town.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law or any approvals or permits issued by the Town Planning Board or the Zoning Board of Appeals, the Town Zoning Law or Subdivision Regulations, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of this Town.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 382 of the Executive Law.

SECTION 16: FEES

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

SECTION 17: INTERMUNICIPAL AGREEMENTS

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

SECTION 18: PARTIAL INVALIDITY

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 19: EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law and shall supercede Local Law #3 of the year 1991.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2007, of the ~~(County)(City)(Town)(Village)~~ of Northumberland was duly passed by the Town Board on April 5, 2007, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph.....1....., above.

Denise D Murphy
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 04/06/2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature
Town Attorney
Title

~~County~~
~~City~~ of Northumberland
~~Town~~
~~Village~~
Date: 04/09/2007

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- ☐ County
☐ City of Northumberland
☒ Town
☐ Village

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 02 2008

Local Law No. 1 of the year 20 08

MISCELLANEOUS
& STATE RECORDS

A local law Amending Town of Northumberland Subdivision
(Insert Title)

Regulations and Design and Construction Standards

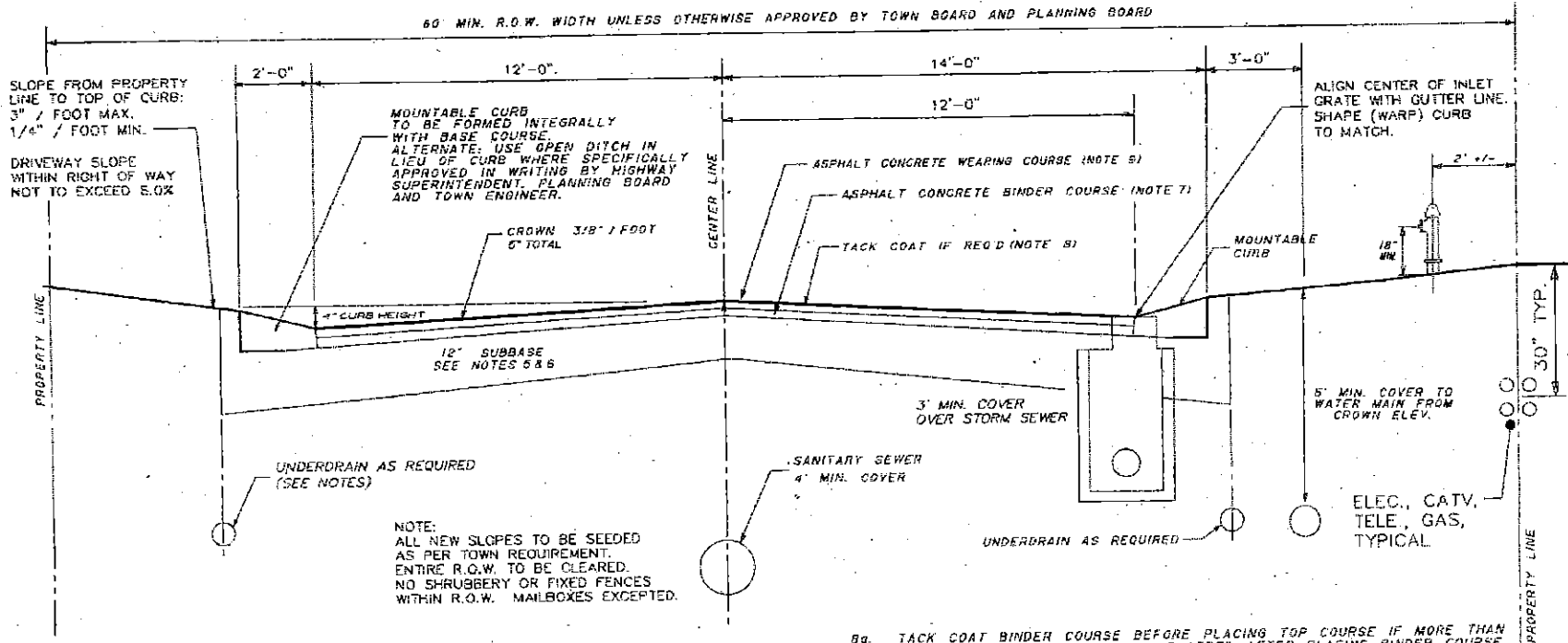
Be it enacted by the Town Board of the
(Name of Legislative Body)

- ☐ County
☐ City of Northumberland as follows:
☒ Town
☐ Village

Section 2.4 shall be amended as follows:

Materials and construction methods for the binder course and wearing course shall conform to Section 403 of the New York State Department of Transportation Standard Specifications (NYDOTSS) dated 2006. Pavement thickness shall be at least four (4) inches after compaction. It shall be placed in two (2) courses, the first asphalt binder course two and one-half (2-1/2) inches thick shall consist of type 3, Item No.403.138902 (as specified in NYDOTSS §403.13) and secondly an asphalt wearing course one and one-half (1-1/2) inches thick shall consist of type 6, Item 403.178902 (as specified in NYDOTSS §403.16)

Section 2.1 Drawing - Town of Northumberland Standard Road
Cross Section shall be amended as follows:



GENERAL NOTES

1. THICKNESS OF ALL COURSES SHOWN ON THE DRAWING ARE COMPACTED THICKNESS.
2. ALL MATERIALS SHALL CONFORM TO NYS DOT, SECTION 400.
3. CONSTRUCT ASPHALT PAVEMENT IN ACCORDANCE WITH DOT SECTION 401-3.
4. PROOF ROLLING OF SUBGRADE SHALL BE WITNESSED BY THE TOWN ENGINEER. ALL UNSATISFACTORY AREAS, AS DETERMINED BY THE ENGINEER, SHALL BE EXCAVATED AND REPLACED WITH SUBBASE MATERIAL TO THE ENGINEER'S SATISFACTION.
5. 12" MIN. (AFTER COMPACTION) SUBBASE COURSE, N.Y.S. D.O.T. TYPE 2 ITEM 304.03 OR N.Y.S. D.O.T. TYPE 4 ITEM 304.05 MAX. FINES 8.0% MIN. CBR 20% COMPACT TO 95% MODIFIED PROCTOR (ASTM D1557)
6. SUBGRADE COMPACTED PER TOWN OF NORTHUMBERLAND HIGHWAY SPECIFICATIONS (MIN. 90% MODIFIED PROCTOR (ASTM D1557))
7. 2'-2 1/2" (AFTER COMPACTION) ASPHALT CONCRETE BINDER COURSE, N.Y.S. D.O.T. TYPE 3, ITEM 403.13

- 8a. TACK COAT BINDER COURSE BEFORE PLACING TOP COURSE IF MORE THAN FORTY EIGHT (48) HOURS HAVE ELAPSED AFTER PLACING BINDER COURSE.
8. TACK COAT COMPOSITION SHALL CONFORM TO NYS DOT SECTION 407-2.
9. PLACE TACK COAT IN ACCORDANCE WITH NYS DOT SECTION 407 AT APPLICATION RATE OF 0.06 TO .10 GALLONS/SQ. YARD.
9. 1-1/2" (AFTER COMPACTION) ASPHALT WEARING COURSE N.Y.S. D.O.T. TYPE 5 ITEM 403.15
10. ALL UTILITY CROSSINGS (ELECTRIC, CABLE TV, ETC.) TO BE INSTALLED IN CONDUIT.
11. MINIMUM SEPARATION OF 3 FEET IS REQUIRED FROM F.G. OF PAVEMENT TO SEASONAL HIGH WATER TABLE.
12. GEOTEXTILE FABRIC AND/OR UNDERDRAINS MAY BE REQUIRED WHERE UNSTABLE CONDITIONS ARE ENCOUNTERED. TOWN ENGINEER MAY REQUIRE DEVELOPER TO RETAIN GEOTECHNICAL ENGINEER WHERE SUCH CONDITIONS EXIST.
13. NO CATCH BASINS SHALL BE LOCATED WITHIN 5 FEET OF RESIDENTIAL DRIVEWAY EDGE.

TOWN OF NORTHUMBERLAND STANDARD ROAD CROSS SECTION

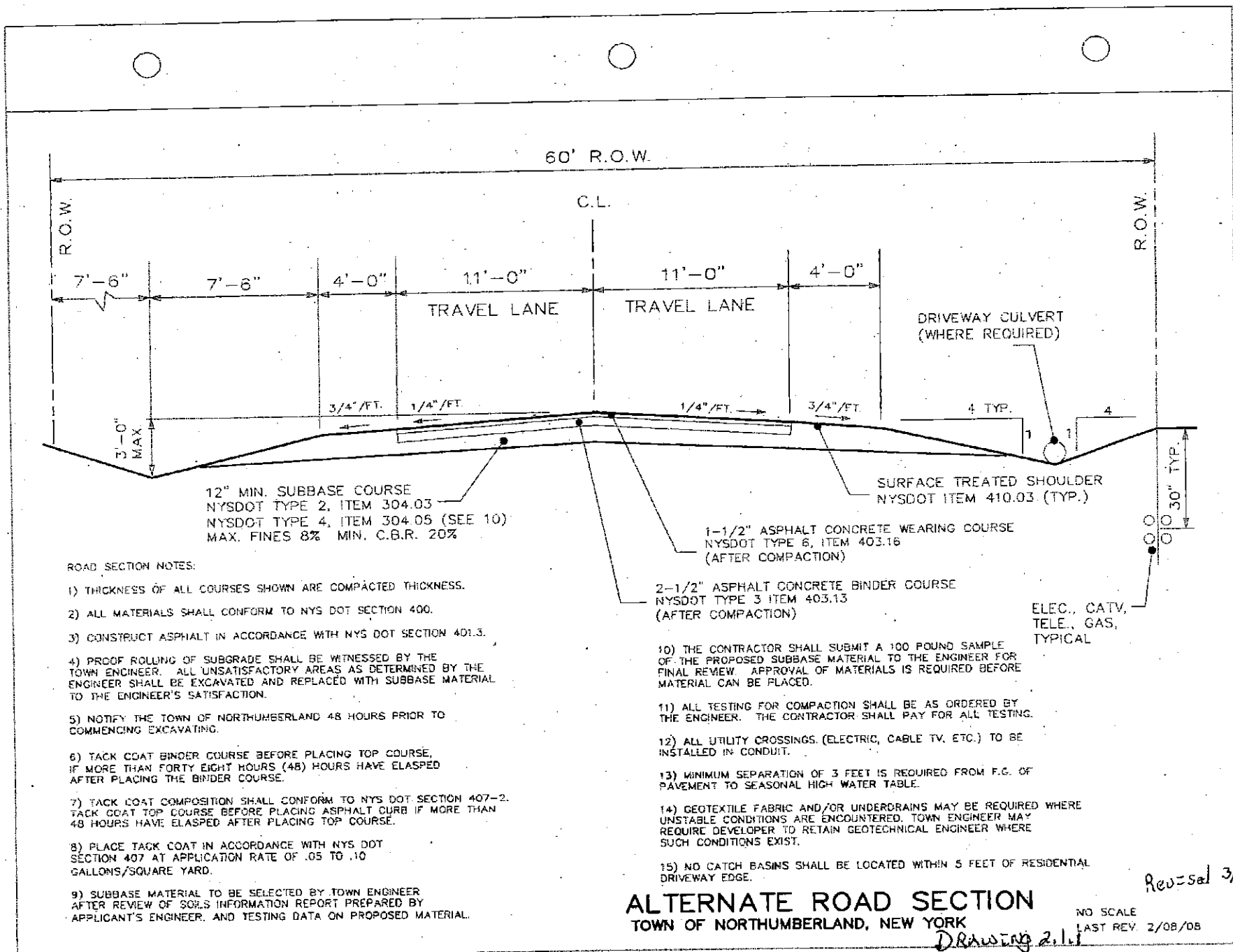
NOT TO SCALE

Drawing 2.1

LAST REV. 2/08/08

Revised 6/2/88
Rev 1/11/90

Section 2.1.1 Drawing - Alternate Road Section shall be amended
as follows:



This amendment to the local law shall take effect immediately upon its passage by the Town Board of the Town of Northumberland and its filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 08 of the (County)(City)(Town)(Village) of Northumberland was duly passed by the Town Board on March 6 20 08, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*) Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) _____ (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Denise D. Murphy
Clerk of the county legislative body, City, Town or Village Clerk, or
officer designated by local legislative body

Date: 03/08/08

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Title

County

City of

Town

Village

Northumberland

Date: 3/25/08

FILED

AUG 21 2008

**TOWN OF NORTHUMBERLAND
LOCAL LAW #2 OF 2008**

**MISCELLANEOUS
& STATE RECORDS**

**A LOCAL LAW ADDING ARTICLE VII TO THE TOWN CODE,
AUTHORIZING A PARTIAL EXEMPTION FROM REAL PROPERTY TAXES
ON RESIDENTIAL PROPERTY OWNED AND OCCUPIED BY VETERANS OF
THE COLD WAR**

Be it enacted by the Town Board of the Town of Northumberland as follows:

Section 1: PURPOSE

New York State authorizes counties, towns and villages to make available a partial property tax exemption to qualified veterans of the Cold War. The Town Board of the Town of Northumberland has determined that it is appropriate to make this exemption available to qualified veterans of the Cold War in recognition of their service to our country.

Section 2: ADOPTION

- (A) The Town of Northumberland hereby adopts the partial exemption from real property taxation for owner-occupied real property owned by qualified veterans of the Cold War authorized by Section 458-b, of the New York State Real Property Tax Law.
- (B) Subject to the provisions of Section 3 of this Local Law, this exemption shall be administered in accordance with the definitions and procedures of Section 458-b of the Real Property Tax Law, as originally enacted by Chapter 655 of the Laws of 2007 and any applicable amendments enacted thereafter.

Section 3: DEFINITION

- (A) **COLD WAR VETERAN** – male or female, who served on active duty for a period of more than three hundred sixty five (365) days in the United States armed forces, during the time period from September second, nineteen hundred forty five to December twenty six, nineteen hundred ninety one and who was discharged or released from under honorable conditions and has been awarded the Cold War recognition certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act.

Section 4: EXEMPTION LIMITATIONS

- (A) Subject to the maximum specified in paragraph (B) of this section, the qualified Cold War Veteran shall be entitled to a reduction of fifteen percent of the assessed value of his or her residence.

(B) Notwithstanding paragraph (A) of this section, an exemption granted pursuant to this Local Law shall not exceed the product of \$6,000 multiplied by the latest State equalization rate.

(C) In addition to the exemption provided by paragraphs (A) and (B) of this section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States Department of Defense because of a service connected disability; qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating, provided, however, that such exemption shall not exceed \$20,000, or the product of \$20,000 multiplied by the latest State equalization rate for the assessing unit.

Section 5: EFFECTIVE DATE

The Local Law shall take effect immediately

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 08 of the (County)(City)(Town)(Village) of Northumberland was duly passed by the Town Board on August 7 2008, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved) (Name of Legislative Body) and was deemed duly adopted (repassed after disapproval) by the (Elective Chief Executive Officer*) on 20, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved) (Name of Legislative Body) on 20 (repassed after disapproval) by the (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on 20, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20, and was (approved)(not approved) (Name of Legislative Body) on 20. Such local (repassed after disapproval) by the (Elective Chief Executive Officer*) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body; the mayor of a city or village; or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Denise D. Murphy
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:

08/08/08

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Ray H. We
Signature

Title

Town Attorney

County

City

of

Town

Village

Northumberland

Date:

08/09/08

MAR 18 2009

Town of Northumberland

Local Law No. 1 of the year 2009

**MISCELLANEOUS
& STATE RECORDS**

A Local Law allowing the Town Attorney of the Town of Northumberland at the time of his/her appointment and throughout his/her term of office need not be an elector of the Town of Northumberland so long as he/she is a resident of the County of Saratoga, Warren or Washington of the State of New York

Be it enacted by the Town Board of the Town of Northumberland as follows:

SECTION 1. AUTHORITY

This Local Law is enacted pursuant to the authority of Chapter 365 of the laws of 1976 which added a new subparagraph (3) to paragraph d of subdivision 1 of section 10 of the Municipal Home Rule Law, authorizing a town to adopt a Local Law which may amend or supersede in its application to it, any provision of the Town Law relating to the property, affairs or government of the town or in relation to any of the other enumerated subject matters in such section 10, unless there is a State legislative restriction on such amendment or supersession.

SECTION 2. ELIGIBILITY OF TOWN ATTORNEY

Subdivision 1 of section 23 of the Town Law is hereby amended and superseded in its application to the Town of Northumberland to provide that the Town Attorney of the Town of Northumberland at the time of his/her appointment(s) and throughout his/her term of office need not be an elector of the Town of Northumberland so long as he/she is a resident of the County of Saratoga, Warren or Washington of the State of New York. A new sentence is hereby inserted at the end of subdivision 1 of section 23 of the Town Law, to read and provided as follows: "The Town Attorney of the Town of Northumberland at the time of his/her appointment and throughout his term of office need not be an elector of the Town of Northumberland as long as he/she is a resident of the County of Saratoga, Warren or Washington of the State of New York."

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 09 of the (County)(City)(Town)(Village) of Northumberland was duly passed by the Northumberland Town Board on March 5 20 09, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the (Name of Legislative Body) on 20, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) and was deemed duly adopted on 20 in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the (Name of Legislative Body) on 20, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) on 20.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the (Name of Legislative Body) on 20, and was (approved)(not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Denise D. Murphy
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body.

Date: 03/12/09

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Signature]
Signature

Title

Town Attorney

County

City of

Town

Village

Northumberland

Date: 3/16/09

Town of Northumberland

Local Law #4 of the year 2006

A Local Law Amending the Town's existing Zoning Ordinance.

This amendment would establish an Agricultural Protection District, a Commercial/Residential District, would adopt siting criteria, and would amend the lists of permitted uses within certain zoning districts. This proposed local law would apply throughout the Town of Northumberland.

**Be it enacted by the Town Board of the
Town of Northumberland as follows:**

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ATTACHMENTS FOLLOW

Attachment A	Use, Area and Bulk Regulations
Attachment B	Planned Unit Development District
Attachment C	Zoning Map of the Town of Northumberland

**Town of Northumberland
Zoning Ordinance**

**ARTICLE I
INTRODUCTORY PROVISIONS**

A. Title

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Town of Northumberland, Saratoga County, New York".

B. Authority

Enactment of this Ordinance is pursuant to the enabling provisions of Articles 2 and 3 of the Municipal Home Rule Ordinance and Article 16 of the Town Law.

C. Purpose and Scope

In order to encourage the most appropriate use of land, protect and conserve the value of property, and promote the health, safety, morals, and general welfare of the community, this Ordinance has been established to regulate the location, use, and occupancy of buildings and the use of land for trade, industry, residence, and other uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the area of yards and other open spaces; and for said purposes, to divide the Town into districts; to provide for its enforcement and administration; and to prescribe penalties for the violation of its provisions; the Town Board does hereby enact The Zoning Ordinance of the Town of Northumberland.

D. Application

Any development or use not specifically permitted by this Ordinance is prohibited.

ARTICLE II DEFINITIONS

A. Interpretation

For the purpose of this Ordinance certain terms and words shall be interpreted to have the following meanings: words used in the present tense shall include the future, the plural includes the singular; the word "plot" includes the word "lot"; the word "building" includes the word "structure"; the word "occupied" includes the words "designed", "intended", or "arranged for occupancy"; and the word "person" may include more than one, an association, a partnership or a corporation. Terms not defined in this Ordinance shall be interpreted to carry the conventional definition attributed to it in every day association.

B. Definitions

For the purpose of this Ordinance, certain terms and words are herewith defined below.

1. Accessory Building: A detached subordinate building, the use of which is customarily incidental to that of a principal building and located on the same lot with such principal building.
2. Accessory Use: A use, occupancy, or tenancy customarily incidental and subordinate to the principal use and located on the same lot with such principal use.
3. Adult Businesses: Any one of several adult business uses which may include an adult cabaret/nightclub, adult motion picture theater, massage parlor, adult video/bookstore, or a business where body painting and/or tattooing or body piercing is conducted.
4. Agribusiness: A commercial facility selling products and services normally associated with agriculture including, but not limited to, farm equipment and its repair, agriculture production supplies for agricultural use.
5. Agricultural Activities - All activities directly related to the growing or raising of crops or livestock, including horticultural and fruit operations.
6. Agricultural Land: Land used for the production or raising of crops, animals, or animal products, the selling of such products grown on premises and any other commonly accepted agricultural pursuits.
7. Agricultural Pursuit (Use): Cultivation of land, or raising or harvesting of

any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, training of and management of animals, including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems, and farm ponds on such lands.

8. Agricultural Use Structure: Any barn, stable, shed, silo, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.
9. Airport: A place where aircraft can land and take off, usually having hangers, refueling facilities, and accommodations for passengers and cargo.
10. All Weather, Dustless Material: Any material or treatment that serves to reduce or eliminate dust generation on road surfaces and parking areas. Such material or treatment need not contain any bituminous materials, but must provide a type of surface which will remain durable through all types of climatic conditions. Crushed rock shall be considered an all weather, dustless material.
11. Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another. The repair of existing structural parts is not considered an alteration.
12. Animals (Agriculture): Traditional farm animals and livestock which include cows, horses, sheep, llamas, goats, pigs, chickens, ducks, and geese.
13. Antique Shop: A commercial facility or a home occupation selling items constructed and/or manufactured in an earlier time. There shall be no outdoor display of goods or outdoor storage of equipment or materials associated with such shop when a home occupation.
14. Applicant: A person submitting an application for review.
15. Area and Bulk Regulations: The combination of controls which establish the minimum size of a lot and the maximum size of a building and its location on such lot.
16. Art Gallery: A place where original works of art, prints, and reproductions are displayed and offered for sale.
17. Automobile Junkyard: Any place of storage or deposit, whether in

connection with another business or not, where two or more unregistered or second hand motor vehicles, no longer intended or in condition for legal use on the public highways or for agricultural or construction-related activities, are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use of some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose. Such term shall include any place of storage or deposit for any such purposes of used parts or waste materials from motor vehicles which, taken together, equal in bulk two or more such vehicles provided, however, the term junkyard shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for re-melting purposes only. For the purpose of this definition, "motor vehicle" shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways or in agricultural activities.

18. Basement: That space of a building that is partly below grade which has more than half its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.
19. Bed & Breakfast: A private dwelling in which at least one (1) and not more than five (5) rooms are offered for rent for transient occupancy, in which overnight lodging and breakfast are offered to such occupant and in which no public restaurant is maintained.
20. Bituminous Material: Any material or treatment containing a mineral pitch or asphalt base and which provides a durable road surface able to withstand all types of climatic conditions.
21. Boarding, Lodging or Rooming House: A private dwelling in which at least three (3) but no more than six (6) rooms, with or without meals, are offered for rent. This term shall be deemed to include Inns.
22. Building: A structure wholly or partially enclosed within exterior walls, or within exterior and party walls, and a roof, affording shelter to persons, animals, property or a business activity.
23. Building Area: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.
24. Building Code: Ordinance establishing regulations for structures as adopted by the Town Board.

25. Building Coverage: The amount of land covered or permitted to be covered by building(s), walkways, driveways, parking lots and accessory uses, measured in terms of a percentage of total lot area. Such measurement shall exclude uncovered porches, terraces, and steps.
26. Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face shall include bay windows, covered porches whether enclosed or unenclosed, or any projections thereof, which are over fifty (50) square feet in area.
27. Building, Height of: The vertical distance from the mean finished grade to the highest point of the roof measured at the front wall of the building. Said measurement shall exclude church spires, cupolas, water towers, and radio antennae.
28. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
29. Cellar - That space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.
30. Central Private Utility: A sewage, water or other utility system which serves a development and is paid for without public or special district administration or funding.
31. Channel: A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.
32. Church: A building or structure, or group of buildings or structures, which by design and construction are primarily intended for use by groups or persons to conduct organized religious services and the accessory uses associated therewith.
33. Commercial Communications/Radio Towers: Any structure greater than 35 feet in height, which is capable of receiving and/or transmitting signals for radio or communication purposes.
34. Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the private or public use or enjoyment of the space. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the space.

35. Composting Facility: A solid waste management facility used to provide aerobic, thermospheric decomposition of solid organic constituents of solid waste to produce a stable, humus-like material. This definition shall not include manure storage on the site of a farm.
36. Comprehensive Land Use Plan: The long range plan intended to guide growth and development of the Town, expressing policy on the course of its housing, public utilities, community facilities, transportation and land use distribution and intensity.
37. Conservation Design Subdivision: A development pattern in which uses are grouped or "clustered" through a density transfer within a particular development, rather than spread evenly throughout as in conventional development. (See Article XI, Section R and the Town of Northumberland Subdivision Regulations).
38. Construction Trailer: A temporary mobile storage structure to be sited and utilized for the storage of materials and equipment only during the construction of a project.
39. Cultural Facility: An establishment of an historic, educational or cultural interest which is not operated commercially.
40. Day Care Center: A private establishment which provides, for profit, day care for four (4) or more children placed there by parents, guardians, or others responsible for their care. The name, description, or form of the entity that operates the facility shall not affect its status as a day care facility.
41. Detached Structure: A structure which has open space surrounding it.
42. Development: Any activity other than normal agriculture, conservation, or forest management activity which materially affects the existing conditions of land or improvements to the land.
43. Dwelling, Single-Family: A building containing one dwelling unit designed and used for occupancy by one family. This shall be interpreted to include modular homes and exclude mobile homes.
44. Dwelling, Duplex: A building containing two (2) dwelling units, designed and used for occupancy by two (2) families living independently of each other.
45. Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one (1) family.

46. Family: One (1) or more persons who live together as a single housekeeping unit and maintain a common household, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. May consist of a single person or of two (2) or more persons whether or not related by blood, marriage, or adoption. May also include domestic servants and gratuitous guests.
47. Farm Employee: An individual whose primary source of income is substantially derived from employment on a farm as documented through appropriate income records as determined by the town.
48. Farm Employee Dwelling Unit: A dwelling unit intended for occupation by a farm employee, and his or her family, which must be located on the farm property. Said unit may be a mobile home and shall not be made available to persons other than farm employees and their immediate families.
49. Farm: Any parcel of land in excess of ten (10) acres used for agricultural pursuits which annually gross \$10,000 in agricultural production or sales.
50. Fence: An artificial structure designed to or which, in fact, does divide, enclose or screen a parcel of land or portion thereof. This definition shall also apply to the term "wall".
51. Flood Hazard Area, One Hundred (100) Year: The maximum area of the flood plain that, on the average, is likely to be flooded once every one hundred (100) years as determined by the Federal Emergency Management Agency.
52. Forestry Use: Any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skid ways, landings, fences and forest drainage systems, subject to Local Law #?? of 2005.
53. Forestry Use Structure: Any barn, shed, research, educational, or administrative building or cabin directly and customarily associated with forestry use.
54. Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
55. Garage, Private: An enclosed space for the storage of one or more motor

vehicles and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted. This term shall be interpreted to include carports.

- 56. Garage, Public: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, dispensing of fuel, adjustment or equipping of motor vehicles.
- 57. Garage Sale: A sale of used household items or clothing held at the home of the seller or at the home of one of several sellers.
- 58. Garden Shop: A commercial facility selling products and services normally associated with the care of lawns and gardens.
- 59. Gasoline Station: Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline, oil, or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing motor vehicles, but not including the painting or major repair thereof or the use of mechanical car washing equipment. The term "gasoline station" may also include a quick-stop retail food store as an integral part of the gasoline station.
- 60. Golf Course: A tract of land for playing golf, consisting of at least nine (9) holes, except miniature golf, within which the playing area is not artificially illuminated.
- 61. Grade-Mean Finished: The average grade level of the ground measured at the front wall of the building.
- 62. Gross Floor Area: The sum of the gross horizontal areas of several floors of a building measured from the exterior face of the exterior walls. All roofed areas except basements, enclosed off-street parking areas, and pedestrian walkways in an enclosed structure shall be included in the calculation of floor areas.
- 63. Health/Fitness Club: A building or site used for the physical conditioning of the body through the use of aerobic conditioning/exercising, weights, etc. Also included are changing facilities, showers, and incidental food service and tanning facilities.
- 64. Home Occupation: An occupation or profession customarily conducted entirely within a dwelling or an accessory building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the residence or the surrounding neighborhood.

65. Home Owners Association: A contract agreed to by owners of homes in an area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space, and, may provide regulations for the appearance of structures.
66. Hotel or Motel: An establishment which provides overnight sleeping accommodations for transient guests, and is commonly known as a "hotel" or "motel"; it provides customary hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service and the use and upkeep of furniture. A "hotel" or "motel" may also include dining and laundromat facilities located on the premises. The term shall not be deemed to include an Inn, Bed and Breakfast, Boarding or Rooming House, or other such accommodations.
67. Indoor Commercial Recreation Facility: An indoor recreation facility which is operated as a business and open to the public for a fee. Examples include, but are not limited to, bowling alley, billiard hall, and tennis club.
68. Industry: The act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity not intended for retail sale on the same premises.
69. Inn: See "Boarding, Lodging or Rooming House."
70. Kennel: Any premises on which dogs are kept for the primary purpose of sale or for the purposes of boarding, training, care or breeding, and for which a fee is charged or paid.
71. Landscaping: The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.
72. Land Use Activity: Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, removal of vegetation, roads, fences, driveways, mining for the purpose of extracting soils or mineral deposits, and demolitions.
73. Laundromat: A business premises equipped with individual clothes washing machines and dryers for the use of retail customers.
74. Library: A structure open to the general public whose principal use is a

repository for literary and artistic materials, such as books, records, prints, videotapes, etc.

75. Living Area: That area comprised of the enclosed occupied living accommodations within a residence, exclusive of cellars, garages, and open porches.
76. Loading Space: An off-street space, area or berth, with an appropriate means of access to a street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise or materials.
77. Lot: A defined parcel of land considered as a unit, occupied or capable of being occupied by a building or buildings and for accessory buildings, and/or uses, including such open spaces as are required by this Ordinance.
78. Lot Line: The established division line between different parcels of property.
79. Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
80. Lot, Coverage: See Building Coverage.
81. Lot, Depth: The mean horizontal distance between the front and rear lot lines.
82. Lot, Frontage: The width of the lot measured at the front property line along a public road.
83. Lot, Through: A lot with rear and front lot lines abutting existing or proposed streets and/or shoreline.
84. Lumberyard: Any building(s), site or place used for the commercial selling of lumber and related building supplies etc.
85. Marina: Any waterfront facility which provides accommodation services for vessels by engaging in any of the following:
 - a. The sale of marine products or services;
 - b. The sale, lease, rental or charter of vessels of any type; or
 - c. The sale, lease, rental or any other provision of storage, wharf space, or mooring for vessels not registered to the owner of said facility, a member of the owner's immediate family, the owner or lessee of the immediately adjoining upland property, members of their immediate families, or an overnight guest on said property.

86. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such lubricating oils, plastics, resins or liquors.
87. Mean High Water Mark: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
88. Mean Low Water Mark: The average annual low water mark as established by a water regulating district or the New York State Department of Environmental Conservation.
89. Medical Clinic: A facility in which one (1) or more doctors trained in the healing arts, assisted by a staff, treat patients for a length of time that does not include overnight care.
90. Mining: The mining of sand, gravel, clay, topsoil, muck, stone, minerals or other natural material deposits for commercial use and/or sale, including the construction, alteration or maintenance of mine roads, mine tailings, piles or pumps and mine drainage. This definition shall be interpreted to exclude mining on-site for agricultural purposes.
91. Mobile Home: A moveable or portable residential structure designed and constructed upon a permanent chassis or undercarriage which may be towed, and when connected to utilities is designed to be used as a residence with or without a permanent foundation for year-round living. A mobile home may consist of two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components for repeated towing. A mobile home shall mean a structure designed to be used exclusively for residential purposes and shall include what is commonly referred to as "doublewides" but shall exclude travel trailers. Mobile homes must meet all applicable standards set forth in the New York State Uniform Fire Prevention and Building Code as authorized by Article 18 of the New York State Executive Ordinance, effective January 1, 1984.
92. Mobile Home Lot: A mobile home lot is a designated site of specific total land area which is located within a mobile home park for the accommodation of one (1) mobile home and its occupants.

93. Mobile Home Park: Any lot, parcel or tract of land or portion thereof, together with the open space and facilities required by this Ordinance, used, designed or maintained, and having mobile home spaces as defined herein, available for lease to accommodate mobile homes as defined herein, or any premises on which two (2) or more mobile homes are located and occupied, regardless of whether or not any compensation is provided. Mobile homes being used as farm employee dwelling units shall not be considered a mobile home park.
94. Mobile Home Stand: A mobile home stand is a durable surface located on a mobile home lot which is to be used for placement and capable of supporting a mobile home.
95. Modular Home: A prefabricated dwelling unit which is constructed off site in two or more segments or sections, designed and constructed without a permanent chassis or undercarriage, which is permanently assembled upon a foundation and meets all applicable standards of the New York State Uniform Fire Prevention and Building Code.
96. Nonconforming Building: A building or structure existing at the time of enactment of this Ordinance or as a result of amendments thereto, which does not conform to the area regulations of the district or zone in which it is situated.
97. Nonconforming Use: A use of land existing at the time of enactment of this Ordinance or as a result of amendments thereto, which does not conform to the use regulations of the district or zone in which it is situated. The filing or approval of a map or a plan including a subdivision map or plan prior to the effective date of this Ordinance shall not constitute a "use of land" within the meaning of this definition.
98. Nursing Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
99. Office Building: A building that is divided into offices, either singles or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business or for public or semi-public activities in whole or part are included in this definition.
100. Open Space: Land not covered by buildings, parking lots, open storage, mining operations, or any other use that visually obscures the natural or improved landscape.

101. Open Space Recreation: Any recreational activity, particularly oriented to and utilizing the outdoor character of an area; including but not limited to, cross-country skiing; hiking; back packing; bicycling; riding; playing on playground equipment; picnicking, snowmobiling, trail biking, jeep riding or use of all-terrain vehicles.
102. Park: A tract of land, designated and used by the public, for active and passive recreation.
103. Parking Lot: Any space for the storage of more than three (3) vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.
104. Parking Space, Off-Street: An off-street area or berth which is at least nine (9) feet in width and eighteen (18) feet in length, with an appropriate means of vehicular access to a street, intended for the temporary storage of vehicles.
105. Person: Any individual, corporation, partnership, association, trustee, or other legal non-governmental entity.
106. Personal Service Establishment: A commercial operation, office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor or dressmaker.
107. Pharmacy: A retail business where medicines are compounded and dispensed.
108. Plan: The design of a development, including a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities.
109. Planned Unit Development: A tract of land which is planned and developed as a unit with a grouping(s) of residential, commercial or industrial buildings together with their accessory buildings, and all appurtenant roadways, parking areas, loading areas, open spaces, and service buildings and facilities.
110. Professional Offices: The office of a doctor, lawyer, engineer, architect, dentist, accountant, insurance agent, real estate broker, income tax preparer, or other similar professionals.
111. Public Utility Use: A building, structure, or location with other appurtenances used for or in connection with the transmission, distribution

or regulation of water, gas, electric, telephone, or other public utility service.

112. Public & Semi-Public Use: Land use or buildings under the auspices of a governmental unit, public agency or those involving public benefit or advantage; hospitals, cemeteries, passenger stations, fire stations, government offices or facilities (i.e. Town garage, landfill operation, water or waste material treatment or pumping facilities, etc.) community centers and like uses are included in this definition.
113. Quick-Stop Retail Food Store: A commercial facility selling basic foods and household items. The intent of such a facility is to address transient or last minute needs, not supply a full complement of groceries and household supplies.
114. Recreation Areas: Land or structures designed for conventional recreation pursuits.
115. Recyclables Handling and Recovery Facility: A solid waste management facility, other than collection and transfer vehicles, at which recyclables are separated from the solid waste stream, or at which previously separated recyclables are collected.
116. Research and Development Center: An establishment or other facility for carrying on investigation on the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.
117. Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building, but may include catering.
118. Retail Business: Any building or structure in which one or more articles of merchandise are sold at retail, including department and grocery stores. Retail outlets in which minor manufacturing or processing are incidental to the sale of goods or services on the same premises (i.e. bakery, jeweler, cleaner, photographer, tailor, potter, etc.) are included in this definition.
119. Satellite (Dish) Antenna: Any parabolic dish and/or other device(s) or equipment of whatever nature or kind, whose purpose is to receive television, radio, microwave, or other such signals, or communications, from orbiting satellites.
120. Sawmill: Any building, site or place used for the sale, storing, cutting or milling of raw timber into dimensional lumber.

121. School: An educational institution housing a curriculum, a physical plant consisting of adequate facilities, and a qualified staff to carry out the institution's objectives.
122. Screening: Fences, berms, bushes, or trees or other natural and/or artificial material which obscures the visual character of any given building or use of land.
123. Setback: The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or such other improvement on a lot, except necessary driveways.
124. Sewerage, Private: An on-site method of sewage treatment (usually a septic tank and a drainage field or fields) designed, installed, operated and maintained by the owner of the premises in accordance with the requirements and standards outlined in the New York State Department of Health's Waste Treatment Handbook, Individual Household Systems.
125. Sewerage, Community: A system whereby water-born wastes from toilets, wash laundry, and/or other facilities in dwellings, accessory buildings, business or industrial establishments or any combination thereof on two (2) or more lots are treated and are discharged into the ground or through an outfall sewer into an acceptable stream or other permanent body of water which is acceptable to applicable standards of the New York State Department of Health and the New York State Department of Environmental Conservation.
126. Soil Disturbing Activity - Any activity which directly or indirectly changes the natural topography or vegetative cover of more than one (1) acre of land by any kind of soil disturbance (including but not limited to, excavation, grading and filling), or by the cutting of trees or clearing of any type of vegetation.
127. Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, demonstrations, symbols, fixtures, colors, illumination or projected image.
128. Sign Area: Means the total area of all faces or surfaces of a sign anywhere upon which writing or any illustrative, emblematic or other artistic or expressive matter appears; in cases where such writing or other expressive matter is not set against any face or surface, the total area within a single continuous rectangular perimeter enclosing the extreme limits of such matter shall constitute the sign area. If the sign area is composed of two

(2) surfaces back-to-back, the area of the larger side shall constitute the total sign area.

129. Stable/Riding Academy: An establishment primarily engaged in providing horseback riding instruction, and/or the boarding of horses, including customary accessory buildings and uses.
130. State Environmental Quality Review Act (SEQR): As codified in Article VIII of the Environmental Conservation Law and the implementing regulations codified in Title 6 of the New York Code of Rules and Regulations Part 617.
131. Storage Shed: Any structure used to store equipment, supplies, tools, etc., which is subordinate to or supports the activities of the principal use or structure. In no case shall a storage shed exceed 240 sq. ft.
132. Stormwater Management: The environmentally sound management of water runoff from any construction or building site which includes a physical disturbance of one (1) acre or more and is subject to the requirements of NYSDEC's Phase 2 Stormwater Management Permit program for construction-related activities.
133. Street: A public or private way which affords the principal means of access to abutting properties. The term "street" includes the terms "avenue", "place", "way", "drive", "lane", "boulevard", "highway", "road" and any other thoroughfare.
134. Street, Centerline: The line determined by connecting the mid-points of the surfaced portion of any street, road or highway.
135. Streetline: For the purpose of this Ordinance, streetline shall be the highway right-of-way line.
136. Structure: Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground.
137. Subdivision: The division of a single parcel into two or more lots, plots sites or other divisions of land for immediate or future sale or for building development whether or not the subdividing creates a street. The term "subdivision" is used to denote the act of subdividing or the property which is subdivided. (*See Town of Northumberland Subdivision Regulations*).

138. Swimming Pool: Any body of water or receptacle for water having a depth at any point greater than two (2) feet, used or intended to be used for swimming, and constructed, installed or maintained in or above the ground. A swimming pool shall be deemed a structure for all purposes under the provisions of this Ordinance.
139. Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
140. Theater: A place of assembly for the showing of movies and the production of plays and special events.
141. Travel Trailer: Any portable vehicle, including a tent camper, truck camper or motor home, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes, and which may or may not include all of the accommodations and facilities customarily included in a mobile home.
142. Truck Terminal: An area and building where cargo is stored and where trucks are stored, repaired, and cargo is loaded or unloaded on a regular basis.
143. Veterinarian Clinic/Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
144. Utility Facility Structures: Facilities, such as but not limited to, electric lines and poles, gas mains, water mains, sewer and communication lines. This also includes any subsidiary utility substations such as but not limited to electric, gas, water, sewer and communication.
145. Warehouse: A building designed or used as a wholesale storage and/or distribution center.
146. Water Supply, Private: A supply of potable water from a reliable source adequate to meet the daily needs of a dwelling and its permitted accessory building or a business or an industry.
147. Water Supply and Distribution System, Community: A supply of water from a reliable source adequate to meet the daily needs of dwellings and their permitted accessory buildings or business or industrial establishments or any combination thereof on two (2) or more lots or parcels of land and having a system of intake conduits or pipes, pumps, purification and storage equipment and facilities, hydrants and other ancillary equipment,

and a system of distribution mains and pipes whereby the potable water is conducted to the dwellings, accessory buildings, business or industrial establishments or any combination thereof located on the lots served by the system. Such system shall be approved for potability, adequacy and reliability by the New York State Department of Health and the New York State Department of Environmental Conservation.

148. Wholesale Storage and Trade: Establishments or places of business primarily engaged in the storing of merchandise and selling of same to retailers; industrial, commercial, institutional, or professional business users, or to other wholesalers.
149. Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
150. Yard, Front Setback: An open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the highway right-of-way. Covered porches, whether enclosed or unenclosed, shall be considered as part of the principal building and shall not project into a required front yard.
151. Yard, Rear Setback: An open space extended across the entire width of the lot between the rear wall of the principal building and the rear line of the lot.
152. Yard, Side Setback: The space extending from the front yard to the rear yard and from the side lot line to the part of the principal building which is nearest to such side lot line.
153. Zoning Administrator: Individuals appointed by the Town Board for the purpose of administering and enforcing the New York State Building and Fire Code and the Town's Zoning Ordinance.

ARTICLE III ESTABLISHMENT OF DISTRICTS

A. Zoning Districts

For the purpose of this Ordinance, the Town of Northumberland is hereby divided into the following zoning districts:

APD	Agricultural Protection District
R-3	Residential District
R-1	Residential District
MH	Mobile Home District
C/R	Commercial/Residential
H	Hamlet
I	Industrial

The following overlay districts are also hereby created:

SOD	Shoreline Overlay District
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A Planned Unit Development (PUD) District may be created as a result of provisions of this Ordinance. See Article V.

B. Zoning Map

The locations and boundaries of each zoning district listed as part of this Ordinance are hereby established as shown on the map entitled "Zoning Map of the Town of Northumberland". Said map, together with all explanatory matter thereon and all amendments thereto, is hereby adopted and declared to be a part of this Ordinance, and may be amended in the same manner as any other part of this Ordinance. Said map shall be kept up to date by the Town Clerk and shall be located in the Town Clerk's Office for the use and benefit of the public.

C. Interpretation of Boundaries

Where uncertainty exists with respect to the boundary of any district as shown on the Town of Northumberland Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of right-of-way lines of streets, highways, railroads, water courses, or public utility easements, said boundaries shall be construed to be coincident with such lines.
2. Where district boundaries are so indicated that they are approximately parallel to the center lines of right-of-way lines of streets, highways, railroads, water courses, or public utility easements, said boundaries shall

be construed as being parallel thereto and at such distances as are indicated on the Zoning Map or as shall be determined by the scale shown on the Zoning Map.

3. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
4. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as are indicated on the Zoning Map.
5. Where a street, highway, railroad, water course, or public utility easement, center line, or right-of-way line is coincident with a zoning boundary line and varies from the actual on-the-ground physical monument or mark, then such on-the-ground physical monument or mark shall determine said zoning boundary.
6. Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals with advice from the Planning Board shall interpret the intent and purpose of the Zoning Map.
7. Where a district boundary line divides a lot in single or joint ownership at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
8. In the event that none of the above rules is applicable, or in the event that further clarification or definition is considered necessary or appropriate, the location of a district boundary shall be determined by the Zoning Board of Appeals.

D. Application of District Regulations

Except as hereinafter otherwise provided:

1. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located, with the exception that density may be varied in accordance with the provisions of Article V of this Ordinance.

2. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building or use.
3. No yard or lot existing at the time of the passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance. Substandard lots shall only be created through clustering or the granting of an area variance or through the provisions of Article V of this Ordinance.
4. No off-street parking or loading space required for one building or use shall be included as satisfying, in whole or in part, the off-street parking or loading space required for another building or use except as otherwise provided for by this Ordinance.
5. No off-street parking or loading space shall be so reduced in area that it does not meet the minimum requirements of this Ordinance.
6. Within each district, the regulations set forth by this Ordinance shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land, with the exception that density may be varied in accordance with the provisions of Article V of this Ordinance.

E. Application of Overlay Districts

Where a lot falls in an overlay district, the requirements of both the conventional district and overlay district shall apply. When requirements differ, the more restrictive shall apply.

ARTICLE IV USE, AREA AND BULK REGULATIONS

A. Purpose and Objectives

1. APD – Agricultural Protection District: This district is created to protect those areas most suited for agricultural pursuits. This area nearly coincides with the boundaries of Saratoga County Consolidated Agricultural District Number 1. Most soils have limitations for development related to seasonally high water tables and slow percolation rates. The soils, however, are well suited for farming. Development in this district should be carefully reviewed to assure the continued viability of the agricultural industry and economy in the Town.
2. R-3 - Residential: Areas zoned R-3 are intended to serve as a buffer between the Agricultural Protection District and the more densely developed residential areas. Certain soils in the R-3 District have limitations for development due to high water tables. The R-3 District is not served with public water or sewer utilities.
3. R-1 - Residential: This R-1 district is intended primarily for housing growth in Northumberland. This area has soils generally suited for development, including on-site sewage disposal, although local exceptions, due to seasonally high groundwater tables, are present. Water can easily be supplied from groundwater sources.
4. MH - Mobile Home: These districts encompass existing mobile home parks and provide room for the expansion of said mobile home parks.
5. C/R – Commercial/Residential: The purpose of this district, which runs along the Route 50 corridor, is to encourage a compatible mix of residential and certain commercial uses, and to discourage the development of strip commercial uses; and those uses incompatible with the predominantly residential character of the District.
6. H - Hamlet: Corresponding to the built up areas of Northumberland, Gansevoort and Bacon Hill, these areas are proposed for intensive mixed use development. They are appropriate for commercial development, single and two-family use.
7. I - Industrial: These areas are intended to be reserved for industrial use and should not be committed to housing except agriculture. The districts are located within the Hamlet of Northumberland and adjacent to the Hamlet of Gansevoort in the northwest portion of the Town. Three-phase power is available as is access to major traffic arterials. Rail access is

possible at Gansevoort. Water can be supplied from existing sources of groundwater.

B. Regulations

The specific use, area, and bulk regulations for each district are found in *Attachment A*.

ARTICLE V PLANNED UNIT DEVELOPMENT DISTRICT

A. Purpose and Objective

The Planned Unit Development (PUD) procedure provides a flexible land use and design regulation through the use of performance criteria and other standards so that development may be matched with sensitivity to the unique characteristics of the site using innovative development techniques that might not otherwise be possible through strict application of land use regulations and requirements. The conventional use, area, bulk, and density specifications set forth in other sections of this Ordinance are intended to be replaced by the approved PUD District plan, which then becomes the basis for legislation established by the Town Board which is subject to detailed design review.

While flexibility in substantive regulations is thus encouraged, it is intended that this uniform procedure and the required conformance with the Town Comprehensive Land Use Plan, municipal service capability, and the purposes of this Ordinance, as specified in Article I, shall ensure the general public welfare through treatment under the law, as well as precise control of aspects of the development as approved.

There are four (4) types of PUD's permitted in Northumberland: residential-mixed use, business/commercial, recreational and industrial. A residential-mixed use PUD is intended to provide a variety of housing types and retail uses associated with residential living while making effective use of the existing natural and manmade resources. A business/commercial use PUD is intended to provide a variety of business and commercial uses on a site while assuring compatibility with the existing natural and manmade resources found there. An industrial PUD provides opportunities for industrial and manufacturing uses, which are supportive of the planning goals of the Town. A recreational use PUD is intended to provide a single or combination of recreational uses on a site while assuring continued compatibility with the existing natural and manmade resources of the area. All of the aforementioned PUD types and combinations thereof may be developed individually or jointly and should make use of flexible design standards which replace the conventional zoning requirements of the Town of Northumberland.

In order to carry out the intent of this Article, PUD's shall achieve the following objectives:

All PUD's:

1. The preservation of trees, outstanding natural topography and geologic features and preservation of soil erosion;
2. A creative use of land and related physical development which allows an orderly transition of land from one use to another;
3. An effective use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
4. A development pattern in harmony with the objectives of the Town of Northumberland Comprehensive Land Use Plan;
5. A more desirable environment and a demonstrable benefit to the Town than would be possible through the strict application of the other articles of this Ordinance.

Residential - Mixed Use PUD's:

1. The maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing, together with certain specifically permitted commercial and industrial uses), types of housing, lot sizes and community facilities available to existing and potential Town residents at all economic levels;
2. More useable open space and recreation areas;
3. More convenience in locations of accessory commercial and service areas.

Business/Commercial Use PUD's

1. The creation of various business and commercial pursuits at suitable locations, scales and intensities that will address the Town's needs and benefit the economic developments of Northumberland.

Recreational Use PUD's

1. The establishment of useful and needed recreational pursuits at suitable locations within the Town, which will promote the public's enjoyment of Northumberland's open space resources.
2. Recreational PUD's shall be designed to protect and enhance the character of Northumberland's land and water resources.

Industrial Use PUD's

1. The creation and maintenance of industrial uses at scales and intensities essential to the economy of Northumberland.
2. The creation and maintenance of industrial uses that are supportive of the community in terms of work force, design, and character.

B. Approval Procedure

1. Application for Approval: In order to allow the Town Board and the developer to reach an understanding of the basic design requirements prior to detailed design investment, the developer shall submit an application of his proposal to the Town Board. The Town Board, at its next regularly scheduled meeting, may, if it determines that the proposal merits review, refer the application to the Planning Board for review and recommendation. If the Town Board determines that the proposal does not merit review because it does not meet the goals and objectives of the Town's Comprehensive Land Use Plan or the objectives of this Article, it shall not refer the application to the Planning Board and no further action on the application shall be taken.
 - a. Application for establishment of a Planned Unit Development (PUD) District shall be made in writing to the Town Board. Five (5) copies of said application and five (5) copies of a completed Environmental Assessment Form (EAF), Part I, in accordance with Article 8 ECL and Title 6 Part 617 NYCRR, shall be submitted along with the appropriate application fee as established by the Town Board. Said application shall include a proposed local law prepared by the applicant for the creation of the Planned Unit Development District. The proposed law shall follow the format of a model law (*See Attachment B*) and any recommendation of the Planning Board shall be incorporated into the proposed law. Within three (3) days of receipt of application, if the Town Board determines that the application meets the goals and objectives of the Town's Comprehensive Land Use Plan and the objectives of this Article, the Town Board shall direct the Town Clerk to forward two (2) copies of same, along with one (1) copy of EAF, to the Planning Board. If applicable, the Clerk shall forward a copy of all relevant material to the County Planning Board in accordance with General Municipal Ordinance Sections 239 (1) and 239 (m).

b. Said Application shall include the following:

- (1) Site development plans drawn at a scale of not less than one (1) inch equals one hundred (100) feet containing the following information:
 - (a) Property lines, existing and proposed, together with the acreage of all lots, including property deeds, any easements and dedications.
 - (b) The existing and proposed uses of land in and adjacent to the development site.
 - (c) Topographic and drainage information including contour intervals of not more than two (2) feet of elevation, both existing and proposed.
 - (d) Existing natural and man-made features, including streams, drainage improvements, wetlands, floodplains, slopes over fifteen (15) percent grade, and existing buildings and structures.
 - (e) All existing and proposed elements of vehicular and pedestrian circulation, including but not limited to roadways, parking areas, loading areas, walkways, bike paths and parking garages.
 - (f) Delineation of the location and nature of the various proposed buildings and uses, including the number, type and size of all buildings proposed, plus a calculation of density.
 - (g) The nature and location of all utilities, existing and proposed, including water, sewage, storm drainage, public utilities and refuse collection.
 - (h) A landscaping plan showing the nature and location of all landscaping, plantings, fencing, screening and buffers.
 - (i) The nature and location of all common property including any structures, buildings, facilities or other improvements proposed to be located on such property.
 - (j) Other items listed in the Town of Northumberland Subdivision Regulations that are required for Major Subdivision Plats.

- (2) The name and address of the applicant, the property owner, and if the applicant is other than the property owner, evidence of his or her authority to make such application, including a copy of deed(s) showing ownership.
- (3) Plans for the control of erosion and sedimentation and stormwater runoff during and after construction.
- (4) A written statement describing how the proposed PUD will implement the purposes set forth in this Article. This statement shall also detail the type and number of buildings and/or residential dwelling units, the number of off-street parking spaces, and proposals for the construction, operation and maintenance of all utility systems and road improvements on and off the property.
- (5) A written statement detailing the methods of ownership, control and planning by which the proper operation continues into perpetuity and maintenance of all common lands and facilities, structures, or buildings thereon, parking areas, walkways and utilities will be assured.
- (6) Where the applicant proposes staging construction over a period of two (2) or more years, a proposed plan indicating the staging of building construction and related improvements within PUD, including estimated timing of each stage, shall be prepared.
- (7) An application for a PUD shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.

2. Planning Board Review: The Planning Board shall review the application with the applicant. The Planning Board may require additional changes deemed reasonably necessary to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the Town. In reaching its decision on the proposed development and changes, if any, the Planning Board shall consider the following:

- a. The existing character of the neighborhood in which the use or uses would be located;
- b. The location of the principal and accessory buildings on the site in relation to one another and neighboring development;
- c. The height and bulk of buildings, their relation to one another, and neighboring development;

- d. The pedestrian circulation and open space distribution in relation to the structures and prospective user needs;
 - e. The traffic circulation features within the site, and the amount, location and safety of access to both the site and within the site, including the overall provision of vehicular parking areas;
 - f. The adequacy of proposed private and public utilities including, but not limited to, water supply, sewage treatment and storm water drainage facilities;
 - g. The protection of existing natural features, landscaping plans to be implemented subsequent to development, and a long term maintenance plan for such landscaping;
 - h. The efforts provided to mitigate, if not eliminate, possible detrimental effects of the proposed use or uses on adjacent properties and the neighborhood in general; and
 - i. Such other matters as the Planning Board may consider pertinent.
3. Compliance with State Environmental Quality Review Act (SEQR): Proposed projects are actions subject to the provisions of SEQR. Prior to rendering its decision, the Town Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR, and follow all applicable procedures.
 4. Planning Board Recommendation: Within sixty (60) days of the date of referral from the Town Board, or from the date that all information requested by Planning Board is submitted, whichever is later, the Planning Board shall recommend approval, approval with modifications, or disapproval to the Town Board of such PUD District application.
 5. Town Board Hearing and Decision: Upon receipt of the Planning Board's report, or upon the failure of the Planning Board to act within the prescribed periods, the Town Board shall hold a public hearing on the proposal, with public notice of such hearing published in the newspaper of general circulation within the Town at least ten (10) days prior to the date of the hearing. The Town Board in reaching its decision on the proposal shall consider the standards of Article V, section B (3), above. The Town Board may then act upon the legal establishment of a Planned Unit Development through amendment of the Town's Zoning Ordinance.
 6. Amendment to Zoning Map: If approved, or approved with conditions, the

Zoning Map shall be amended with the boundaries of the PUD District defined subject to the submission of a survey of the property by a licensed surveyor.

C. Applicability of Conditions

All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of the PUD, or any portion thereof, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any Certificate of Occupancy issued for any use or structure in such PUD.

D. Criteria.

1. Location: A Planned Unit Development (PUD) may only be created through the re-zoning of lands and may be established at any location in the Town.
2. Development Area: The minimum development area required to qualify for a Planned Unit Development district shall be twenty-five (25) contiguous acres of land in the case of a residential-mixed use PUD, five (5) contiguous acres in the case of a business/commercial use PUD, ten (10) contiguous acres in the case of an industrial PUD, and five (5) contiguous acres in the case of a recreational use PUD. The calculations of such land area shall not include existing streets, easements, parks, or otherwise dedicated land or acreage, or lands undevelopable by reasons of topography, drainage, occurrence of wetlands, periodic inundation by flood waters, or adverse sub-soil conditions. The Town Board may vary the minimum development area required for all PUD's under special circumstances.
3. Ownership: The tract of land for a project may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all property included in the project. In the case of multiple ownership, the approved plan and its amendments shall be binding on all owners, or their successors in title and interest.
4. Permitted Uses in PUD District: All uses within an area designated as a PUD District are determined by the provisions of this Section and the approved plan of the project concerned.

E. Standards

1. Residential-Mixed Use PUD Standards:

- a. Residences and retail uses, scaled to serve the needs of the community, may be of any building type consistent with the intent and objectives of this PUD Regulation. The design shall conform as closely as possible with all other sections of this Ordinance, as applicable. Building height shall be restricted to thirty-five (35) feet and no more than eight (8) townhouse units may be attached as group. No mobile homes shall be permitted in the PUD District.
- b. Density. The density permitted within the Residential-Mixed Use Planned Unit Development (PUD) District, shall be determined by the provisions of this Section and the approved plan of the project concerned.

2. Business/Commercial Use PUD Standards:

- a. A business/commercial use PUD consisting of various business and commercial pursuits may be permitted if such uses are beneficial and enhance the economic vitality of the Town, and if such proposed uses are consistent with the Town's planning and development goals. Consideration shall also be given to the appropriateness of the proposed use with the existing community setting. All building heights shall be restricted to thirty-five (35) feet.
- b. Density. The density permitted within the PUD shall be as determined by the approved PUD District site plan.
- c. Minimum Yards Required. Front, rear and side yards shall be designed so that no building is closer than fifty (50) feet to any boundary line of the district.

3. Industrial Use PUD Standards:

- a. An industrial use PUD consisting of industrial or manufacturing uses may be permitted if such uses are supportive of the community population in terms of work force, design and character, and if such uses are consistent with the Town's planning and development objectives. Consideration shall be given to the project as it exists in its community setting to determine the appropriateness of such uses. Building height shall be restricted to thirty-five (35) feet.
- b. Density. The density permitted within the PUD shall be as determined by the approved PUD District site plan.
- c. Minimum Yards Required. Front, rear, and side yards shall be designed so that no building is closer than one hundred (100) feet to any boundary line of the district.

4. Recreational Use PUD Standards:

- a. Various recreational uses may be considered as appropriate for siting within the Town. Compatibility factors which shall be considered and evaluated include character of the surrounding area, including predominant land use, existing topography, vegetation as well as noise/sound levels of the proposed recreational use(s). Review considerations should also evaluate the proposal's consistency with the Town's comprehensive plan and open space goals and objectives.
- b. Density. The density permitted within the PUD shall be determined by the approved PUD District site plan.
- c. Minimum Yards Required. Yard area required shall be as determined by the approved PUD District site plan.

5. Building Design Standards:

- a. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses.
- b. Individual buildings shall generally be related to each other in design, masses, materials, placement and connections, to provide a visually and physically integrated development.
- c. Treatment of the sides and rear of all buildings within the Planned Unit Development will be comparable in amenity and compliance to the treatment given to street frontages of these same buildings.
- d. The design of buildings and the parking facilities shall take advantage of the topography of the site where appropriate, to provide separate levels of access.
- e. All building walls shall be designed and built to all applicable building codes and shall be so oriented as to ensure adequate light and air exposures to the rooms within and to adjacent properties.
- f. All buildings shall be arranged as to avoid undue expose to concentrated loading or parking facilities wherever possible and shall be so orientated as to preserve visual and audible privacy between adjacent buildings.
- g. All buildings shall be arranged so as to be accessible to emergency vehicles.

6. Open Space Requirements: Common open space totaling not less than thirty (30) percent of the total Planned Unit Development District tract shall

be provided in perpetuity. This land shall be exclusive of any land area used primarily for vehicular modes of transportation, including parking area, garages, carports and other features. The ownership of such open space may be either public or private. When in private ownership, a homeowners' association, or similar mechanism, for the long-term ownership and maintenance of this common open space shall be provided, subject to the approval of the Town Board and Planning Board. The grant of conservation easement to further ensure the protection of this open space may be required.

- a. The location, shape, size and character of the open space must be suitable for the Planned Unit Development.
 - b. Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the size and character of the Planned Unit Development, considering the size, density, expected population, topography, and number and types of dwellings to be provided.
 - c. Open space must be suitable for its intended use. If intended for active use, said open space shall be suitably improved. The buildings, structures, and improvements which are permitted in the open space must be appropriate to the uses that are authorized for the open space.
 - d. The development schedule which is part of the final site plan must coordinate the improvement of the open space and the construction of buildings, structure, and improvements.
 - e. All land shown on final site plan must be maintained and used for said purpose.
7. Water Supply and Sewage Disposal: All Planned Unit Developments shall be served, where feasible, by a community water supply and distribution system and with sewage disposal facilities which are in accordance with the requirements of the Town of Northumberland and the New York State Health Department. The applicant shall establish perpetual operation and maintenance of these facilities.
8. Storm Water Management Control/Erosion and Sedimentation Control: All applicable standards and requirements of Article XI, Y and any other local, state, and federal regulations and laws which shall apply. A Storm Water Management Plan shall be submitted pursuant to the Towns subdivision regulations.)

9. Landscape Design Standards:

- a. Landscape treatment for plazas, roads, paths, service and parking areas and dumpsters shall be designed as an integral part of a coordinated landscape design for the entire site.
- b. Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate for local growing conditions.
- c. Whenever possible, existing trees shall be conserved and integrated into landscape design plan.
- d. All streets bordering or within the project area shall be planted at appropriate intervals with street trees, whenever possible.

10. Circulation System Design Standards:

- a. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces.
- b. Roads, pedestrian walks and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings, and appropriately landscaped.
- c. There shall be an adequate amount, in a suitable location, of pedestrian walks and landscaped spaces to limit pedestrian use of vehicular ways and parking spaces, and to separate walks and public transportation loading places from general vehicular circulation.
- d. Buildings and vehicular circulation shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffics.
- e. Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.
- f. The location and design of pedestrian walks should emphasize desirable views of new and existing development.
- g. The maximum separation of private automobiles and service vehicles may be required through the use of separate service lanes.

- h. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained and indicative of their function, and shall comply with other laws, ordinances, rules and regulations wherever applicable thereto. Road installations shall comply with designs specified in the Town of Northumberland Subdivision Regulations.

11. Parking and Loading Design Standards:

- a. The Town Board may require that parking facilities be landscaped and screened to the extent necessary to eliminate unsightliness and monotony of parked cars.
- b. Pedestrian connections between parking areas and buildings shall be via pedestrian walkways.
- c. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of ingress and egress, and shall be developed as an integral part of an overall site design.
- d. Above-grade loading facilities shall be screened from public view to the extent necessary to eliminate unsightliness.

F. Other Requirements

Upon approval of Planning Unit Development District by the Town Board, application shall be made within six (6) months for approval of some portion of the intended PUD development in accordance with the site plan review procedures and requirements contained in Article X herein and Subdivision Regulations, if applicable. In addition, all other applicable regulations shall also apply.

Additional performance requirements which may have been specified by the Town Board in its PUD approval action, such as a time limit for either initiation or completion of improvements and other construction work on the PUD development, shall also be strictly enforced. If these performance requirements are not met, the property shall revert to its prior zoning classifications, unless the Town Board, upon specific application and for good cause, authorizes an extension of time for such performance requirements.

G. Fees

- a. A nonrefundable fee as specified in the Town of Northumberland Fee Schedule shall be paid to the Town of Northumberland with the submittal of each PUD application.

- b. The applicant shall also be responsible for reasonable expenses (legal, engineering, etc.) incurred by the Town in reviewing the application. The Town Planning Board will provide the applicant with a non-binding, good faith estimate of these expenses within 30 days from receipt of the application by the Town Board and referred to the Planning Board. The application will establish an escrow account in the name of the Town of Northumberland in the amount of the above estimate which will be available to the Town to pay for the aforementioned application review expenses. The applicant shall have the right to appeal to the Town Board for a review of the estimate of the application review expenses as determined by the Planning Board.

ARTICLE VI AGRICULTURAL PROTECTION DISTRICT

A. Findings and Purpose

The Town of Northumberland finds that the protection of agriculture is essential to the implementation of the goals and objectives of the Town of Northumberland's Comprehensive Land Use Plan. Protection of land for agricultural purposes is a legitimate and important zoning objective under New York State's statutes, which the regulations in Article VI of the Town of Northumberland's Zoning Ordinance seek to achieve. It is also a policy of the New York State Constitution to preserve agriculture. The purposes of the Agricultural Protection District (hereafter referred to as the APD), among others, are as follows:

1. To protect and maintain the Town's farmland for present and future agricultural use within the Town's Agricultural District as established under Article 25AA of New York State Agricultural and Markets Law;
2. To implement the Town of Northumberland Comprehensive Land Use Plan, which contains the goals of protecting rural and agricultural lands, discouraging nearby incompatible land uses, and promoting agriculture as an important and integral component of the local economy;
3. To support and protect farming by stabilizing the agricultural land base;
4. To maintain a viable agricultural base which will support agricultural processing and service industries;
5. To separate agricultural land uses and activities from incompatible residential, commercial, industrial development, and public facilities;
6. To prevent the fragmentation of the Town's existing farming community by non-farm development; and
7. To reserve the Town's most productive soils for agriculture.

B. Permitted Uses

1. Farms
2. Single family dwellings
3. Agricultural pursuits
4. Agricultural use structures
5. Forestry use
6. Forestry use structures

C. Special Permitted Uses

1. Farm employee dwelling units:
 - a. To be located on a farm of at least twenty-five (25) acres;
 - b. May utilize a mobile home or other temporary manufactured housing;
 - c. Can be used only to house paid farm employees;
 - d. Must be removed when farm employees no longer occupy the dwelling unit
2. Home occupations
3. Bed and breakfasts
4. Garden shops
5. Mining
6. Marinas
7. Parks
8. Composting facilities
9. Agribusinesses
10. Sawmills
11. Riding stables

D. Density

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

E. Siting and Design Standards for Development

1. Mandatory conservation subdivision design of all subdivisions to be constructed within the APD is required of all applicants whenever deemed to be beneficial for the protection of agricultural lands by the Town Planning

Board. This process will require the applicant to submit an alternate conservation subdivision design based on the establishment of a "net" conventional density as referenced in the *Town of Northumberland Conservation Subdivision Design Regulation* found within Supplementary Regulations, Article XI, Section R, of this ordinance. This mandatory process is intended to provide the Planning Board with sufficient siting flexibility to create innovative subdivision site designs which will provide for the increased protection of the APD's agricultural viability and the rural character of the land within the District. All active agricultural lands located on the site should be identified and avoided by subdivision development to the greatest extent possible. In its evaluation of each site, the town planning board is urged to review and utilize design and siting methods and criteria such as those utilized in *"Preserving Rural Character"* by Fred Heyer, APA, PAS Report # 429, 1990. Existing land and natural features and views, whose preservation would benefit the town and the subdivision, should be encouraged through sensitive and innovative design techniques contained within the town's conservation subdivision design regulation. Such features include but are not limited to:

- a. The use of "keyhole" or "flag" lots to minimize disturbance along the District's roads and corridors;
 - b. The use of alternate road/driveway designs, to reduce the number of entrances entering the District's rural roads;
 - c. The use of driveway "offsets" which allow adequate screening of structures from the road;
 - d. Any other design technique the Planning Board feels is appropriate in providing visual and functional protection to rural roads and their corridors located within the Town of Northumberland's APD.
 - e. Groves of mature trees
 - f. Large individual trees
 - g. Hedgerows
 - h. Woodlands along roadways, property lines, and streams
 - i. Scenic vistas
 - j. Water features such as streams, ponds, floodplains, and wetlands
 - k. Stone walls
 - l. Steep slopes in excess of fifteen (15) percent
 - m. Habitats of endangered or threatened species
 - n. Visually prominent agricultural landscape features such as fields, pastures and meadows
 - o. Historic structures or sites
 - p. Other similar irreplaceable assets
2. Residential structures in the APD shall be located according to the following criteria, which are listed in order of significance (some of which may conflict with each other on a particular site, in which case, the Planning Board shall use its discretion to

resolve such conflicts):

- a. Evaluation of all available alternative locations;
 - b. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use;
 - c. Away from the boundaries of any preserved farm, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm;
 - d. In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;
 - e. To avoid disturbance to the existing environmental, cultural and scenic features noted in Section E., 1. above;
 - f. To be as visually inconspicuous as possible when seen from State, County and local roads;
 - g. Next to other residences or building lots on adjacent properties;
 - h. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;
 - i. On suitable soils for subsurface sewage disposal (where applicable); and
 - j. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon agricultural soils, provide shade in summer and shelter in winter, and to enable new residential development to be visually absorbed by the natural landscape.
 - k. Vegetated buffer zones adjacent to actively farmed and shall be established in residential subdivisions. Said buffer zones shall be no fewer than 50 feet in width and may be required to be up to 100 feet in width depending upon the type of agriculture or farm use, the topography and the proposed design and planting of such buffer. If naturally occurring vegetation is not present, thickly planted, fast-growing native trees and shrubs shall be planted to create an effective barrier separating residential yards from farm fields and pastures to reasonably protect adjacent residential areas from farming activities including dust and spray drift. However, no new trees shall be planted within 25 feet and no new shrubs shall be planted within 10 feet of any property line adjacent to actively farmed land, to avoid shade and plant roots on adjacent property that could interfere with farming. These buffer requirements may be modified by the Planning Board, as appropriate, in order to maintain or create scenic views or if the circumstances of the specific farm are such that other means are available to buffer potentially incompatible uses.
3. In granting a special use permit for a farm related use or other special permit uses allowed in the APD, the Planning Board shall consider the following

relevant factors, in addition to the standards set forth in other sections of this zoning ordinance and the APD regulations:

- a. The potential for conflict with agricultural uses;
- b. The need of the proposed use for a location in agricultural area;
- c. The availability of alternative locations;
- d. Compatibility with existing or permitted uses on adjacent lands;
- e. The agricultural productivity of the lands or soils involved;
- f. The need to minimize the amount of agricultural soils converted to non agricultural use;
- g. The need for public services created by the proposed use;
- h. The availability of adequate soils for subsurface sewage disposal; and
- i. The effect of the proposed use on the Town's natural resources.

F. Agricultural Nuisance Disclaimer

Most lands within the APD are located within an area where land is used for commercial agricultural production. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and the possibility of injury from normal agricultural operations. Town of Northumberland Local Law #7 of 1991 entitled "*The Right to Farm Law of the Town of Northumberland*," may bar the owners, occupants, and users of such properties from obtaining a legal judgment against such normal agricultural operations.

**ARTICLE VII
COMMERCIAL/RESIDENTIAL DISTRICT & HAMLET DISTRICT
PERFORMANCE GUIDELINES**

A. Purpose

The Town of Northumberland recognizes that its NYS Route 50 corridor and the hamlet districts are important assets of the Town, reflecting a combination of commercial/ business and residential land uses. It is the intention of the Town to allow for the continued siting of certain well-designed residentially compatible commercial/business uses along the Route 50 corridor and in the Town's Hamlet areas which meet the following design guidelines subject to site plan review and the issuance of a special permit from the Town's Planning Board.

B. Commercial/Residential & Hamlet District Design Guidelines

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

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

the existing Route 50 corridor surroundings and Hamlet areas within the Town. Façade requirements should be determined by the Planning Board on a case by case basis utilizing on-site inspection and the Board's site plan review process for assuring the proposed commercial/business use's exterior design "fits into" the Districts' neighborhood

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

land uses. Suitable types of screening include natural colored wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence should be built to provide screening until the evergreens are of sufficient height. In locations where potential health or safety hazards may arise (such as rubbish storage/collection areas), a solid wooden fence, six (6) feet in height is required to deter children and animals from entering the area. Where new fencing would create a continuous surface greater than ten (10) feet in length, it shall be "softened" visually with tree and shrub plantings.

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

**ARTICLE VIII
SHORELINE OVERLAY DISTRICT**

A. Purpose and Objectives

1. It is hereby found and declared that:
 - a. The conservation, protection and perpetuation of the visual and environmental quality of the Town of Northumberland's Hudson River shoreline are required in the interests of the prosperity, civic pride and general health, safety and welfare of the public;
 - b. The conservation and protection of the Hudson River shoreline will strengthen and preserve Northumberland's visual and environmental attributes;
 - c. The conservation and protection of the Hudson River shoreline will enhance the aesthetic and economic vitality of Northumberland;
2. It is the purpose of the Shoreline Overlay District to:
 - a. Ensure sensitive siting and design of new uses;
 - b. Preserve access to the Hudson River;
 - c. Preserve vegetative cover and natural beauty

B. General Information

1. Application of Regulations: The regulations contained in this Section apply within the Shoreline Overlay District which is defined as all that area within a five hundred (500) foot setback (measured perpendicular to and horizontally) from the mean high water mark of the shoreline.
2. Relation to Other Districts: The Shoreline Overlay District is an overlay district mapped over other districts. It modifies, and where there is inconsistency, supersedes the regulations of such other districts. Except as so modified or superseded, the regulations of the underlying districts remain in effect.

C. Projects within District

1. Application of District Regulations: Within the Shoreline Overlay District, no person shall undertake any Land Use Activity as hereafter defined in Section C (2), below, except pursuant to review and approval by the Planning Board

pursuant to the requirements this Article and Article X, Special Permit Uses, and of Article XI, Site Plan Review.

2. Definition of Land Use Activity:

- a. Land Use Activity means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of use of land or a structure. Land use activity shall explicitly include, but not be limited to, the following: new structures, expansions of existing structures, new uses, material changes in or expansions of existing uses, removal of vegetation, changes or expansions of roads, fences, driveways and mining for the purpose of extracting soils or mineral deposits, and demolitions.
- b. General Exceptions. All new land use activities within the Town designated in paragraph 2.a. above, shall require review and approval pursuant to the provisions hereof before being undertaken, except the following:
 - (1) Ordinary repair or maintenance or interior alterations to existing structures, provided there is no change of use;
 - (2) Exterior alterations or additions to structures that are in existence on the date this ordinance is enacted which would not increase the square footage of the existing structure by more than twenty-five (25) percent or five hundred (500) square feet, whichever is the smaller, provided there is no change of use;
 - (3) Non-structural agricultural or gardening uses not involving a clear cut;
 - (4) Structures under one hundred (100) square feet in size;
 - (5) Agricultural operations;
 - (6) Cutting of brush; or removal of dead, diseased or dying trees;
 - (7) Municipal activities are not subject to the review procedures of this Article but should undergo joint review with the Planning Board.

3. Required Findings: The Planning Board shall approve Land Use Activity within the Shoreline Overlay District only where it finds (a) the project meets all guidelines set forth in Article X.D. as they pertain to the Shoreline Overlay District or, a variance has been issued as set forth in Article XIV; (b) within the Shoreline Overlay District, the project is located and designed so that its visual impact is minimized; and (c) the project will be located, designed,

constructed and operated such that it will have no adverse impact on the environment, public health, or safety. In making findings (b) and (c), the Planning Board shall adhere to the guidelines and regulations set forth in Articles X, XI, and XII when applicable, except no public hearing will be required.

4. Application: Application for review and approval under this Section shall be filed according to the requirements as set forth in Article XI (D).
5. Procedure: The procedure for review and approval under this Section shall be as set forth in Article IX (D).

D. Land Use and Development Guidelines

1. General: Before any Land Use Activity has begun in the Shoreline Overlay District, the Zoning Administrator shall determine what permits are necessary for the activity. Furthermore, no land use activity or development will be allowed until it has been determined by the Planning Board that the development or activity will not significantly result in: unsafe or unhealthful conditions; erosion or sedimentation; water pollution; degradation of fish and wildlife habitat; conflicts of use; and will conserve and restore vegetation, scenic vistas to and from the water, points of public access to the water; and the natural beauty of the area.
2. Specific: In addition to the standards and guidelines set forth in Articles IX, X and XI, if applicable, the following standards and guidelines shall apply throughout the Shoreline Overlay District.
 - a. Lot Layout and Design
 - (1) The layout of lots and roads should relate to the form of the land rather than ignore it;
 - (2) The natural character of the site should be maintained.
 - (3) Clustering of development is recommended. Clustered development should not, by its massing, cause adverse environmental impact or be visually intrusive when viewed from the Hudson River.
 - (4) It is recommended that shoreline set backs be a sufficient distance from the shoreline to allow for a footpath above mean high water.
 - b. Drainage. Drainage is a specific concern as the Town has no public stormwater collection system. Proposed projects, therefore, shall ensure that all drainage is either carried off-site via natural drainage channels or absorbed on-site, and that post-development runoff shall not exceed pre-

development runoff. Adjacent properties are then protected from unnatural runoff and possible flooding.

- c. Protection of Existing Landscape Character. Existing trees and vegetation shall be preserved to the maximum extent possible. Indigenous species of plants only shall be used in any landscape plans. The use of ground cover on disturbed land is required.
- d. Building Siting and Design. It should be a principle of building siting and design that it is sensitive to the character of the natural and visual environments. The structures should not dominate the natural and visual landscape.
 - (1) Where new construction is adjacent to other buildings, it should establish a relatedness to them in terms of the primary visual aspects of bulk, height, massing and scale.
 - (2.) Where practical, buildings should be sited to minimize their prominence. They should not be placed at the top of the slope or crest of the hill, where they will be seen silhouetted against the skyline and will be visible at a distance. Rather, buildings should be placed down the slope where they will have the hillside for a background. Buildings should avoid being placed in the middle of open fields, where possible. Rather, buildings should be located in or adjacent to existing vegetation.
- e. Lighting. Lighting devices shall be oriented so as to minimize disturbances on surrounding properties and on the river;
- f. Screening. All structures, including accessory structures except docks and boathouses, shall be landscaped in such a way so that the visual impact of the structures from the water and land is minimized;
- g. Tree Cutting and Land Clearing. The purpose of the tree cutting and land clearing regulations is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the waterfront lands. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that in the opinion of the Planning Board, present safety or health hazards.
 - (1) Riverfront Cutting
 - (a) Within thirty-five (35) feet extending inland from all points along the mean high water mark no vegetation may be removed. This area shall be maintained as an undisturbed natural buffer strip.

(b.) Undisturbed natural buffer strip.

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

(2) Cutting Plan

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

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

(3) Re-vegetation

Where a waterfront lot owner violates the shoreline cutting restrictions, the Planning Board shall require total re-vegetation so as to create a buffer strip area which is in compliance with this Section. A vegetative recommendation can be made by the Saratoga County Soil & Water Conservation District, if requested by the Planning Board. This provision shall be in addition to any and all penalties contained in this Ordinance.

(4) Cutting More Than Thirty-Five (35) Feet Inland

Beyond thirty-five (35) feet from the mean high water mark, the cutting of trees and shrubbery shall be allowed when in compliance with other provisions set forth in this Ordinance.

ARTICLE IX SPECIAL PERMIT USES

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

A. Procedure

The procedure for review and approval under this Article shall be as set forth in Article X.D.

B. Application

Application for review and approval under this Article shall be filed according to the requirements and procedure set forth in Article X.D.

C. Compliance with State Environmental Quality Review Act (SEQR)

Proposed projects are actions subject to the provisions of SEQR. Prior to rendering its decision, the Planning Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Ordinance and Part 617 NYCRR and follow all applicable procedures.

D. County Planning Board Referral

Prior to taking action on the application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239(m) of the General Municipal Law, if applicable. Pursuant to this Article, applicable uses include any special permit use within five hundred feet of:

1. The boundary of any city, village, or town;
2. Any existing or proposed county or state park or other recreation area;
3. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
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;

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 Agricultural and Markets Law.

E. Required Fee

An application for a special permit use shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall. The Planning Board, in its discretion, may require the applicant to establish an escrow account not to exceed \$1000.00 to pay for additional engineering review of the application.

F. Time Limit

If the applicant does not substantially complete the terms of the special permit within (1) one-year of issuance, said permit shall become null and void. An extension of up to 12 months may be granted upon review and approval of the Planning Board.

G. General Special Permit Use Standards

In authorizing any special permit use, the Planning Board shall take into consideration the public health, safety, general welfare, the comfort and convenience of the public in general and that of the immediate neighborhood in particular. The Planning Board shall also take into strict account the specific conditions set forth in this Section for certain uses, applicable supplementary regulations stated in Section XI of this Ordinance, and the following general objectives for any use requiring Planning Board authorization:

1. Adjacent land uses: The Planning Board shall not approve the special permit use unless, in its determination, the proposed use will not have a negative effect on existing adjacent land uses.
2. The location and size of the use: The nature and intensity of the operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets providing access, shall be in harmony with the orderly development of the district.
3. The location, nature and height of the buildings, walls and fences, and the nature and intensity of intended operations: These should not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

4. Vehicular Circulation: Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls shall be considered.
5. Pedestrian Circulation: Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic, and overall pedestrian convenience shall be considered.
6. Parking: Location, arrangement, appearance and sufficiency of off-street parking and loading shall be considered.
7. Layout: The location, arrangement, size, design and general site compatibility of buildings, lighting and signage shall be considered.
8. Drainage Facilities: Adequacy of stormwater management plans and drainage facilities shall be considered.
9. Water and Sewer: Adequacy of water supply and sewage disposal facilities and their compliance with New York State Department of Health requirements shall be considered.
10. Vegetation: Adequacy, type and arrangement of trees, shrubs and other landscaping constituting at all seasons of the year a visual and/or noise deterring buffer between the Applicant's and adjoining lands, including the maximum retention of existing vegetation shall be considered.
11. Impacts on Adjacent Land Uses: Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features shall be considered.
12. Emergency Access: The accessibility of the use to fire, police, and other types of emergency vehicles shall be considered.
13. Flooding: Special attention shall be given to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion, including compliance with Town of Northumberland Ordinance No. 1 of 1987 as amended by Local Laws #6 of 1989 and #5 of 1991 governing the one hundred (100) year flood hazard area;
14. Driveways: Driveways shall be located and, where possible, relocated to minimize the impact of vehicular traffic on neighboring properties and existing roads.
15. Lighting: The impacts of lighting on adjacent areas and areas within viewing distance shall be considered.

H. Additional Standards for Certain Uses

In addition to the general standards stated above and the site plan review considerations stated in Article X of this Ordinance, the following specific standards shall be complied with for the particular special permit uses cited below:

1. **Mining and Excavation Exempt from State Jurisdiction:** The regulations below (a.-i.) shall apply to those operations including the loading, hauling and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of four hundred (400) tons or two hundred (200) cubic yards, whichever is less, but less than one thousand (1,000) tons or 750 cubic yards, whichever is less, within twelve (12) successive calendar months. Non-commercial mining performed on agricultural lands for agricultural purposes and non-commercial mining performed on subdivision lands for the purpose of said subdivision, which mined material shall remain on-site, shall be exempt from the following provisions.
 - a. The hours of operation shall be as determined by the Planning Board. The decision shall be based on potential impacts on nearby land uses;
 - b. The routing of transport shall be as determined by the Planning Board. Said decision shall take into account impacts on roads, public rights-of-ways, natural or man-made barriers to restrict access, dust control measures, ingress/egress, affected land uses, and any other factors deemed worthy of consideration;
 - c. A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval. A special permit shall be issued for a one (1) year period, subject to renewal upon the review and approval of the Planning Board providing that the applicant has met all applicable conditions. No renewal of the special use permit shall be granted until the permit holder has complied with all provisions of item f., below.
 - d. An operations plan, including the number and type of trucks and other machinery to be used on the site shall be submitted for approval;
 - e. A progressive restoration and rehabilitation/reclamation plan showing both existing contours and proposed final contours after operations are completed at two (2) foot intervals shall be submitted for approval. Such restoration and rehabilitation/reclamation plan shall include sowing and planting and proper vegetation so as to prevent erosion, unsightly-ness and noisome impact on neighboring properties, groundwater resources and aquifers;

- f. A buffer area of not less than one hundred (100) feet shall be established between the operation and the nearest property line; and a buffer area of not less than one hundred (100) feet from the nearest road shall be established. The entry into the excavated area shall be curved so as to prevent a direct view from the public right-of-way;
- g. Such special use permit, including renewals, shall be restricted to a disturbed area not to exceed five (5) acres, and to a time period not to exceed six (6) years in total, at which time all reclamation activities shall have been completed;

2. Mining and Excavation Under State Jurisdiction: The regulations below shall apply to those operations including the loading, hauling, and/or processing of sand, gravel, soil, shale, topsoil, stone, all or any aggregate material native to the site, in excess of one thousand (1,000) tons or 750 cubic yards, whichever is less, in twelve (12) successive calendar months, or, greater than one hundred (100) cubic yards from or adjacent to any body of water.

- a. All applicable provisions of the New York Mined Land Reclamation Ordinance and other applicable State and Federal regulations shall be fully complied with;
- b. Ingress to and egress from the site which involves locally controlled roads shall be such that vehicles associated with the operation can enter and exit safely without undue disturbance to adjacent land uses;
- c. The routing of mineral transport vehicles over locally controlled roads shall cause as little damage as practicable to the road surface and create as little disturbance as is possible to adjacent land uses;
- d. The Town has the authority to regulate and place special permit conditions on setbacks from property boundaries and public rights-of-way; natural and manmade barriers to restrict access if required, dust control and hours of operation;
- e. The Town has the authority to enforce New York State Department of Environmental Conservation requirements as they pertain to reclamation.

3. Gasoline Stations:

- a. A gasoline station lot and/or fuel storage tanks shall not be located within 2,500 feet of any municipal water wells or other public water supply source. All fuel storage tanks shall comply with all federal and state regulations.

- b. No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line;
 - c. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
 - d. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
 - e. No access drive shall be within two hundred (200) feet of and on the same side of the street as a school, public library, theater, church or place of worship, or other public gathering place, park, playground or fire station designed for occupancy by more than fifty (50) persons, unless a street with a right-of-way of not less than fifty (50) feet lies between such gasoline station and such building or use;
 - f. All major repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides, not to be construed as meaning that the doors on any repair shop must be kept closed at all times;
 - g. Suitable year-round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards.
4. Quick Stop Retail Food Stores (with gasoline services):
- a. Ensure that adequate parking is available on site for customers making purchases at the store but not buying gasoline. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles purchasing gasoline. The design and number of spaces shall be as provided for in Article XI. B. Also, entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line; and no entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way; and there shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same. The siting of gasoline storage tanks and pumps must also comply with Sections H.3.a. and H.3.b. of Article IX.

- b. Provide an enclosed trash dumpster for disposal of stock packings removed by store employees, and trash receptacles for customer use shall be made available on the premises.
 - c. Maintain no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
 - d. Locate all exterior vending machines on the side of the building.
 - e. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.
 - f. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
5. Quick Stop Retail Food Stores (without gasoline services):
- a. Entrance and exit driveways shall have an unrestricted width of not less than eighteen (18) feet nor more than thirty (30) feet, nor be located closer than ten (10) feet to any side or rear lot line;
 - b. No entrance or exit driveway or parking space shall be so located as to require the backing of any vehicle into a public right-of-way;
 - c. There shall be adequate area for the safe access and maneuvering of delivery vehicles and the safe unloading of same;
 - d. Suitable year round buffering and landscaping, using only indigenous plants, shall be provided in all rear and side yards;
 - e. The parking area shall be located in such a manner that it does not interfere with the safe entry and exit of vehicles. The design and number of spaces shall be as provided for in Article XI.B.;
 - f. An enclosed trash dumpster shall be provided, in the rear or side yard, for the disposal of stock packings, and trash receptacles for customer use shall be made available on the premises;
 - g. There shall be no outdoor displays of merchandise which interfere with the safe flow of traffic and pedestrians.
 - h. Locate all exterior vending machines on the side of the building.
 - i. Direct all roof-top heating/ventilation/air conditioning or refrigeration units away from adjacent residential properties.

6. Bed and Breakfasts/Boarding, Lodging or Rooming Houses:

- a. There shall be no use of show windows or displays or advertising visible outside the premises to attract customers or clients other than the home occupation announcement sign as permitted;
- b. There shall be no exterior storage of materials;
- c. No external alterations, additions, or changes to the structure shall be permitted to accommodate or facilitate the bed and breakfast other than those required to meet building or safety codes so that the bed and breakfast retains its predominantly residential character;
- d. No offensive noise, odor, vibration, smoke, dust, heat, humidity, glare, or other objectionable effects shall result from the bed and breakfast or rooming house;
- e. The bed and breakfast or rooming house shall be a principal building and owner-occupied.

7. Duplex Dwelling:

- a. Adequate common water supply and common sewage disposal facilities shall be provided in full accordance with the requirements of the Town of Northumberland, and the New York State Department of Health;
- b. Provision for short-term storage of household trash shall be made on-site. The container(s) used for this purpose shall close securely, be large enough to meet demand, and be screened from adjacent uses;
- c. All open portions of any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust free and erosion-resistant condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or with other material.
- d. The Zoning Administrator shall inspect all the dwelling units annually to ensure that they have been maintained in a habitable condition and that there are no violations of this Ordinance and any other applicable rules and regulations related to multiple family dwelling units. The fee for such inspection shall be paid prior to the inspection as set forth by the Town Board from time to time and posted in the Town Hall.

8. Hotels / Motels:

Accessory uses to a hotel or motel development shall be limited to the following:

- a. Conference, banquet or seminar rooms to accommodate a total of not more than 125 persons;
- b. Restaurant facilities;
- c. Swimming pool;
- d. Personal service/retail shops fully within the hotel or motel;
- e. The hotel or motel service and maintenance facilities.

9. Home Occupations:

- a. A home occupation shall only be conducted wholly within a dwelling which is a bonafide residence of the principal practitioner of the occupation or in an accessory building thereto which is normally associated with the residential use;
- b. Not more than one (1) such home occupation may occur on a single residential premises;
- c. The home occupation, whether located in the dwelling or in a customary accessory structure, shall be in accordance with the requirements of the New York State Uniform Fire Prevention and Building Code and occupy a maximum of five hundred (500) square feet;
- d. No offensive noise, dust, or odor shall be created in the conduct of said activity;
- e. Except for articles produced on the premises, no other items shall be sold on the premises. Nothing in this Section shall prevent the establishment of a mail order business;
- f. No alteration to the exterior of the principal residential building or customary accessory building used for the home occupation activity shall be made which changes the character thereof as a residential premises, except that a single sign, not exceeding four (4) square feet in area, shall be permitted. Any new construction undertaken to accommodate the home occupation activity shall also be wholly consistent with the character of a residential premises;

- g. In the conduct of said activity no more than one (1) person not a member of the resident family shall be employed;
- h. No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- i. There shall be permitted no sharing, letting or subletting of space for use by others in the conduct of their profession, trade, service or business.
- j. The use shall not impair the visual quality of the area;
- k. Sufficient off-street parking and landscaping shall be provided as required within Section XII (B) of this Ordinance.
- l. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and impacts on adjacent land uses.

10. Kennels:

- a. The facility shall be screened from neighboring streets and properties by natural vegetation and/or solid fencing. Supervision shall be required to provide conditions to control animal-related noise.
- b. Buildings or structures, including fenced runs and similar outdoor areas, shall be located not less than one hundred (100) feet from any lot line nor within three hundred (300) feet of the nearest neighboring residential structure.

11. Day Care Centers and Facilities:

- a. All day care centers and facilities, as defined by this Ordinance, shall be required to obtain an operating permit from the New York State Department of Social Services pursuant to Section 418 of the New York State Social Services Law;
- b. An appropriately fenced outdoor play area providing adequate room for the size of the proposed day-care center shall be provided on site. If said outdoor play area is not directly adjacent to the indoor day-care center, a supervised crosswalk shall be provided between the two areas. A minimum distance shall be provided between any paved or impervious surface being a portion of said outdoor play area and all lot lines, said minimum distance being equal to the minimum distance otherwise required between off-street parking areas and lot lines. A minimum distance of ten (10) feet shall be provided between all portions of said outdoor play area and all off-street parking areas. A landscaped buffer area with a minimum width

of ten (10) feet shall be provided between all portions of said outdoor play area and all lot lines;

- c. No portion of said day-care center shall be located in a cellar;
- d. All areas used for day-care shall be provided with windows and adequate lighting and ventilation.

12. Golf Courses

- a. The centerline of a golf hole shall be a minimum of 150 feet from any road, right-of-way, boundary, clubhouse, or maintenance building and a minimum of 220 feet from any residential dwelling.
- b. If night activities are to be held at the golf facility, the parking lot shall be lighted. Said lighting shall be arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and residential buildings.
- c. Any public address system shall be designed and operated in a manner which will not disturb adjacent landowners.
- d. Adequate space for off-street parking shall be provided in accordance with Section XI.B. of this Ordinance.
- e. A grounds maintenance program shall be submitted and approved, including, but not limited to:
 - (1) The names and intended application schedules of all chemicals, including but not limited to, pesticides, herbicides, insecticides, and fertilizers;
 - (2) A listing of all plant, shrub, and tree species on the site and any maintenance other than watering, that may be required to sustain health and vitality.

13. Airports:

- a. The proposed site and plans for development shall meet all of the applicable standards for the type of proposed air facility as promulgated by the Federal Aviation Administration, the New York State Department of Transportation, New York State Department of Environmental Conservation and any other appropriate review agencies;

- b. The owners of the air facility shall present evidence that they have fee title or air rights to the land in the clear zones extending one thousand (1000) feet from each end of the usable landing strip(s) or runway(s);
- c. Hangars and other buildings and structures shall be located at least one hundred (100) feet from any lot line; and
- d. Adequate space for automobile off-street parking shall be provided in accordance with Section XI.B. of this Ordinance.

14. Signs:

It is the intent of this section that signs shall consist of design, materials, size, height, placement and coloration appropriate to the character of the area. Signage will not unduly or adversely affect the qualities of scenic views nor contribute to the appearance of commercial strip development along the Town's major travel corridors.

a. General Provisions.

- (1) The maximum sign area requirements as set forth in this section shall apply to a single side of a sign. On a two-sided sign, only one (1) side shall be counted in computing the sign's area.
- (2) The provisions of this section relating to signs shall apply in all zoning districts.
- (3) Signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises.
- (4) No sign shall be permitted which causes a traffic, health, or safety hazard or creates a nuisance due to its placement, display, or manner of construction. No sign shall be located so as to obstruct views of traffic.
- (5) Nonconforming signs, which existed prior to the adoption of this section, may not be relocated or altered except in conformance with this section. Any change in the content of a nonconforming sign, including names, words, logos, or similar information, shall constitute an alteration requiring conformance with this section.

b. Signs Not Requiring a Permit: The following types of signs shall be allowed in all districts and shall not be subject to permitting by the Town of Northumberland.

- (1) Banners, or pennants, relating to garage, lawn or other individual,

non-recurring sales, for the sale of produce grown or harvested by the property owner where the subject sign is located, or for a church bazaar, political campaign, fund drive, parade, fair, firemen's field day or other event or undertaking conducted by a political, civic, religions, charitable or educational organization. Such temporary signs are not limited in size, however the signs shall be removed within 48 hours after the termination of the activity being advertised.

- (2) Announcement signs: one (1) temporary, unlighted, sign pertaining to a building which is under construction or where a structural alteration or repair is taking place, announcing the project or purpose for which the building is intended, including the names of architects, engineers, contractors, funding sources and others, provided that the sign shall not exceed sixteen (16) square feet.
 - (3) Real estate signs: one (1) temporary unlighted sign not over six (6) square feet in area pertaining to lease or sale of the property on which it is displayed.
 - (4) Signs that mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing or off-road vehicles; or warn of hazards.
 - (5) Signs giving the name of the residents of a dwelling and its address: Such signs may be illuminated by external white light only and shall be no greater than four (4) square feet in dimension and limited to one (1) per dwelling.
- c. Signs Requiring A Permit: No sign listed below shall be erected, altered, or relocated, until a sign permit is obtained following Planning Board review and approval.
- (1) Signs shall be constructed of wood, plastic, metal, masonry or stone.
 - (2) No sign shall contain flashing, intermittent, rotating or moving lights, nor consist of other moving, fluttering or revolving devices such as pennants, banners, ribbons, or streamers. However, pennants, banners, ribbons, or streamers may be employed on an occasional, temporary basis, not more than three (3) times per year, for periods of one (1) week, to call attention to special business or related events such as "grand openings," "special sales," etc.
 - (3) No sign shall contain or employ day-glowing or other fluorescent paint or pigments

- (4) No building-mounted sign shall be erected or maintained which extends above the roof ridge of the structure
- (5) No sign shall be erected having a sign area greater than forty (40) square feet nor exceed a maximum height of ten (10) feet above the ground.
- (6) Not more than two (2) signs shall be erected or maintained relating to a single business or activity, except for directional signs that do not exceed four (4) square feet in sign area and which are limited to such texts as "Entrance," "Exit," "No Parking," etc. The total combined sign area of the two (2) permitted signs shall not exceed forty (40) square feet. For the purposes of this provision, a single business or activity shall include all businesses or activities subordinate to or integrated with that business or activity, located on the same premises as that business or activity. Where more than one (1) business or activity is maintained upon the same premises, each business or activity shall be limited to one (1) sign.
- (7) Off premise directional signs: not more than two (2) signs located off premise shall be erected of not more than two (2) square foot each and shall be of a brown background with yellow lettering. Where more than one (1) business or activity is maintained upon the same premises, all businesses or activities shall share the same signpost limited to a total of two (2) signs per signpost.
- (8) Free standing signs shall be placed so as not to obstruct the vision of motorists entering and leaving the premises or the visibility at any road intersection, and shall not interfere with the use and enjoyment of adjoining properties.
- (9) Any sign in existence on the date of this Ordinance's enactment may be replaced with a sign duplicating size, shape and design.

15. Mobile Home Parks

a. Park Standards

- (1) Soils, water table, drainage, and topographic conditions shall not create hazards to the environment, property, or the health or safety of the occupants and no site shall be approved where seasonal or prolonged wetness, flooding or erosion will be detrimental to the proposed use of the site.
- (2) There shall be an established buffer area of thirty-five (35) feet between the park's property line and any individual mobile home

site line within the park. These setback areas shall be landscaped, if necessary, to provide a year round visual buffer.

- (3) Exposed ground in all parts of the park shall be seeded or protected with indigenous vegetation in order to prevent soil erosion and dust while preserving water absorption qualities.
- (4) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, attractive manner. Surface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools.

b. Accessibility

- (1) Each mobile home park shall be directly accessible from an existing street.
- (2) Where a mobile home park has more than twenty (20) lots, two (2) points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four (4). Each shall be located with a minimum distance of one hundred (100) feet between them for the safe and convenient movement into and out of the park, and to minimize interference with the movement of traffic on a public highway or street.
- (3) All entrances and exits shall be at right angles to the existing street.
- (4) All entrances and exists shall be free of all objects which would impede the visibility of the driver entering or exiting a street for a distance of twenty (20) feet from the edge of pavement of the street and park road.
- (5) All entrances and exists shall be of sufficient width (minimum thirty (30) foot radius) to facilitate the turning movements of vehicles with mobile homes attached.

c. Internal Streets, Driveways, and Walkways

- (1) No individual mobile home, within a mobile home park, shall have direct access to an existing public roadway.
- (2) Each park shall have improved streets to provide for the convenient access to all mobile home sites and other important facilities within the park.

- (3) The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.
- (4) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
- (5) All streets shall intersect at angles not less than 80°.
- (6) All streets shall be surfaced with an all-weather, dustless material.
- (7) All streets shall have a minimum paved width of eighteen (18) feet and contain two (2) four (4) foot shoulders.
- (8) An all weather, dustless driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet.
- (9) There shall be a system of internal walkways to provide safe, convenient pedestrian access of adequate width to common facilities, service areas, and open space areas.
- (10) Except in cases of emergency, no parking shall be allowed on such streets.

d. Parking

Off-street parking spaces shall be provided at strategic and convenient locations.

- (1) There shall be two (2) contiguous parking spaces for each mobile home site within the park.
- (2) Each parking space shall consist of a 9'x 18' area and together shall provide for a minimum parking and maneuvering area of 324 sq. ft. for total parking and maneuvering.

e. Utilities and Service Facilities

The following utilities and service facilities shall be provided in each mobile home park which shall bear the stamp of approval of the New York State Department of Health or any other applicable responsible agency.

- (1) An adequate supply of potable water for drinking and domestic purposes, including laundering, shall be supplied by pipes to all mobile home sites and buildings within the park to meet the

requirements of the park's residents. Each mobile home site shall be provided with sufficient water connections.

- (2) Each mobile home site shall be provided with a sewer which shall be connected to the mobile home situated on the site, to receive the waste from all plumbing related sources in such home. The sewer shall be connected to a public sewer system or one approved by the New York State Department of Health, so as not to present a health hazard. Sewer connections in unoccupied sites shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
- (3) Each mobile home site shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.
- (4) Garbage receptacles with tight fitting covers shall be provided in quantities adequate to permit the disposal of all rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no further than two hundred (200) feet from any mobile home site. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that such containers shall not overflow. Individual garbage receptacles and individual collection can be used instead of collective disposal and pick-up, if approved by the Planning Board.
- (5) Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.
- (6.) Mailboxes shall be clustered attractively and located near the main entrance roads.

f. Open Space

- (1) Each mobile home park shall provide common open space for the use by the occupants of the park.
- (2) Such open space shall be conveniently located in the park.
- (3) Such space shall have a total area equal to at least ten (10) percent of the gross land area of the park.

g. Lighting

Every mobile home park shall be safely and attractively lighted as may be determined necessary by the Planning Board.

h. Fire and Building Code

All applicable requirements of the New York State Fire and Building Code shall be complied with.

16. Marinas

- a. No paved area, with the exception of boat launching ramps, may be located within twenty five (25) feet of the mean high water mark of the Hudson River.
- b. Marinas may not be operated between the hours of 10 PM. and 6 am.
- c. Lights from a marina may not illuminate adjacent properties or the waterbody greater than 25 feet from shore.
- d. Every marina shall provide restrooms for the use of its clientele. Such restrooms shall be maintained in a clean and orderly condition, and shall be available at all times whenever clientele or employees are utilizing the property.
- e. Each marina owner or operator is required to provide the following facilities for the disposal of sanitary wastes from vessels with on-board sanitary facilities: (i) on-site vessel pullout facilities, or proven access to pullout facilities, for use by vessels which use the services of the marina; and (ii) facilities for the disposal of waste from portable marine toilets, or proven access to such facilities, for use by vessels which use the services of the marina. Such facilities shall be designed, installed, operated and maintained to prevent the discharge of contaminants from portable marine toilets into the waters of the Hudson River or the ground from which they may flow into the waters of the Hudson River.

For the purposes of this subdivision, vessels using the services of the marina shall include vessels which moor, dock or are quick launched by the marina. Written proof of access to disposal facilities for a period equal to the life of the permit shall be required. Off-site facilities must be located within a reasonable distance of the marina.

- f. A boat cleaning area that is designed, operated and maintained in such a manner to prevent contamination of the waters of the Hudson River shall be provided, or boat cleaning shall be prohibited.

- g. Every marina shall provide water tight trash receptacles sufficient to accommodate all trash generated by the marina's customers or clientele. Such receptacles shall be maintained in a clean and orderly condition.
- h. Parking shall be required in accordance with Article XII. B. of this Ordinance. Parking for trailers shall be determined by the Planning Board.
- i. The marina operator shall provide the Planning Board with a maintenance program sufficient to keep all wharves, adjacent shoreline, water and the river bottom clean of debris.
- j. The marina operator shall provide the Planning Board with a landscape plan to minimize visual impact.
- k. The marina operator shall identify potential navigation hazards or conflicts with existing or adjacent uses such as swimming areas, and present a plan to minimize such conflicts.
- l. When applicable, proof of compliance with all applicable state and federal standards regarding bulk storage of gasoline and hazardous materials shall be provided. If applicable, no permit application shall be complete until proof of compliance is submitted.
- m. Each marina operator operating a petroleum sales facility shall submit a plan relative to the inspection and maintenance of petroleum storage facilities and all associated equipment, and appropriate measures relative to spill prevention and countermeasures. Each marina operating a petroleum sales facility shall, as part of such plan: (i) inspect all plumbing and related pumping equipment, not less than daily, to guard against leakage of petroleum products into the groundwater and waters of the Hudson River; (ii) train each person pumping motor fuels in procedures to guard against the spillage of such motor fuels into the waters of the Hudson River and procedures to respond to a spill; and (iii) maintain, in close proximity to the pumping facilities, such equipment as is necessary to respond to any spill of petroleum products into the waters of the Hudson River or onto land or structures where it may flow into the waters of the Hudson River.
- n. No dock shall be constructed in any configuration other than straight E, F, L, T or U-shaped.
- o. No dock shall exceed seven (7) feet in width.
- p. Every dock or wharf constructed shall have a minimum setback of twenty

(20) feet from the adjacent property line extended into the River on the same axis as the property line runs onshore where it meets the River, or at a right angle to the mean high-water mark, whichever results in the greater setback.

- q. No dock shall be constructed so as to interfere with normal navigation.
- r. No dock shall be constructed unless designed to withstand forces of flowing water, wave washes, and ice (if left installed year round).
- s. Any person owning, operating, or building a dock, wharf or mooring, shall be responsible for the complete removal of pilings, cribs, chains and blocks, floats and/or any other related components which are abandoned or fall into disuse.
- t. All persons shall comply with all conditions issued with any permit issued for the construction, operation or use of a marina. Failure to comply with any such condition shall be a violation, and grounds for the immediate revocation of the permit and/or the imposition of a fine for each day until the violation is corrected.
- u. A permit shall not be required for maintenance and repair of an existing dock, wharf or mooring if such repairs do not alter the size or shape of the dock or wharf. All repairs must conform to the requirements of this subpart.
- v. Any change in use of an existing marina which increases the number and/or types of vessels serviced shall require a modification to any previously issued permit.
- w. No person shall clean any vessel with chemicals or detergents where runoff into or contamination of the waters of the Hudson River is likely to occur.
- x. No person shall launch a vessel into the waters of the Hudson River without inspecting the vessel to ensure the detection of marine growth, including macrophytes (weeds), or any other hull contamination, and removing said growth and disposing of it so as to ensure that it is not discharged into the waters of the Hudson River.
- y. No person shall launch or operate a vessel on the waters of the Hudson River which is not permanently sealed to prevent the discharge of wastewater into the waters of the Hudson River.
- z. The regulated community should be aware that the construction of a dock, wharf or mooring may also require a permit from other agencies,

including The Department of Environmental Conservation and the U.S. Army Corps of Engineers.

17. Commercial Communications / Radio Towers

- a. Policy. No commercial communications/radio tower shall hereafter be used, erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as commercial communications/radio tower unless in conformity with these regulations.
- b. Site Plan. An applicant shall be required to submit a site plan in accordance with Article X. The site plan shall show all existing and proposed structures and improvements including roads, building, tower(s), guy wire anchors, parking and landscaping and shall include grading plans for new facilities and roads.
- c. Supporting Documentation. The Planning Board shall require that the site plan include a completed Visual Environmental Assessment Form (Visual EAF available from the Planning Board) consistent with SEQRA and documentation on the proposed intent and capacity of use as well as a justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF in addressing this sub-section and sub-sections (k) and (l) below.
- d. Shared Use of Existing Towers. At all times, shared use of existing towers shall be preferred to the construction of new towers. An applicant shall be required to present an adequate report inventorying existing towers within reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new tower.
 - (1) An applicant proposing to share use of an existing tower shall be required to document agreement by an existing tower owner to allow shared use.
 - (2) The Planning Board may consider a new commercial communications/radio tower where the applicant demonstrates that shared usage of an existing tower is impractical. The applicant shall be required to submit a report demonstrating good faith efforts to secure shared use from existing towers as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- e. Shared Usage of Site with New Tower. Where shared usage of an existing tower is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with subsections d (1) and above. Any new commercial communications/radio tower approved for an existing tower site shall be subject to the standards of sub-sections g through o below.
- f. New Tower at a New Location. The Planning Board may consider a new commercial communications/radio tower on a site not previously developed with an existing tower when the applicant demonstrates that shared usage of existing tower site is impractical, and submits a report as described in sub-section d (2) above.
- g. Future Shared Usage of New Towers. The applicant must examine the feasibility of designing a proposed commercial communications radio tower to accommodate future demand for commercial broadcasting and reception facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived provided the applicant demonstrates that provisions of future shared usage of the facility are not feasible and an unnecessary burden, based upon;
 - (1) The number of Federal Communication Commission (FCC) licenses foreseeable available for the area;
 - (2) The kind of tower site and structure proposed;
 - (3) The number of existing and potential licenses without tower spaces;
 - (4) Available spaces on existing and approved towers; and
 - (5) Potential adverse visual impact by a tower designed for shared usages.
- h. Setbacks for New Towers. All proposed commercial communications/ radio towers and accessory structures shall be set back from abutting residential parcels, public property or street lines a distance sufficient to contain on-site substantially all ice-fall or debris from tower failure and preserve the privacy of adjoining residential properties.
 - (1) All tower bases must be located at a minimum setback from any property line at a distance at least equal to the tower height, or the distance between the tower base and guy wire anchors, or the minimum setback of the underlying zoning district, or a minimum setback at a distance which shall be established at the sole discretion of the Planning Board based on the unique characteristics of the site,

whichever of the foregoing is greatest. The minimum setback requirement of this paragraph may be increased at the discretion of the Planning Board.

- (2) Accessory structures must comply with the minimum setback requirements in the underlying district.
- i. Visual Impact Assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new towers or any proposed modifications of an existing tower that will increase the height of the existing tower. Construction of a new tower or modification of an existing tower shall be subject to the guidelines and criteria below that are determined by the Planning Board.
- (1) Assessment of "before and after" views from key viewpoints both inside and outside of the town, minimum of one mile distance, including state highways and other major roads, from state and local parks, other public lands, from any privately owned preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of residents. Assessment shall include at least one representative of before and after views. This should be accompanied by a visibility map, scale 1:2000 indicating where tower will be visible within a one-mile radius.
 - (2) Assessment of alternative tower designs and color schemes, as described in subsection (j) below.
 - (3) Assessment of visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.
- j. New Tower Design. Alternate designs shall be considered for new towers, including lattice, single poles, and concealment structures. The design of a proposed new tower shall comply with the following:
- (1) Unless specifically required by other regulations. All towers shall have a neutral, earth tone or similar painted finish that will minimize the degree of visual impact that the new tower may have.
 - (2) The maximum height of any new tower, or any tower in existence intended to be used as a commercial communications/radio tower, shall not exceed that which will permit operations without artificial lighting of any kind or nature, in accordance with Municipal, State and/or Federal law and/or regulation.
 - (3) Any new tower shall have the minimum height needed to provide

future shared usage, but artificial lighting of any kind shall be prohibited.

- (4) The Planning Board may request a review of the application by a qualified structural engineer for evaluation of need for and design of any new or modified tower. This cost will be paid by the applicant.
- (5) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- k. Existing Vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible and no cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground) shall take place prior to approval of the special permit. Clear cutting of all trees in a single contiguous area exceeding 20,000 square feet shall be prohibited. Additional clear cutting for an access road shall be at the discretion of the Planning Board.
- l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where the site abuts residential or public property, including streets, the following vegetative screening shall be required. For all towers, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least ten (10) feet in height within two (2) years of planting shall be provided to effectively screen the tower base and accessory facilities. In the case of poor soil conditions, planting may be required on soil berms to assure plant survival. Plant height in these cases shall include the height of any berm.
- m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- n. Parking. Parking shall be provided in accordance with Article XI.D., of this ordinance.
- o. Fencing. Sites of proposed new towers and sites where modifications to existing towers are proposed shall be adequately enclosed by a fence, the design of which shall be determined by the Planning Board, unless the applicant demonstrates to the Planning Board that such measures are unnecessary to ensure the security of the facility.

- p. Maintenance and/or Performance Bond. The Planning Board, in its sole discretion, may require the applicant and/or owner to post and file with the Town Clerk of the Town of Northumberland prior to approval of any application and/or license, a maintenance and/or performance bond in an amount sufficient to cover the installation. The amount required shall be determined at the sole discretion of the Planning Board based upon the unique characteristics of the tower and site. In furtherance of the foregoing, the applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Board prior to approval of any application to accomplish the foregoing.

18. Agribusiness:

A special permitted use to the principal agricultural use of a property within the Agricultural Protection District, and is subject to the following standards:

- a. For the purposes of this section, agribusinesses may involve any one of a wide range of uses, so long as it remains secondary to, and compatible with, the active farm use.
- b. Any new building constructed for use by the agribusiness shall be of a design so that it can be readily converted to agricultural use, or removed, if the agribusiness is discontinued.
- c. No part of an agribusiness shall be located within three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
- d. The agribusiness shall occupy no more than five thousand (5,000) square feet of gross floor area, nor more than one (1) acre of lot area. However, any access drive serving the agribusiness and the farm shall not be calculated as land serving the farm occupation.
- e. Any sign used for an agribusiness shall not exceed ten (10) square feet in size.

19. Public Utility Use.

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

site plan include an evaluation of all public utility use alternatives, a complete visual environmental assessment form pursuant to SEQRA, and documentation on the proposed intent and capacity of use as well as a justification for the proposed public utility use and justification for any clearing required. The Planning Board may require submittal of a more detailed visual analysis based on the results of the visual EAF in addressing this in Subsections 20.k. and 20.l. below.

- c. Shared use of existing facilities. At all times, shared use of existing facilities and structures shall be preferred to the construction of new facilities and structures. An applicant shall be required to present an adequate report inventorying existing public utility facilities /structures within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to proposed new structures.
 - (1) An applicant proposing to share use of existing facilities shall be required to document intent from an existing facility owner to allow shared use.
 - (2) The Planning Board shall consider a new facility/structure where the applicant demonstrates that shared usage of an existing facility/structure is impractical. The applicant shall be required to submit a report demonstrating good-faith efforts to secure shared use from existing facilities/structures as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.
- d. Shared usage of site with new facility/structure. Where shared usage of an existing facility/structure is found to be impractical, the applicant shall investigate shared usage of an existing public utility site for its ability to accommodate a new facility/structure and accessory uses. Documentation and conditions shall be in accordance with Subsections c.(1) and (2) above. Any new facility/structure approved for an existing public utility site shall be subject to the standards of Subsections f. through o. below.
- e. New facility/structure at a new location. The Planning Board shall consider a new facility/structure on a site not previously developed with an existing facility/structure when the applicant demonstrates that shared usage of an existing public utility site is impractical and submits a report demonstrating good-faith efforts to secure shared use from existing public utility sites as well as documentation of the physical and/or financial reasons why shared usage is not practical. Written requests and responses for shared use shall be provided.

- f. Future shared usage of new public utility sites. The applicant must examine the feasibility of designing a proposed public utility site to accommodate future demand for similar facilities. The scope of this analysis shall be determined by the Planning Board. This requirement may be waived, provided that the applicant demonstrates that provisions of future shared usage of the facility is not feasible and an unnecessary burden, based upon the kind of site and structure proposed.
- g. Setbacks for new public utilities. All proposed public utility structures/facilities and accessory structures shall be set back from property lines the distance set forth in the schedule for the underlying zoning district.
- h. Visual impact assessment. The Planning Board shall require the applicant to undertake a visual impact assessment of any proposed new public utility facility or any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) A "Zone of Visibility Map," provided in order to determine locations where the facility/structure may be seen.
 - (2) Pictorial representations of "before and after" views from key viewpoints both inside and outside of the town, including but not limited to state highways and other major roads, state and local parks.
 - (3) Assessment of alternative facility/structure designs and color schemes.
 - (4) Assessment of visual impact of the facility/structure, accessory buildings and overhead utility lines from abutting properties and streets.
- i. Sensory impact assessment. The Planning Board shall require the applicant to undertake a sensory impact assessment of any proposed new public utility facility or any proposed modification of an existing public utility facility to include:
 - (1) Decibel levels to be produced "before and after" which are audible on adjacent properties, providing an example of a common noise at a similar decibel level.
 - (2) Assessment of alternative facility/structure designs which reduce any audio impact (i.e. the addition of acoustical materials, sound dampening devices, etc.).
 - (3) Assessment of audio impact of the facility/structure and accessory

buildings from abutting properties and streets.

- (4). Assessment of alternative facility/structure designs which reduce any olfactory impact (i.e. the addition of air filters, odor reducing devices, etc.).
 - (5). Assessment of olfactory impact of the facility/structure and accessory buildings from abutting properties and streets.
- j. New facility design. The design of a proposed new public utility facility/structure shall comply with the following:
- (1) Unless specifically required by other regulations, all facilities/structures shall have a neutral, earth tone or similar painted finish that shall minimize the degree of visual impact.
 - (2) Any new facility/structure shall have the minimum size needed to provide future shared usage.
 - (3) Artificial lighting of the facility/structure, unless specifically required by other regulations, shall be prohibited.
 - (4) The Planning Board may request a review of the application by a qualified structural engineer, at the applicants cost, for evaluation of need for and design of any new facility/structure.
 - (5) Accessory facilities shall maximize the use of building materials, colors and textured designed to blend with the natural surroundings.
 - (6) No portion of any facility/structure or related structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners, streamers, etc.
- k. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding four (4) inches in diameter [measured at a height of four (4) feet off the ground] shall take place prior to the approval of the special permit.
- l. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the facility/structure and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.
- m. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road

construction shall, at all times, minimize grounds disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbances and reduce soil erosion potential.

- n. Parking. Off street parking spaces shall be provided as required to service the facility.
- o. Fencing. Sites of proposed new public utility facilities/structures and sites where modifications to existing facilities/structures are proposed shall be adequately enclosed by a fence, design of which shall be approved by the Board, unless the applicant demonstrates to the Board that such measures are unnecessary to ensure the security of the facility.
- p. Removal. Obsolete or unused public utility facilities/structures and related structures shall be removed from any site within four (4) months of discontinuance of use.
- q. Maintenance and/or performance bond. The Planning Board, at its sole discretion, may require the applicant and/or the owner to establish, prior to approval of any application, a maintenance and/or performance bond in an amount sufficient to cover the installation, maintenance, and/or construction of said public utility facility/structure(s) during its lifetime. The amount required shall be determined at the sole discretion of the Planning Board, based upon the unique characteristics of the public utility facility/structure and site. The applicant and/or owner shall cooperate with the Planning Board in supplying all necessary construction and maintenance data to the Planning Board prior to approval of any application. Cost estimates shall be reviewed by the Town Engineer.

ARTICLE X SITE PLAN REVIEW

A. Intent and Purpose

It is the intent of this Article to promote and encourage the optimum overall conservation, protection, preservation, development and use of the natural and man-made resources of the Town of Northumberland.

B. Authorization

In accordance with Town Law, Section 274-a, the Town of Northumberland Planning Board is hereby authorized to review and approve, approve with qualifications or modifications or disapprove plans for new land use activities within the Town as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this Ordinance.

C. Applicability

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

1. All special permit uses listed in Article IX. of this Ordinance and all those special permit uses identified elsewhere in this Ordinance.
2. All approved use variances granted by the Zoning Board of Appeals. In lieu of this requirement, approved use variances for the siting of commercial communications/radio towers must meet the requirements of Article IX,H.,17.
3. All land use activities proposed within the boundaries of the Shoreline Overlay District, described in Article VIII of this Ordinance, and shown on the Town of Northumberland Zoning Map.
4. All Planned Unit Developments, after approval of the PUD District, by the Town Board according to the procedure in Article V.
5. All mobile home park expansions.

D. Procedures

Approval of a site plan requires that the proposed use be reviewed by the Planning Board, and after public hearing, approved by the Planning Board.

1. Sketch Plan Review: Prior to submission of an application for site plan review, the applicant is encouraged to meet in person with the Planning Board to discuss the proposed project. Such discussion shall consider the primary aspects of the project and application requirements in order to assist the applicant in preparing a formal site plan. Prior to meeting with the Planning Board, the applicant shall meet with the Zoning Administrator. The Zoning Administrator shall decide if the plan is in conformance with the zoning requirements of the district(s) in which said property is located and collect the applicable fee from the applicant. The Zoning Administrator shall then forward all materials to the Planning Board. The sketch plan should have sufficient data regarding the proposed development to clearly illustrate the intention of the applicant. This should include a map showing the important existing natural and man-made features on and adjacent to the site and a sketch plan showing the major features of the proposed development. If necessary, the site may also be visited by the Planning Board. The Planning Board may, if appropriate, in the case of small developments with little impact on adjoining lands, accept the informal sketch plan as the formal site plan providing all other requirements are met. The Planning Board may, at its discretion, waive any of the requirements of Section D.2.b., below, if found by the Planning Board to be irrelevant to the review of the proposed project.
2. Application: An applicant for site plan approval who has not undergone sketch plan review shall initiate a request by presenting preliminary concept plans to the Zoning Administrator. Upon the Zoning Administrator's decision that the plans are in conformance with the zoning requirements of the district(s) in which said property is located, the Zoning Administrator shall forward all materials to the Planning Board.
 - a. Application Requirements. All applications shall show proof of ownership and be accompanied by a legal description of the property, a map showing the property and all properties within a radius of five hundred (500) feet of the exterior boundaries thereof, plans and elevations necessary to show the proposed development and other drawings or information deemed necessary by the Planning Board to obtain an understanding of the proposed use and its relationship to surrounding properties, as required by this Ordinance.
 - b. The application shall be submitted in triplicate on forms prescribed by the Planning Board and be accompanied by ten (10) copies of a site plan and the appropriate application fee as determined by the Town Board. The site plan shall include information from the following checklist, as determined necessary by the Planning Board at the sketch plan meeting. The site plan shall be prepared by a licensed professional engineer, architect or land surveyor, unless this requirement is waived by the Planning Board.

(1) Site Plan Checklist

- a Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- b North arrow, scale of one (1) inch equals fifty (50) feet, and date;
- c Boundaries of the property plotted to scale;
- d Permanent and intermittent watercourses, wetlands and floodplains;
- e Grading and drainage plan, showing existing and proposed contours at no more than five (5) foot intervals;
- f Location, proposed uses and height of all buildings;
- g Location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto;
- h Provision for pedestrian access;
- i Location of outdoor storage, if any;
- j Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
- k Description of the method of sewage disposal and location of design and construction materials of such facilities;
- l Description of the method of securing water and location, design and construction materials of such facilities;
- m Location of fire and other emergency zones, including the location of fire hydrants;
- n Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- o Location, size, design and construction materials of all

proposed signage;

- p Location and proposed development of all buffer areas, including indication of existing vegetative cover;
- q Location and design of outdoor lighting facilities;
- r Designation of the amount of building area proposed for retail sales or similar commercial activity;
- s General landscaping plan and planting schedule; and
- t Other elements integral to the proposed development, as considered necessary by the Planning Board, including identification of any State or County permits required for the project's execution.

- (2) An application for site plan review shall be accompanied by a fee in an amount which shall be established from time to time by the Town Board and posted in the Town Hall.

The Planning Board has the right to waive any of the aforementioned application requirements.

- 3. Consultant Review: The Planning Board may consult with the Zoning Administrator, Fire Commissioners, County Environmental Management Council, Town Highway Superintendent, Town Engineer, other local and County officials, private consultants, the New York State Health Department, Department of Environmental Conservation and Department of Transportation in its review of the application and site plan.
- 4. Referral to County Planning Board: At least ten (10) days before the required public hearing on the application, the Planning Board shall refer a copy of the application to the Saratoga County Planning Board for its review in accordance with Section 239-m of the General Municipal Law if it meets one or more of the following provisions:

Within five hundred (500) feet of the following:

- a. Municipal boundary;
- b. Boundary of any existing or proposed County or State Park or other recreation area;
- c. Right-of-way of any existing or proposed County or State road or highway;

- d. 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
 - e. Existing or proposed boundary of any County- or State-owned land on which a public building or institution is situated.
 - f. The boundary of a farm operation within an Agricultural District established pursuant to Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.
5. Compliance with State Environmental Quality Review Act (SEQRA): Proposed projects are actions subject to the provisions of SEQRA. Prior to rendering its decision, the Planning Board shall make a determination as to the type of the proposal in accordance with Article 8 of the Environmental Conservation Ordinance and Part 617 NYCRR, and follow all applicable procedures.
6. Public Notice and Hearing: Within sixty-two (62) days of the Planning Board's meeting at which a complete site plan and application is received, the Planning Board shall hold a public hearing. Notice of said hearing shall appear at least five (5) days prior to the public hearing in a newspaper of general circulation in the Town. A copy of said public notice shall be mailed to all contiguous property owners by the Planning Board at least ten (10) days before the opening of the public hearing. Any hearing may be recessed by the Planning Board in order to obtain additional information or to serve further notice upon other property owners, or to persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced. No further notice or publication will be necessary.
7. Planning Board Action on Application: Within sixty-two (62) days after the public hearing on the request for site plan approval is closed, the Planning Board shall act on it. The Planning Board shall approve, disapprove, or approve with modifications and/or conditions, the application. The Planning Board's action shall be in the form of a resolution. If the application is disapproved, the reasons shall be stated. The decision shall be filed in the office of the town clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant. If the application is disapproved, the reasons for disapproval shall be stated.
- a. The Planning Board shall have discretion in determining the number of copies of the site plan required. A reproducible mylar site plan may also be required of the applicant.

- b. Upon approval of the application, the Planning Board shall endorse its approval on all copies of the site plan and shall forward one copy to the Zoning Administrator, the Town Engineer, the Town Highway Superintendent, and provide one (1) copy to the applicant. The remaining copies will be retained by the Planning Board.
 - c. Upon disapproval of the application, the Planning Board shall so inform the Zoning Administrator. The Zoning Administrator shall deny the applicant a building permit. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval.
 - d. Upon approval of the application with modifications and/or conditions, the Planning Board shall notify the applicant of said modifications and/or conditions and its reasons for requiring such. The applicant shall be advised that a revised site plan which incorporates the modifications and/or conditions must be submitted to and approved by the Planning Board. The Planning Board shall endorse its approval on all copies of the modified site plan and shall forward one (1) copy to the Zoning Administrator. One (1) copy to the Town Engineer, one (1) copy to the Town Highway Superintendent, and provide one (1) copy to the applicant.
8. Appeal of Board Decision: Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for a review by a proceeding under Article 78 of the New York State Civil Practice Law.
9. Reimbursement of Costs: In addition to fees and costs chargeable pursuant to Section 617.17 of the State Environmental Quality Review Act, costs incurred by the Planning Board for consultation and other professional fees in connection with the review of a proposed development plan shall be charged to the applicant, pursuant to such schedule as shall be established from time to time by the Town Board and posted in the Town Hall. The Planning Board, in its discretion, may require the applicant to establish an escrow account not to exceed \$1,000.00 to pay for additional engineering review of the application.

E. Standards

The following standards and considerations shall be utilized by the Planning Board for the review of a site plan and no application shall be approved, or approved with conditions or modifications, which does not reasonably comply with these standards.

In addition, any applicable standards or requirements found in Articles V., VIII., IX., and XI. shall also apply and be utilized by the Planning Board in its review of a proposed site plan.

1. Aesthetics:

- a. Site development shall be planned so that it harmonizes with the existing landscape character and blends into the landscape by using existing landforms and vegetation.
- b. Where new construction or substantial rehabilitation is concerned, the needs of the site for plantings, paving, screening and other landscaping amenities shall be considered.

2. Off-Site Impacts:

- a. Development shall be planned and undertaken so as to minimize impacts upon adjoining and nearby land uses.
- b. Any noise, odor, vibration, dust, gas or emission of any type that is likely to result from the nature of the operation shall not be hazardous or create a nuisance.

3. Existing Topography and Vegetation:

- a. Existing vegetation, topography and careful siting methods shall be utilized to minimize the visual impact of the proposed development.
- b. Cuts for roads and other site development shall be stabilized and vegetated with indigenous species to avoid erosion and sedimentation.

4. Historical/Geological Forms: Historical, natural or geologic features shall be preserved to the extent possible.

5. Construction Activities:

- a. All earth moving activities shall be planned in such a manner as to minimize the amount of land area disturbed.
- b. Natural features such as topography, waterways and other similar resources should be preserved, and development shall conform substantially to natural boundaries and alignment of watercourses.
- c. Permanent vegetation shall be successfully established and permanent erosion control structures shall be installed in accordance with the

construction schedule approved by the Planning Board. Wherever feasible, indigenous vegetation shall be retained and protected.

- d. Where it is not possible to permanently stabilize a disturbed area immediately after the final earth moving has been completed or where the activity ceases for more than fifteen (15) days, interim stabilization measures shall be implemented promptly, including mulching and planting of vegetation.
- e. Run-off from any slope exposed for longer than fifteen (15) days shall be controlled through utilization of mulching, check dam, temporary sediment basins, and other generally approved engineering methods.
- f. Topsoil from all areas to be excavated shall be removed and stored. Upon completion of the earth movement, the topsoil shall be re-spread to provide a suitable base for seeding and planting except on the immediate building site and the road leading to it.
- g. All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and toxic waste. Fill material shall be compacted sufficiently to prevent problems of erosion.

6. Drainage:

- a. Satisfactory provision shall be made for surface water drainage; existing drainage and runoff patterns shall not be disturbed any more than necessary.
- b. Satisfactory provision shall be made for control of soil erosion and for re-vegetation of disturbed soil areas. (*See Soil Disturbance Local Law #2 of 1991*).
- c. Stormwater shall be managed and controlled on the site utilizing retention structures, infiltration, or other generally accepted engineering practices so as to prevent water volume and velocities exceeding the volume and the velocities encountered prior to site development from being conveyed through or from the project site during a twenty (20) year storm. New York State Phase 2 stormwater permits are required for any construction site disturbance of one(1) acre or more.
- d. The applicant shall provide measures to insure long-term maintenance of retention and detention basins, including periodic clearing of filters, removal of debris and sediment and weed cutting to the satisfaction of the Planning Board. Wherever possible, restrictive deed covenants shall be used to assure that maintenance responsibilities are legally binding.

- e. The quality, infiltration rate and levels of groundwater shall be preserved as much as possible.

7. Roads and Parking:

- a. Vehicular circulation and service access shall be planned to protect pedestrians and to avoid pedestrian/vehicular conflicts.
- b. The visual impact of parking areas shall be minimized.
- c. Parking areas and driveways shall be designed and constructed to provide convenient access to and from public highways.
- d. Activities which involve a new road or driveway entering onto a public highway shall comply with the following standards:
 - (1) The point of intersection with the public highway shall be a point at which sight distances are good and sufficient in both directions.
 - (2) The angle of intersection with the public highway shall be as close to ninety (90) degrees as possible.
 - (3) In the case of new connections to Town highways, the existing public road drainage shall be protected so that surface drainage flow is not impeded. The applicant's engineer, in consultation with the Town Highway Superintendent, shall prescribe the size and type of culvert, if any, to be utilized at the point of intersection. The Planning Board shall prescribe whether the applicant or the Town itself (at the applicant's expense) will supply and/or install the culvert, after recommendation of the Town Highway Superintendent.
 - (4) Any access permits necessary from the County of Saratoga, Town of Northumberland, or State of New York as a result of access causing entry to a State, Town or County highway shall be obtained by the applicant, in addition to compliance with the terms of this Section. Town access permits are required to be obtained from the Town Highway Superintendent for driveways entering Town roads.
 - (5) All roads that will be transferred to the Town shall be designed and built to the requirements specified in the Town of Northumberland Subdivision Regulations.
- e. All proposed traffic access and roads shall be adequate in width, grade,

alignment and visibility, necessary traffic signalization, stop signs, other safety controls, devices and facilities shall be given proper consideration and be duly provided wherever appropriate or warranted.

- f. Access shall be restricted to discrete points of entry and exit and shall not be along the entire road frontage of the project.
 - g. Snow removal, if applicable, shall be provided on the site, where practical, so as to avoid obstructing drivers' vision, protect landscaping elements and avoid problems for adjoining properties.
 - h. All roads shall be planned and installed to logically relate to the existing soils, topography and vegetation. For these purposes, areas with steep slopes, shallow soils, soils with the water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall generally be avoided.
 - i. Clearing and grading of roads in wooded areas shall be limited to that which is necessary to provide needed roadside and embankment drainage, construct stable cuts and fills, and provide for utility installation.
 - j. All cleared banks, exposed borrow areas and cut and fill slopes, including ditch banks, shall be re-vegetated in a manner suited to site conditions.
 - k. Ditch bottoms shall be constructed and maintained to minimize soil erosion during periods of peak flow by means of re-vegetation, sodding, mulching, netting, stone paving, rip-rap and other materials or combinations of these, depending on hydraulics and soils properties.
 - l. Road and private drive grade shall not exceed a twelve (12) percent average grade over any 150 foot length, and shall not exceed fifteen (15) percent over any length.
 - m. Where feasible, access should be combined with existing access to public roads and consideration should be given to the number and width of access points.
8. Sewage: No on-site sewage tile field or seepage pit shall be located within one hundred (100) feet of any shoreline, stream, or wetland and no septic or other holding tank shall be located within one hundred (100) feet of any shoreline, stream, or wetland, as measured from the normal annual high water mark of the water body. See the Town of Northumberland Watercourse Protection Local Law #1 of 1991 (Article XI,U.).

- a. Every on-lot sewage disposal system shall comply with the standards as to type, capacity, location, layout and minimum lot size of the New York State Department of Health (DOH) as set forth in the booklet entitled Waste Treatment Handbook: Individual Household Systems and, where applicable, the regulations of the NYS Department of Environmental Conservation (DEC), from time to time in effect (whether or not the construction of such a system is subject to the prior approval of such departments) and shall also comply with the provisions of this law. In case of conflict between the requirements of the DOH, DEC and this Ordinance, the most restrictive shall prevail.
9. Water Supply: Any drilled, point-driven, or dug well shall comply with the generally accepted standards of the NYS DOH.
10. Emergency Access: It is recommended that all proposed structures should be readily accessible for emergency vehicles, including police, ambulance and fire protection. The Board of Fire Commissioners can provide information on emergency access.
11. Impact on Municipal Services: The Planning Board shall take into account the ability of the responsible unit of government to provide the services and facilities that will be required by the use or project under consideration, and guide development in a manner that reflects the physical capacity of the service system or facility and the financial capacity of the responsible unit of government to respond to additional requirements generated by the use or project.
12. Shoreline Protection:
 - a. All construction involving any shoreline shall be carried out in such manner as to minimize interference with the natural course of such waterway, to avoid erosion of the shoreline, to minimize increased runoff of ground and surface water into the waterway and to remove only that vegetation which is necessary to the accomplishment of the project.
 - b. Any pump-out or other connection to provide for the accommodations of sanitary wastes should be connected to an adequate and approved sewage disposal system whether a public system or an individual on-site system.
 - c. Any paved or otherwise improved parking area, driveway, loading or service area within one hundred (100) feet of any shoreline shall be designed and constructed so as to minimize surface runoff and the entrance of any chemical pollutants or soil siltation into the waterway.

13. Historical Property: Uses of State or federally designated historic places, sites, buildings and structures should make, where possible and practical, an efficient contemporary use of such an historical property through repair or alteration utilizing State guidelines, while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

ARTICLE XI SUPPLEMENTAL REGULATIONS

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

A. General Performance Standards

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

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

4. Industrial and Commercial Wastes: No solid or liquid wastes, including solvents, greasecutters, paint thinners, oils, pesticides, herbicides, heavy metals, or radioactive materials shall be discharged into any public sewer, common or private sewage disposal system, stream or on or into the ground, except in strict conformance with the standards approved by the NYSDOH and NYSDEC, or with the standards established by any applicable local law or ordinance, or other duly empowered agency. Where more than one (1) standard exists, the most stringent shall apply. Radioactive material shall be stored in compliance with all applicable regulations of NYSDOH, New York State Labor Department, NYSDEC, and the Federal Environmental Protection Agency.

5. Radioactivity or Electromagnetic Disturbance: No activities shall be permitted which emit any radioactivity beyond the building in which such activity is located. No electrical disturbance adversely affecting the operation of any equipment other than that of the generator of such disturbance shall be permitted. No emission or discharge of radioactive gases, liquids or solids shall be permitted. The handling and disposal of radioactive materials or waste by-products, whether or not licensed by the Nuclear Regulatory Commission, shall be conducted only in accordance with the standards established in Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," as amended, and in accordance with any other applicable laws, regulations or ordinances including those established by the Town of Northumberland.
6. Fire and Explosion Hazards: All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protective Association (NFPA) Code, shall be fully observed. All burning of such waste materials in open fires is prohibited.
7. Maintenance of Developed Lots: All open portions of any developed lot shall have adequate grading and drainage, and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or by other material.

B. Parking Standards and Design

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

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

a. Residential Uses:

- Single-family dwelling 2 spaces
- Mobile home 2 spaces
- Two-family dwelling 4 spaces
- Boarding or rooming house,
Bed & Breakfast, Inn 1 space per bedroom plus
required spaces for resident
occupants of same and other
dwelling units

b. General Uses:

- Church or other place of worship,
meeting hall, membership club,
auditorium, theater or other place
of public seating assembly not
otherwise specified. 1 space per 3 seats or
50 sq. ft. of seating area
where fixed seating is not
provided
- School 1 space per 12 classroom
seats or the auditorium
requirements as specified
above, whichever is greater
- Cultural facility (museum, library),
art gallery or public/semi
public use 1 space for each 300 sq. ft.
of gross floor area plus
1 space for each employee
- Nursing home 1 space for each
2 beds

c. Accessory Uses:

- Home occupation 1 space per 250 sq. ft. of
such use, if customers or
clients routinely visit the
use plus 1 space per
employee, if applicable

d. Business Uses:

- Funeral home 1 space per 3 seats within
public areas, plus 1 space
per employee and business-
related vehicle

- Medical clinic and related health service office 5 spaces per professional, plus 1 space per employee
- General or other professional office 1 space per 300 sq. ft. of gross floor area, plus one space per employee
- Retail business, store or service shop 1 space per 200 sq. ft. of gross floor area, plus one space per employee
- Personal Service Establishment 1 space per 200 sq. ft. of floor area, plus one space per employee
- Hotel or motel 1 space per bedroom plus 10 per 1,000 sq. ft. of gross floor area non-guest room area, plus 1 space per employee
- Restaurant and Tavern 1 space per 3 seats or 50 sq. ft. of floor space available to patrons, whichever is greater, whether such seats or floor area are situated within an enclosed building or outdoor service area plus 1 space per employee

e. Recreational Uses:

- Indoor commercial recreation facility 2 spaces per alley, table, court, or similar measure
- Golf course 220 spaces for 18 holes; 110 spaces for 9 holes
- Park To be determined by the Planning Board upon recognition of park's size and type
- Stable/riding academy 1 space per 2 horse stalls

- Marina 1 space per 1.5 boats dock spaces, plus 1 space per employee

f. Industrial Uses:

- Industry and Manufacturing 1 space per number of employees on largest shift, or 800 sq. ft. gross floor area, whichever is greater, plus 1 space per company vehicle
- Warehouse 1 space per 2 employees and 1 space per company vehicle

g. Miscellaneous

- Kennel 1 space per 10 dogs capable of accommodation plus 1 space per employee
- Airport To be determined by the Planning Board upon recognition of airport's size and type
- Veterinarian Clinic/Hospital 4 spaces per veterinarian plus 1 space per employee
- Day care center 1 space per 4 children (Total children = # of children per session) plus 1 space per employee
- Composting center To be determined by the Planning Board upon recognition of Center's size and type
- Recyclables and transfer center To be determined by the Planning Board upon recognition of Center's size and type

For uses not specifically listed, the requirement shall be the same as for the most similar use listed as determined by the Planning Board at the time

of special permit and/or site plan review, as provided for in Articles IX. and X., respectively, of this Ordinance.

In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit modification.

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

2. Design Standards for Off-Street Parking Spaces:

- a. Areas which may be considered as meeting off-street parking space requirements may include a garage, carport or other properly developed area available for parking;
- b. Parking shall not encroach within fifteen (15) feet of any public right-of-way, side or rear property line, except that if abutting a residential district a minimum of twenty (20) feet separation shall be maintained;
- c. In all districts, each parking space provided shall be at least nine (9) feet wide and eighteen (18) feet long. Parking spaces for the physically handicapped shall measure twelve (12) feet in width. Each space shall have direct and usable driveway access to a street and adequate maneuvering area between spaces;

The average parking lot area per automobile parking space shall not be less than three hundred (300) square feet, including adjacent circulation areas;

- d. All parking areas shall be suitably drained. Except for one or two-family dwellings, parking lot surfacing requirements shall be established by the Planning Board under site plan review, as provided for in Article X. of this Ordinance, with particular consideration given to the number of vehicles accommodated and the proposed intensity and season(s) of use;
- e. All non-residential off-street parking areas shall be designed to eliminate the need to back out onto any public street, road, or highway and where feasible for residential;

f. Parking facilities shall be landscaped and screened to the extent necessary to eliminate unsightliness and impacts on adjacent land uses;

g. Parking facilities shall be adequately lighted

C. Loading Standards and Design

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

- | | |
|--|---|
| a. General Uses:
(other than residential) | 1 berth per 5,000 to 25,000 sq. ft. of floor area and 1 additional berth for each additional 25,000 sq. ft., unless truck deliveries do not exceed 1 vehicle per day. |
| b. Business Uses: | |
| - Office and retail uses | 1 berth per 5,000 to 25,000 sq. ft. of floor area and 1 additional berth for each additional 25,000 sq. ft. |
| - Hotel, motel | 1 berth for floor area in excess of 5,000 sq. ft. |
| c. Industrial and
Manufacturing Uses | 1 berth for the first 5,000 sq. ft. of floor area and 1 additional berth for each additional 25,000 sq. ft., unless truck deliveries do not exceed 1 vehicle per day. |

2. Design Standards for Off-Street Loading Berths:

- a. Each required loading berth shall be at least twelve (12) feet wide, thirty five (35) feet long, and fourteen (14) feet high. Alternative design standards to these may be accepted by the Planning Board if applicant demonstrates that such standards are appropriate to meet demand. If deliveries are by semi trailer, the berth shall be 75-feet long.
- b. Unobstructed access, at least twelve (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as permitted below. No entrance or exit for any off-street parking or loading area

shall be located within fifty (50) feet of any street intersection, nor shall any off-street loading berth encroach on any required front yard or required side yard, accessway or off-street parking area, except that in a commercial district off-street parking areas may be used for loading and unloading, provided that such areas shall not be so used or restricted for any more than three (3) hours during the daily period that the establishment is open for business.

- c. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments.

D. Swimming Pools

Any outdoor swimming pool, whirlpool or hot tub, as defined in Section II.B. of this Ordinance, shall be subject to the following requirements:

1. The outdoor swimming pool, whirlpool or hot tub shall be enclosed on all sides by a security fence not less than four (4) feet nor more than six (6) feet in height, or, in the case of whirlpool or hot tub, a securely locked cover may be provided in lieu of a fence;
2. Such security fence, as may be applicable, shall be provided with a locking gate to prevent accidental entry or unauthorized use of the outdoor swimming pool, whirlpool or hot tub;
3. Height restrictions shall not apply to swimming pools;
4. Compliance with all other requirements of the New York State Uniform Fire Prevention and Building Code.

E. Fences and Walls

1. All fences shall be sited in such a manner to allow proper maintenance of same on both sides without entering upon an adjoining property unless an easement is provided by the neighbor to permit this maintenance;
2. Except as otherwise provided in E.3 or E.4 of this Section, in any residential or commercial district, fences and walls shall not exceed eight (8) feet in height when erected in rear or side yards nor four (4) feet in height when erected within the front yard;
3. In the Industrial (I) District, fences and walls shall not exceed eight (8) feet in height;

4. In any district, all fences and walls shall conform to the requirements of Article XI.M. as pertains to corner lots where special sight clearance considerations are necessary to protect traffic safety;
5. The side designed to be viewed shall face outward, away from the area/use being fenced.

F. Automobile Junk Yards

No automobile junk yard shall be hereinafter established in the Town of Northumberland. Existing lawfully established junk yards shall be operated in full compliance with the following standards:

1. No automobile junk yard shall be located within one hundred fifty (150) feet of any residential building (except that belonging to the owner of the junk yard), public park, church, educational center, nursing home, public building or other place of public gathering, or any stream, lake, pond, marsh, swamp or other body of water.
2. The junk yard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others;
3. There must be erected and maintained an eight (8) foot fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junk yard. All the materials dealt with by the operator of the junk yard shall be kept within such fence at all times. Whenever the junk yard is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Where a junk yard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junk yard from view. As an alternative, the Planning Board may permit such screening by adequate planting of evergreen trees or shrubbery. The Board may also waive the requirements of fencing where topography or other natural conditions effectively prohibit the entrance of children and others;
4. Adequate means of fire protection shall be maintained on the premises at all times;
5. The junk yard shall not be used as a dump area by the public and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with applicable New York State Ordinance regarding outdoor burning.

G. 100 Year Flood Hazard Areas

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

1. All structures shall be designed and anchored to prevent floatation, collapse, or lateral movement due to flood water related forces;
2. All construction materials and utility equipment used shall be resistant to flood damage;
3. Construction practices and methods shall be employed which minimize potential food damage;
4. Adequate drainage shall be provided to reduce flood hazard exposure; and
5. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.

H. Principal Buildings Per Lot

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

I. Through Lots

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

J. Frontage Upon a Street

Every principal building shall be built upon a lot with frontage upon a street improved to meet the standards of the Town of Northumberland.

1. The minimum required frontage for one principal building shall be twenty-five (25) feet; and such frontage shall provide actual physical access to and from the lot to be built upon for such purposes of ingress and egress to the lot by emergency vehicles such as fire trucks and/or ambulances.

K. Special Lot Regulations

1. Existing Substandard Lots. Notwithstanding the limitations imposed by any other provisions of this Ordinance, the erection of a building on any lot separately owned or under contract of sale and containing, at the time of the passage of this Ordinance, an area or a width smaller than that required for a

permitted use shall be allowed without requiring a variance. The minimum side yard requirements are reduced in proportion to the reduction of lot width over the specified minimum lot width for the district. This provision applies only where such lot is not adjacent to other property owned by the applicant.

2. Front yard depth. Notwithstanding the limitations imposed by any other provisions of this Ordinance, each building hereafter erected may have a front yard equal in depth to the average front yard depth of the building within one hundred (100) feet adjacent thereto on either or both sides.
3. Reduction in rear yards. When a lot is less than the minimum area prescribed for the district in which it is located at the time of passage of this Ordinance or subsequent amendments thereto which may affect the area requirement of the particular lot, the rear yard may be reduced in proportion to the reduction in lot depth over the specified minimum lot depth for the district. However, no rear yard shall be less than fifteen (15) feet in depth, except that an accessory building may be placed no closer than ten (10) feet to the rear lot line.
4. Corner lot transition. On every corner lot there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side-street.

L. Unregistered Vehicles

No more than one (1), unregistered motor vehicle may be stored in an unenclosed area in any zoning district, except for unregistered vehicles utilized for active agricultural purposes.

M. Obstructions at Street Intersections

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

N. Outdoor Storage on Residential Lots

Not more than two (2) commercial vehicles in excess of twenty (20) feet in length nor more than a total of two (2) camping trailers or boats may be stored outdoors on a lot in a residential district. All such outdoor storage shall occur as inconspicuously as practicable on the lot and may not occur within the minimum required front yard whenever a suitable side or rear yard exists. No such vehicle,

boat, or trailer shall be stored within twenty five (25) feet of an adjoining residential lot line, unless a dense natural screen is planted and maintained, in which case the above-stated minimum distance may be reduced to fifteen (15) feet.

O. Garage Sales

Garage sales shall not exceed three (3) days in duration and not occur more than five (5) times in a calendar year.

P. Required Screening

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

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

Q. Mobile Homes

1. Mobile homes in the Town of Northumberland shall be installed in accordance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code.
2. Each mobile home lot shall be improved to provide a permanent foundation or a poured concrete slab with a minimum of six (6) tie down positions, per each frame rail, for anchoring said mobile home.
3. Each mobile home shall be placed upon the land so that rain water and surface water shall run off and drain away from the mobile home and not interfere with adjoining properties.
4. Within sixty (60) days of placement on a lot each mobile home shall be equipped with a skirt of metal, fiberglass, masonry, or suitable fire retardant

material. The skirt shall be securely fastened and shall extend from the outside wall of the mobile home to ground level around the entire perimeter of the mobile home.

R. Conservation Design Subdivision

I. Purpose and Intent

- a. To allow for greater flexibility and creativity in the design of residential developments;
- b. To encourage the preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources and historical resources in a manner that is consistent with the goals and objectives of Town of Northumberland Comprehensive Land Use Plan;
- c. To encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than conventional or grid subdivision;
- d. To minimize the total amount of disturbance on the site;
- e. To preserve and enhance the community's rural character;
- f. To preserve and protect agriculturally significant land;
- g. To protect community waterways and water supplies;
- h. To protect the value of real property;
- i. To provide for a diversified housing stock.
- j. To further the goals and policies of the Town of Northumberland Comprehensive Land Use Plan.

II. Definitions

Conservation Design Subdivision (CDS)

The subdivision of land creating five (5) or more lots or consisting of ten (10) or more acres of property for residential use, the design of which, requires the identification and the preservation of the important natural, cultural, and scenic resources of the site, subject to the requirements of the Town's Conservation Design Subdivision Regulation.

Conservation Area

Those areas identified on the subdivision parcel which because of environmental constraints or important natural, cultural, or scenic attributes are not to be used for developmental purposes

Conservation Area Analysis

An analysis of the various conservation values and features of a proposed subdivision site to be prepared by the applicant and provided to the Planning Board to assist in the proper design of a Conservation Design Subdivision. This analysis shall include the submittal of a Conservation Analysis Checklist for the site and all relevant site information required by this regulation.

Conventional Subdivision Design

A conventional subdivision design consistent with the Town's Subdivision Regulation which shows the number of lots which can be sited on the subdivision plat.

Dedicated Open Space

Lands within or related to a development that are to be preserved as open space, and which are designed and intended for the common use or enjoyment of the residents of the subdivision or the Town. These are lands intentionally set aside for the protection of open space areas such as woodlands, farmland, and scenic viewsheds. These lands may include complementary structures and improvements. Public access may be permitted through easements or other means.

Development Areas

Those areas identified on the subdivision parcel which exclude all identified conservation areas and are suitable for residential construction.

Rural Road

A roadway utilizing two 9' travel lanes with 2' shoulders designed to serve low volumes of rural subdivision traffic while accommodating a variety of residential service vehicles.

III. Design Standards

The following design standards shall guide the design and approval of all Conservation Design Subdivisions in the Town of Northumberland:

- The creation of a Conservation Design Subdivision begins with an analysis of the particular parcel to be subdivided. The applicant and the planning board must understand the unique landscape features of the parcel, and the relationship of the parcel to adjoining lands.

- Conservation Areas are the first areas to be identified when designing the subdivision. Development Areas are identified only after Conservation Areas have been designated. The applicant and the Planning Board shall select Conservation Areas and Development Areas as early as possible in the subdivision review process (during the Pre-Application Conference stage). Agreement on the conceptual design of a Conservation Design Subdivision at this early stage is intended to ensure that the greater expense of a more detailed, engineering-level design is not undertaken on a layout that is inconsistent with the town's goals for development.
- Conservation of important natural, cultural, and scenic resources shall be the starting point for the design of subdivisions using the CDS process. Protection of wetlands, floodplains, steep slopes and streams shall be the guiding principle in designating a subdivision's conservation area. Additional lands that contribute to the unique character of the parcel to be subdivided may also be included in the subdivision's conservation area. Such lands shall contain important open space resources including, but not limited to:
 - a. Existing farms,
 - b. Land suitable for agricultural use,
 - c. Land for recreational use including potential trail linkages to adjoining lands
 - d. Environmentally sensitive lands,
 - e. Lands that are inappropriate for development,
 - f. Lands that adjoin other conservation lands and larger tracts of land which have the potential to create continuous networks of open space,
 - g. Rural character of the surrounding area, and
 - h. Scenic rural roads and viewsheds.

Land designated for permanent conservation shall be limited to the following uses:

- a. Farm operation land (farm operation land shall not include agricultural buildings except fences)
 - b. Public open space
 - c. Private open space
 - d. Forestry or forest farming operations
- The designation of land for development with Conservation Design Subdivisions shall be made in consideration of the town's desire to:
 - a. Avoid locating buildings in open fields. Preference will be to locate structures at the edges of fields along more heavily vegetated areas.
 - b. Site buildings so that they do not protrude above treetops

and the crest lines of hills. Buildings shall be sited so as to use existing vegetation to buffer the view of new structures from pre-existing public places and roads.

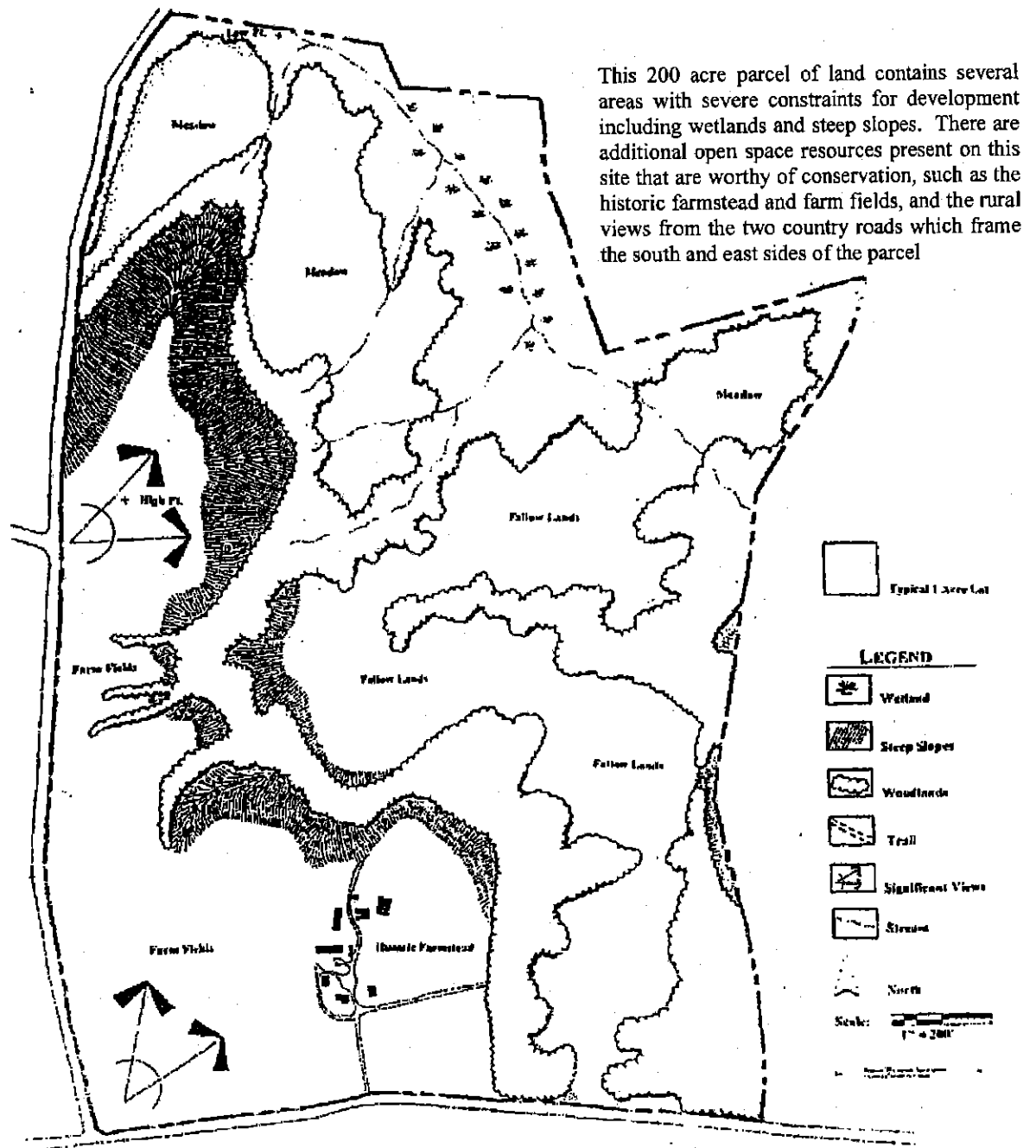
- c. Retain and re-use existing farm roads and country lanes instead of constructing new roads or driveway.
- d. Minimize clearing of vegetation at the edge of existing roads, clearing only as much as necessary to create a driveway entrance with adequate sight distance.
- e. Minimize the disturbances of natural features of the landscape.
- f. Minimize the number of curb-cuts on existing town, county, and state roads.
- g. Use curves in driveways and new roads to increase the screening of buildings.
- h. Consider the potential impact of new homes on existing neighbors when new structures are located.
- i. Avoid locating new homes near existing farms and farmlands.
- j. Build new homes only on lands that are most suitable for development and associated wells and septic systems.

- Conservation design for subdivisions is preferred to conventional subdivision design because it is a development process which allows the preservation of significant areas of important open space within the Town. Because the minimum lot size and other area requirements are reduced for these subdivisions, there is considerably more room for creativity in subdivision design. This flexibility allows important site features and open space resources to be conserved, while allowing homes to be located on the most suitable lands. It also provides the ability to situate the homes in harmony with the land landscape.
- The design flexibility provided by the CDS process is intended to ensure that important site features and open space resources are conserved, and the rural character of the Town of Northumberland is protected. This is why these regulations have been adopted.
- There is no "one-size fits-all" solution to creating a subdivision that conserves significant features of the landscape while locating homes to take maximum advantage of the open space amenity created. However, the following illustrations demonstrate a recommended design process for subdivisions that utilize the Conservation Design Subdivision approach.
- The most important idea contained in these regulations is to design with the landscape. The design process illustrated on the following pages provides a "way of thinking" about the layout of a rural

subdivision. This way of thinking, which starts with the identification of conservation areas, should be foremost in the mind of an applicant when designing a subdivision, and shall guide the Planning Board when reviewing applications.

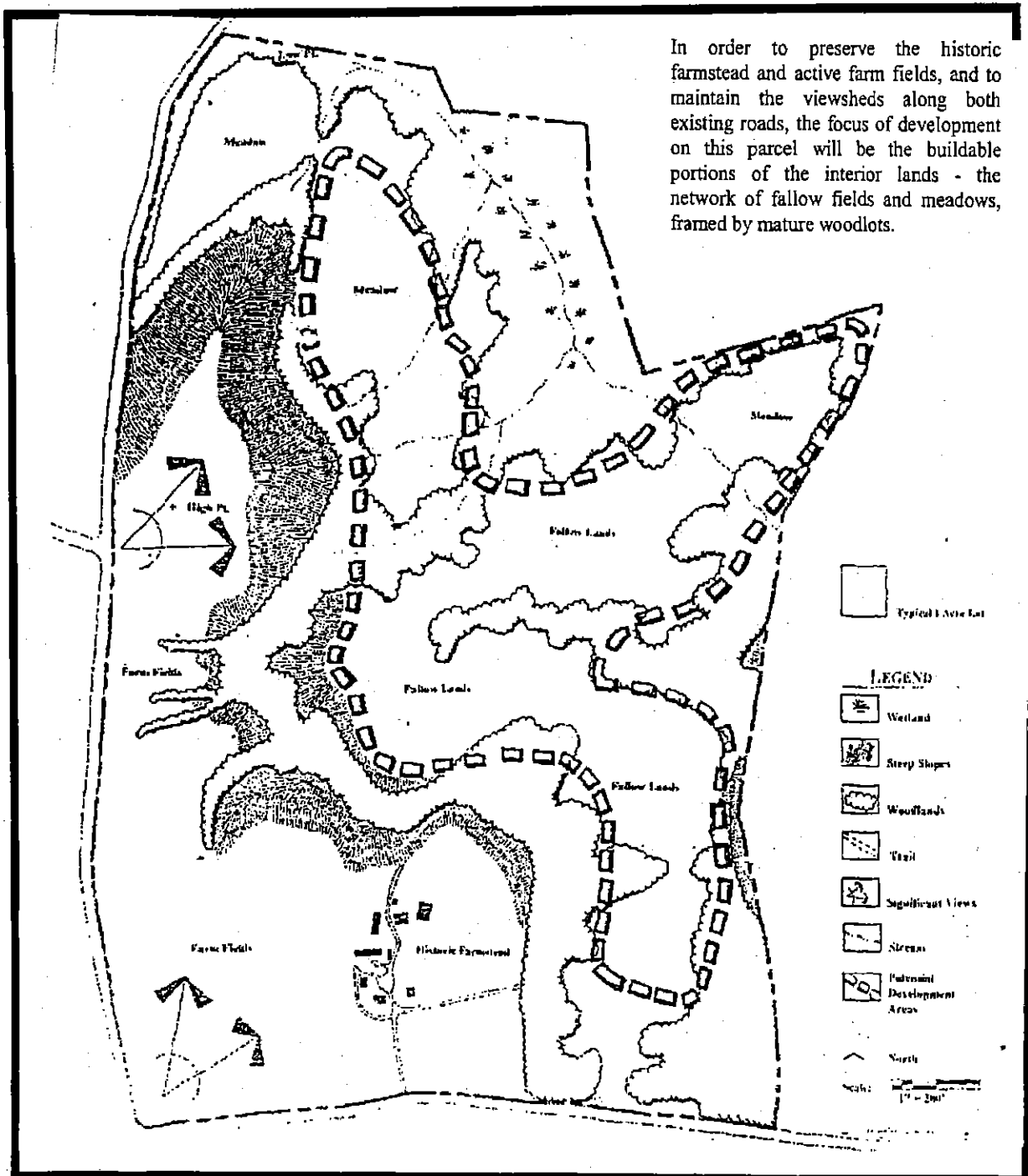
The Design Process For Conservation Design Subdivision Options

Step 1: Analyze the unique landscape features of the parcel to be subdivided and identify lands with severe constraints to development and other areas that are worthy of conservation. These will be the potential Conservation Areas.



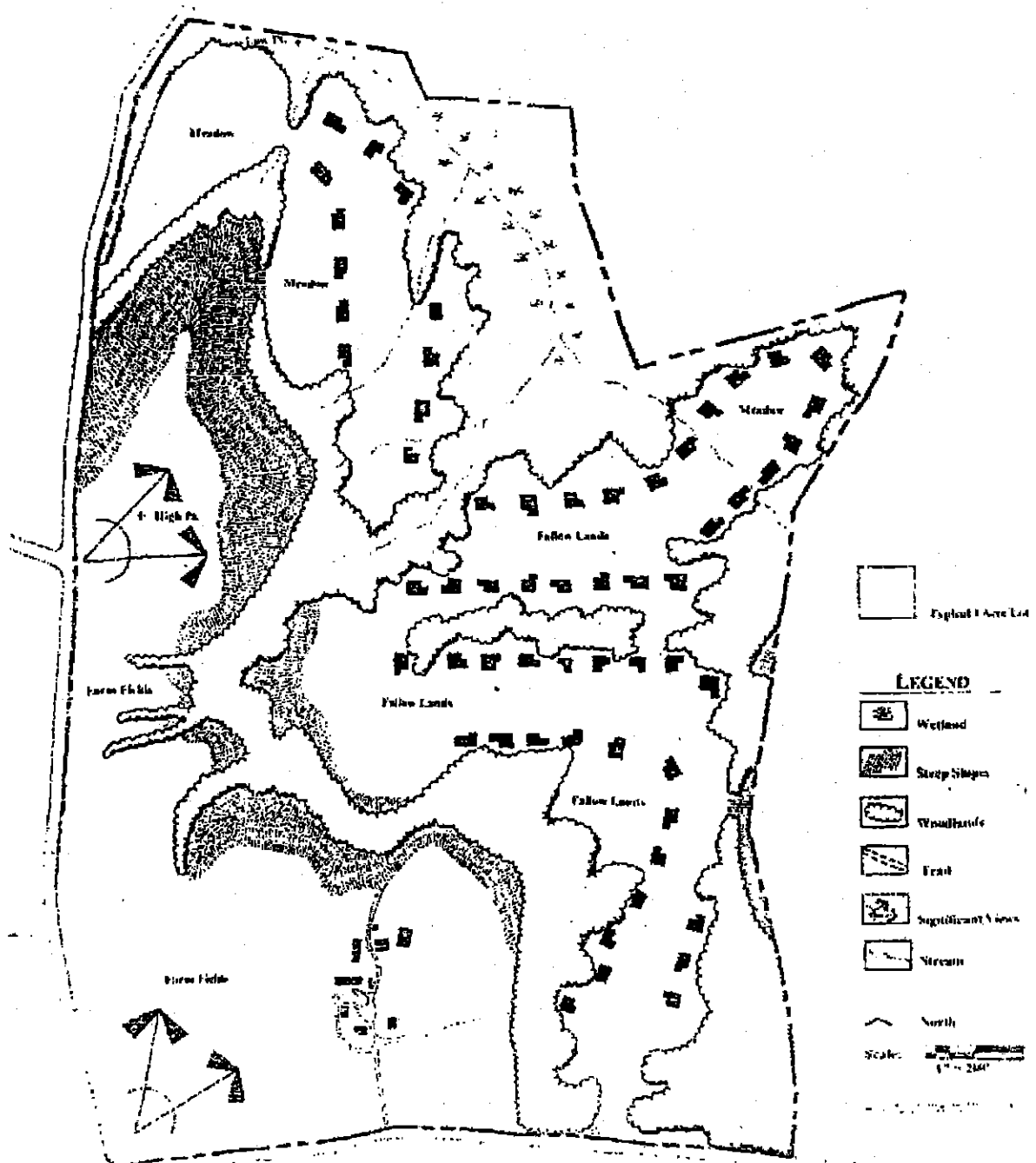
The Design Process for Conservation Design Subdivisions

Step 2: Based on the identification of conservation areas in Step 1, identify remaining areas that are suitable for development. These will be the potential Development Areas.



The Design Process for Conservation Design Subdivisions

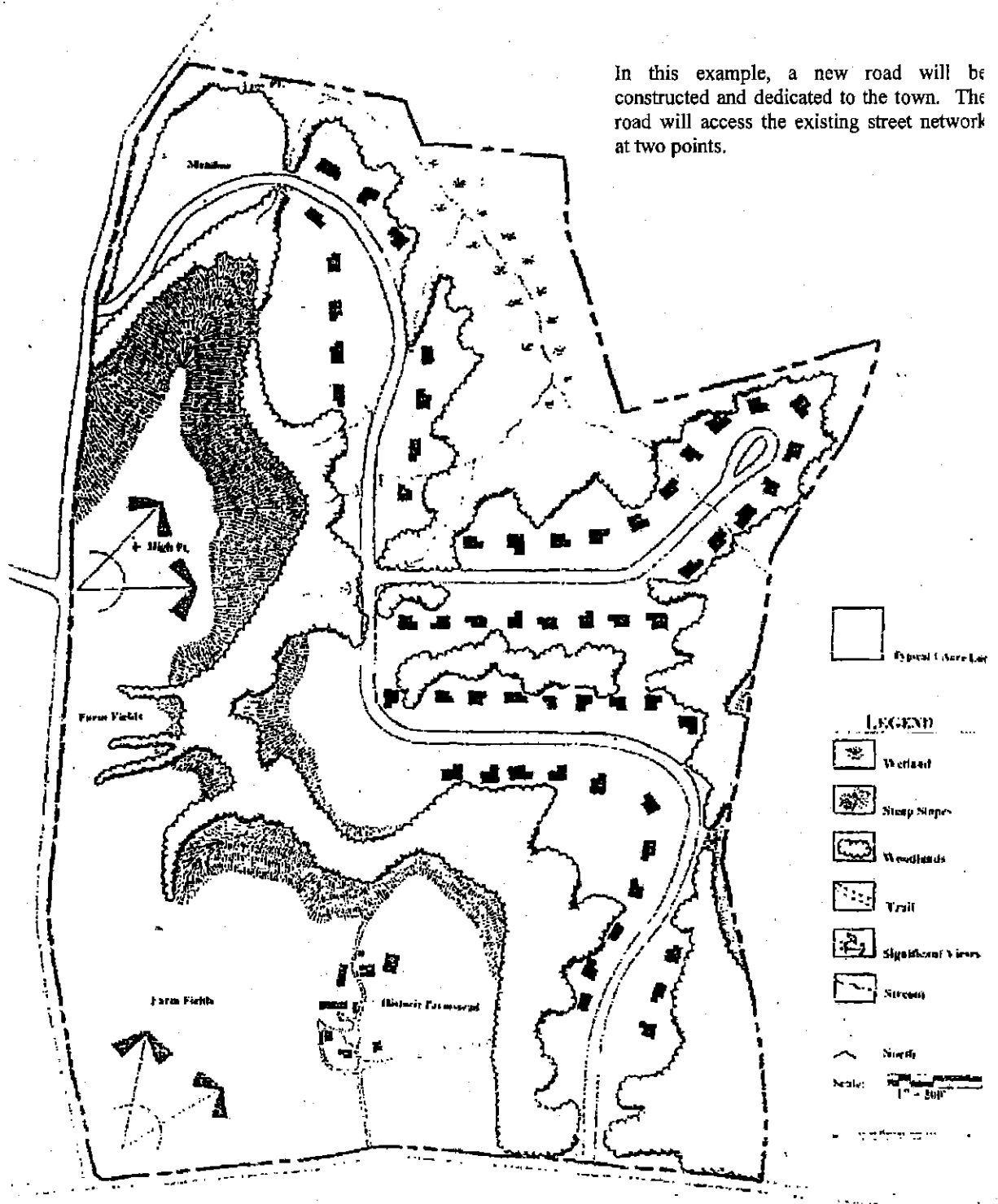
Step 3: Locate homes in the potential Development Areas.



The Design Process for Conservation Design Subdivisions

Step 4: Align roads to provide access to each of the homes.

In this example, a new road will be constructed and dedicated to the town. The road will access the existing street network at two points.



The Design Process for Conservation Design Subdivisions

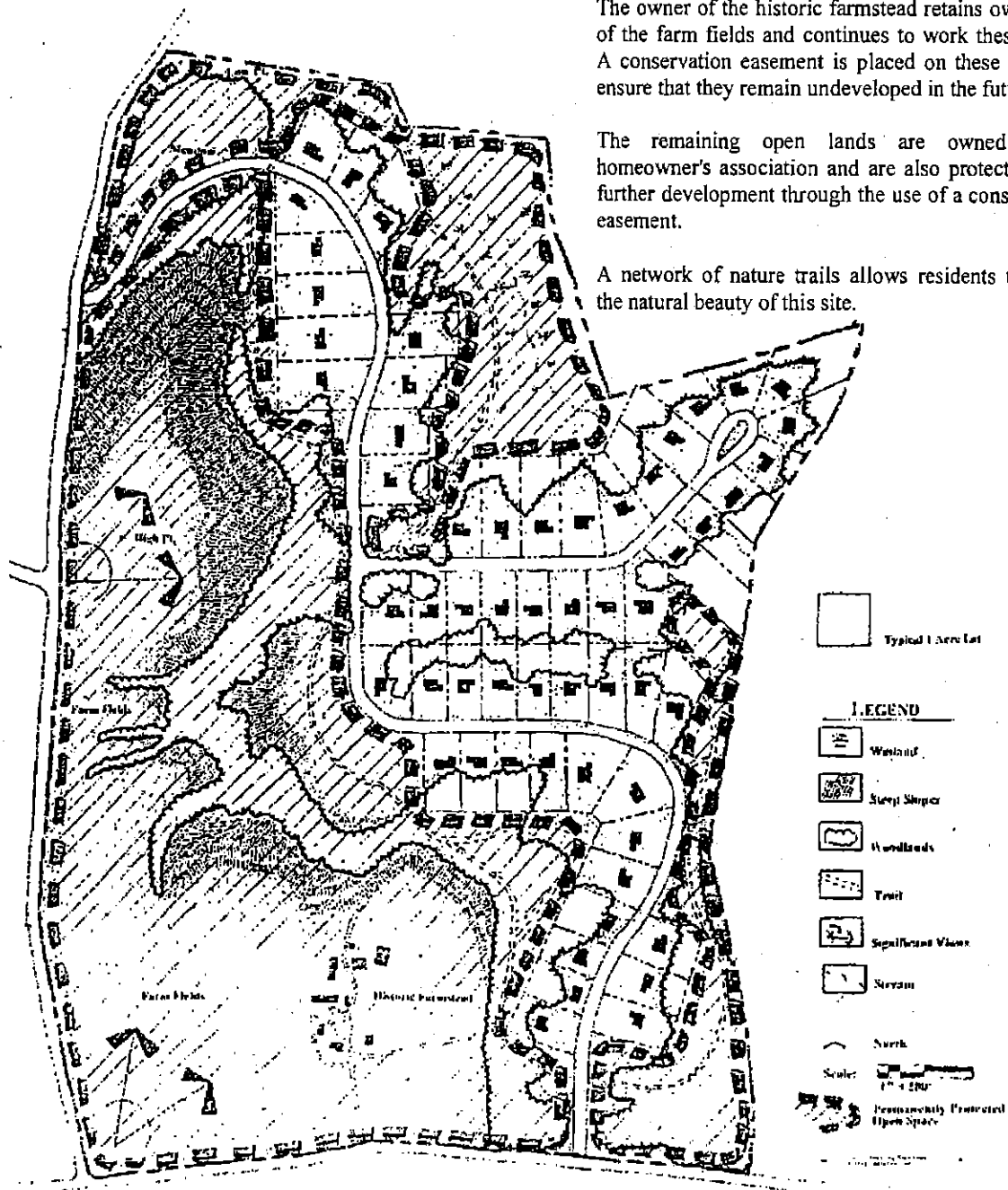
Step 5: Draw in lot lines and determine ownership and necessary accommodations for the permanently protected open space created from this subdivision

In this example, the 59 new housing lots range in size from the minimum 1 acre (as required under zoning), to about 2 acres.

The owner of the historic farmstead retains ownership of the farm fields and continues to work these lands. A conservation easement is placed on these lands to ensure that they remain undeveloped in the future.

The remaining open lands are owned by a homeowner's association and are also protected from further development through the use of a conservation easement.

A network of nature trails allows residents to enjoy the natural beauty of this site.



IV. Procedures

- A. All applicants required to prepare a Conservation Design Subdivision shall provide the Planning Board with a conceptual conventional subdivision design as well as a proposed layout for a conceptual Conservation Design Subdivision during the Pre-Application Conference. During Pre-Application Conference, the applicant should demonstrate how the conservation subdivision design process was utilized to arrive at the conceptual design.

The following items shall be required as part of the Conceptual Subdivision submittals:

- A site map showing the parcel with USGS topography
- A soils map of the site
- An aerial photograph of the site
- A NYS wetlands map of the site
- A Conservation Analysis Checklist (Town will provide)

As part of the CDS conceptual design, the applicant utilizing the above information shall prepare and submit to the Planning Board a conservation analysis consisting of inventory maps, description of the land, and an analysis of the conservation value of the various site features (utilizing a Conservation Analysis Checklist available from the Town). The Conservation analysis shall show lands with conservation value, included but not limited to site lands exhibiting present or potential recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. The Planning Board, utilizing the conceptual conventional subdivision design and the conceptual conservation subdivision design and the aforementioned conservation analysis, shall determine the usable Development Area and the number of residential building units which will be allowed to be constructed pursuant within the proposed Conservation Design Subdivision.

- B. The Preliminary and Final Subdivision approval process as outlined in the Town of Northumberland's Subdivision Regulations shall be utilized for all Conservation Design Subdivision. The Planning Board has the final authority to designate all Conservation Areas and Development Areas.

V. Rural Road Design Option

The applicant shall have the opportunity to submit a rural road design, which after review, consultation, and approval by the Planning Board and the Town's Highway Superintendent may be utilized within the CDS.

VI. Reduction of Dimensional Requirements

- A.** The Planning Board encourages applicants to modify lot size, shape and other requirements for dimensional lots within a CDS, subject to the following limitations:
1. Lots having reduced area or frontage shall not have frontage on a street or road other than a street or road created by the CDS; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this regulation.
 2. At least 50% of the required setbacks for the district shall be maintained in the CDS unless a reduction is otherwise authorized by the Planning Board.

VII. Open Space Requirements

- A.** Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
1. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract that is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon demonstration that such inclusion promotes the purposes of this regulation.
 2. The open space shall be contiguous. Contiguous shall be defined as being connected. Open space will still be considered connected if it is separated by roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this regulation and/or protect identified primary and secondary conservation areas.
 3. The open space shall be used for wildlife habitat, conservation and/or the following additional purposes: agriculture, historic preservation, recreation, trail, park purposes, horticulture, forestry, and a combination of these uses and shall be served by suitable access for such purposes. The Planning Board may permit open space to be paved or built upon

for structures accessory to the dedicated use or uses of such open space (i.e. pedestrian walks, bike paths, etc.)

4. Wastewater and storm water management systems serving the CDS may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space requirement.
5. Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:
 - a. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
 - b. A corporation or trust owned jointly by or in common by the owners of lots within the CDS. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust that shall provide for mandatory assessments for the maintenance expenses to each lot.
 - c. An individual property owner with deed restrictions or conservation easements.
 - d. The Town of Northumberland (requires Town Board approval).

S. Solid Waste Management and/or Resource Recovery Facilities

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

T. Soil Disturbance

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

1. Exceptions:

Nothing contained within this Ordinance will preclude soil disturbing

activities in the event of a bona fide emergency for authorized governmental activities or for the customary cultivation of farmland associated with agricultural activities or the conversion of various lands for agricultural purposes or for the non-commercial selective cutting of trees for firewood and/or woodland management purposes.

U. Commercial Timber Harvesting

Local Law #1 of 2006 requires a permit from the Town for commercial timber harvests which removes more than 15,000 board feet or twenty (20) cords of wood.

V. Watercourse Protection

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

1. Regulated Watercourse Areas.

These watercourse protection standards are applicable to all streams within the Town of Northumberland which are delineated on the most recent edition of the U.S. Geological Survey's 7.5 minute quadrangle maps for the Town of Northumberland and to all adjacent areas lying within one hundred feet (100') measured horizontally from the centerline of the stream in each direction.

Said maps are on file and copies are available for reference at the Town Clerk's Office.

2. Prohibited Activities.

The following activities shall be prohibited within the regulated watercourse areas:

- a. The installation of any septic tank, leach fields or other on-site sewage disposal facility.
- b. The storage or dumping of any waste material, junk, refuse, or other debris.
- c. Substantial clearing or grading, or any building construction. Substantial clearing shall be defined as removal of more than 50 percent of the existing vegetation.
- d. The piping or culvert of streams in excess of 50 feet.

3. Activities subject to site plan review and approval:

The following activities shall require site plan approval before being undertaken in the regulated watercourse areas:

- a. The alteration, repair, or removal of any existing buildings or structures.
- b. The repair or replacement of existing faulty or deteriorating sewage facilities.
- c. Culverts and bridges.
- d. Discharges.
- e. Agricultural activities within fifty feet (50') of a regulated watercourse.

4. Exempt Activities.

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

- a. Active agricultural activities greater than 50' from a regulated watercourse which do not involve a point discharge to said watercourse.
- b. Watercourse maintenance activities, if carried out in accordance with applicable New York State DEC standards, requirements, and permits.
- c. The following activities related to the necessary, normal maintenance and upkeep of property:
 - (i) Ordinance care (required by decree, law or ordinance – municipal regulation)
 - (ii) Gardening
 - (iii) Tree and shrub care
 - (iv) Removal of dead and deteriorating vegetation
- d. Municipal utility and road crossings.
- e. Maintenance and reconstruction of municipal utilities and roads.

W. Right to Farm Law

The Town of Northumberland encourages the maintenance and preservation of farming within its boundaries. Local Law #7 of 1991, as amended by Local Law #1 of 1992, known as the Right to Farm Law, has been adopted by the Town of Northumberland and requires the following public notification be included on all building permits and subdivision plats:

"This property may border a farm, as defined in Town of Northumberland Local Law No. 7 of the year 1991. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, smoke, noise and vibration."

X. Travel Trailers

Any travel trailer sited on property within the Town of Northumberland and actively used for more than thirty (30) consecutive days or forty-five (45) days aggregate in any one calendar year shall be considered a mobile home.

Y. Construction Trailers

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

Z. Stormwater Management

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

ARTICLE XII

NON-CONFORMING USES, BUILDINGS, AND STRUCTURES

The following provisions shall apply to all non-conforming or non-complying uses, buildings, and structures existing on the effective date of this Ordinance, to all buildings and uses that may become non-conforming or non-complying by reason of any subsequent amendment to this Ordinance and the Zoning Map which is a part thereof, and to all complying buildings housing non-conforming uses:

A. Existing Non-Conforming Uses

Any lawful non-conforming use of buildings or open land in existence on the effective date of this Ordinance, may be continued indefinitely if maintained in accordance with all applicable codes, ordinances, regulations, and other requirements, but:

1. Shall not be enlarged, altered, extended, reconstructed or restored, except as provided in this Section, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this Ordinance.
 - a. The owner of any already established and legal small business, light industry, or residence may expand or increase the size and area of such building(s) by no more than twenty five (25) percent of their size and area on the date of passage of this Ordinance or any amendment thereafter, only after receipt of a special use permit from the Planning Board in accordance with procedures outlined in Article IX. However any business or light industry made non-conforming by the Zoning Ordinance of the Town of Northumberland of December 12, 1977, or any amendment thereafter, may not increase the size and area of said building more than twenty five (25) percent of its size and area as of the time of passage of that Ordinance, or any amendment thereafter. This provision does not apply to owners of mobile home parks.
2. Shall not be moved to another location where such use would be non-conforming;
3. Shall not be changed to another non-conforming use; and
4. Shall not be re-established if such use has been discontinued for any reason, whether through vacancy or cessation of use, for a period of eighteen (18) months or longer, or has been changed to or replaced by a conforming use. The intent to resume a non-conforming use shall not be deemed as conferring the right to do so. If the owner of said use has been in the military service in excess of eighteen (18) consecutive months, said owner shall be exempted

from this provision for said period of time served.

While a non-conforming use may not be extended, nothing contained herein shall prohibit the extension of a lawful use to any portion of a non-complying building or structure which existed prior to the effective date of this Ordinance. No non-conforming use shall, however, be extended to displace a presently conforming use.

B. Non-Complying Buildings

Normal repair and maintenance of a non-complying building, or structural alteration of, or expansion of a non-complying building or structure declared unsafe by the Zoning Administrator or other proper authority may be restored to a proper condition within the time period provided by such authority.

C. Restoration after Damage

Nothing contained in this Article shall be deemed to prevent the restoration of a lawful non-conforming use, after damage for any reason or by any cause, provided that the bulk, height and area shall not be in excess of that which existed prior to the damage, that all applicable New York State Uniform Fire Prevention and Building Code provisions be fully complied with, and that the restoration be commenced within one (1) calendar year of the damage and be fully completed within three (3) calendar years of such occurrence, or the use of such buildings or lands as a legal non-conforming use shall thereafter be terminated.

D. Completion

Nothing in this Article shall prohibit the completion of any lawful structure for which the excavation has been prepared and the foundation walls constructed at the date this Ordinance takes effect, provided however, that the construction must be completed within a period of one (1) year from that date.

E. Mobile Homes

No provision of this Ordinance shall prohibit or restrict in any way the right of a mobile home owner to replace his or her existing mobile home with one of equal or greater value. The replacement mobile home shall comply with all local and state requirements.

**ARTICLE XIII
ADMINISTRATION AND ENFORCEMENT**

A. The Zoning Administrator: Powers and Duties

1. General: This Ordinance shall be administered and enforced by the Town Zoning Administrator except where otherwise specifically provided herein. This person shall be appointed by the Town Board of the Town of Northumberland. The Town Board may fix the salary or remuneration of such person and provide for the payment thereof. Except where otherwise required by this Ordinance, whenever any permit is required, the same shall be applied for and shall be issued in the first instance from the office of the Zoning Administrator in accordance with the requirements of this Ordinance and applicable regulations governing building construction and the issuance of building permits.
2. General Administration: The Zoning Administrator shall review all Planning Board and Zoning Board of Appeals applications for completeness, including compliance with SEQRA, collect all applicable fees, and forward all complete applications to the appropriate board.
3. Building Permits:
 - a. The Zoning Administrator receives all applications for building permits. Where required, a driveway permit shall always be obtained prior to the issuance of a building permit. Except as provided herein, the following activities shall not be undertaken until the Zoning Administrator has issued a building permit stating that the proposed use and/or structure complies with all applicable provisions of this Ordinance:
 - (1) Erection, structural alteration, reconstruction or enlargement of any building or structure, including antennae;
 - (2) Excavation in preparation of building;
 - (3) Construction of, substantial alteration of, or additions to sewage disposal systems, electrical systems or water supply systems, including plumbing or drainage facilities;
 - (4) Construction of, substantial alteration of, or additions to driveways or parking lots, with the exception of those used solely for one-family dwellings and two-family dwellings;
 - (5) Movement of a mobile home onto a lot, when in the Mobile Home District. A mobile home is not allowed outside a Mobile Home District, except for farm help.

- b. All building permit applications shall include a plot plan or an approved site plan, if applicable, drawn to scale and accurately dimensioned, showing the location of all existing and proposed structures on the lot, required setbacks, and such other information as may be required by the Zoning Administrator to determine compliance with this Ordinance and other applicable regulations. The required fee shall accompany the application.
 - c. The Zoning Administrator shall make a determination, based upon submitted material and any relevant facts which may come to his/her knowledge, whether such application complies with all relevant provisions of this Ordinance. Based upon the Zoning Administrator's determination, the building permit shall be issued or refused. He/she shall provide the applicant for any permit which is refused with a written notice thereof and reasons for such refusal. A copy thereof shall be forwarded to the Zoning Board of Appeals, if appropriate, or to the Planning Board, if the applicant's request requires a special permit.
4. Certificates of Occupancy or Use: All persons desiring permission to occupy and use a building or structure or part thereof following construction, erection, relocation, extension or structural changes, wholly or in part, or to change the use of an existing building or part thereof; or to change the use of land, for any uses other than those consisting principally of tilling the soil, removal of topsoil, removal of gravel or sand, extracting minerals, gas or oil, removal of timber or wood products, shall apply to the Zoning Administrator for a Certificate of Occupancy or Use.
- a. Application for Certificate of Occupancy or Use: Any such application for a Certificate of Occupancy or Use shall be made in duplicate in accordance with rules established by the Zoning Administrator. Such application shall be made concurrently with an application for a Building Permit.
 - b. Approval: The Zoning Administrator may issue a Certificate of Occupancy or Use after determining by inspection that the premises complies with the plans, specifications, and conditions for which a Building Permit was issued.
 - c. Entitlement: The issuance of a Certificate of Occupancy or Use by the Zoning Administrator shall entitle and authorize the applicant to occupy and use, initially and continuously, or to change the use of, building and land in accordance with this Article.

- d. **Validity:** A Certificate of Occupancy or Use shall remain valid only for those specific conditions of use and occupancy in effect at the time of issuance or for which said certificate was issued, subject to the requirements for non-conforming uses.
 - e. **Disapproval:** In case the Zoning Administrator shall refuse to issue a Certificate of Occupancy or Use, his/her reasons shall be stated in writing on the applications and one (1) copy shall be returned to the applicant.
 - f. **Rescission:** The Zoning Administrator may rescind for just cause a Certificate of Occupancy or Use which he/she has issued.
 - g. **Fees:** There shall be paid to the Building Inspector prior to the issuance of any Certificate of Occupancy or Use not requiring a building permit, a Certificate of Occupancy or Use fee as set forth in the fee schedule as established by the Town Board.
 - h. **Appeal:** Any persons allegedly aggrieved as a result of an action or failure to act by the Zoning Administrator in regard to a Certificate of Occupancy or Use shall have recourse to the Zoning Board of Appeals.
 - i. **Referral to Planning Board, Town Board and Zoning Board of Appeals.** The Zoning Administrator shall instruct any applicant of the appropriate Town agency to whom an application should be presented prior to issuance of a Building Permit, as specified by the procedures set forth in this Ordinance.
 - j. **No Certificate of Occupancy or Use shall be issued for any special use of a building or land requiring special permit or final site plan approval by the Planning Board, unless and until such special use permit or final site plan approval has been granted by the Planning Board. Every Certificate of Occupancy or Use for which special use permit or final site plan approval has been granted, or in connection with which a variance has been granted by the Zoning Board of Appeals, shall contain a detailed statement of any condition(s) to which the same is subject and include, by attachment, a copy of such Board of Appeals or Planning Board decision.**
5. **Temporary Certificates of Occupancy:** After review and under such rules and regulations as may be established by the Board of Appeals and filed with the Town Clerk, a temporary Certificate of Occupancy for not more than one (1) year may be issued by the Zoning Administrator. The Board of Appeals shall have the right to revoke any Temporary Certificate at its own discretion. Such a certificate shall be required for:

- a. Unfinished structures;
 - b. Land for the purpose of temporary amusements, provided that such use shall not be detrimental to the community welfare;
 - c. The Board of Appeals may, after public notice and hearing, authorize the Zoning Administrator to issue a single renewal of said Temporary Certificate of Occupancy for a period of not more than one (1) additional year.
6. Records: The Zoning Administrator shall keep clear, concise and adequate records of all activities in performance of his/her office including all applications for permits and certificates and his/her action thereupon.
7. Reports: The Zoning Administrator shall make a monthly report to the Town Board of all activities in performance of his/her duties in the form required by the Town Board, and shall turn over to the Town Board all fees collected. A copy of the monthly report shall be filed with the Town Clerk, the Planning Board, and the Zoning Board of Appeals.
8. Enforcement: The Zoning Administrator shall initiate any legal action the Town Board shall determine appropriate to require compliance with this Ordinance and abate any violations thereof.
9. Action in Response to Appeal: In the event that any of the Zoning Administrator's actions are appealed to the Zoning Board of Appeals, he/she shall forward to the Zoning Board of Appeals copies of all records relevant to such action. The Zoning Administrator shall be present before the Zoning Board of Appeals when a public hearing upon such appeal is held.
10. Issuance of Notices of Violation: Whenever, in the opinion of the Zoning Administrator, after proper examination and inspection, there exists a violation of any provision of this Ordinance, or of any rule or regulation adopted pursuant hereto, he/she shall on his/her own initiative serve a written notice upon the appropriate person or persons responsible for such alleged violation and forward a copy of said notice to the Town Supervisor. Such notice may be served upon the person to whom it is directed either by delivering it personally to him or her, or by posting the same upon a conspicuous portion of the building under construction or premises in use and by sending a copy of the same to the person or persons responsible by certified mail. Such notice shall inform the recipient of the following:
 - a. The nature and specific details of such alleged violation;
 - b. The date by which the alleged violation must be remedied or removed, which date shall be not more than twenty (20) days from the date of

notice.

The Zoning Administrator and his or her deputy or deputies are hereby empowered to issue appearance tickets to enforce the provisions of this Ordinance.

11. Taking of Emergency Action: If, in the opinion of the Zoning Administrator, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety or welfare of occupants of a building or to other persons, the Zoning Administrator may direct that such violation be immediately remedied or may take direct action on his or her own initiative to abate the hazard. Any costs incurred by such action shall be paid for by the owner, occupant, or person responsible for the violation. The Zoning Administrator shall keep on file an affidavit stating with fairness and accuracy the items of expense and date of execution of action taken, and is furthermore authorized to institute a lawsuit, if necessary, against the person liable for such expenses, or place a lien against the property, in order to recover the said costs.
12. Entry and Inspection: The Zoning Administrator shall give reasonable written notice to the owner (s) of his or her intent to examine or inspect any building or property and shall enter only with permission of the owner. At such time, the Zoning Administrator shall have the right to enter upon, examine and inspect, or cause to be entered, examined and inspected, any building or property for the purpose of carrying out his or her duties, and to determine the compliance by request with the provisions of this Ordinance. If such permission is denied, the Zoning Administrator shall contact the Town Attorney to pursue appropriate legal action necessary to gain entry for the purposes of examinations and inspection of the building or property in question.
13. Unsafe Structures

Upon written complaint or written notice by any person to the Zoning Administrator, or upon the Zoning Administrator's own initiative, that a structure may be unsafe:

- a. The Zoning Administrator shall make an inspection of the structure and shall file a report of said inspection with the Town Attorney and the Town Board.
- b. Upon the preliminary finding by the Zoning Administrator that the structure endangers the health, safety or welfare of the public, the Zoning Administrator shall serve notice upon the owner and all other persons having an interest in such property or structure, either personally or by registered mail addressed to the last known address as shown by the

records of the Tax Assessors and/or in the Office of the County Clerk, containing a description of the premises, a statement of the particulars in which the structure is unsafe or dangerous and an order of the Zoning Administrator requiring the structure to be repaired or removed. If such service is made by registered mail, the Zoning Administrator shall cause a copy of said notice to be posted on the premises.

- c. The owner so served shall have no more than ninety (90) days within which to commence the repair or removal of such structure.
- d. The Zoning Administrator shall file a copy of said notice in the Office of the Saratoga County Clerk, which notice shall be filed by said County Clerk in the same manner as a Notice of Pendency, pursuant to Article 65 of the New York State Civil Practice Law. The notice so filed shall be effective for a period of one (1) year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Town Attorney. The Saratoga County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- e. The Zoning Administrator shall hold a hearing, notice of which shall be served upon the owner and such persons having and interest in the property or structure as is herein prescribed.
- f. The Department of Public Works shall remove or contract for the removal of such structure in the event such owner fails or refuses to repair or remove the same within the time provided.
- g. All costs and expenses incurred by the Town in connection with the proceeding to repair or remove such structure, including the cost of actual removal of same, shall be assessed against the land on which such structure is located.
- h. The powers conferred by this section shall be in addition to those contained in the New York State Building and Fire Code.

B. Misrepresentation

Any permit or approval granted under this Ordinance which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This Section shall not be construed to affect the remedies available to the Town under Section D of this Article.

C. Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints shall be filed with the Zoning Administrator who may require such complaint to be in writing. The Zoning Administrator shall have the complaint properly investigated and report thereon to the Town Board.

D. Penalties for Violations

1. Penalty: Violation of any provision or requirement of this Ordinance or violation of any statement, plan, application, permit, or certificate approved under the provisions of this Ordinance, shall, in accordance with Section 268 of Town Law, be considered an offense punishable by a fine of not more than two hundred fifty dollars (\$250.00), and/or imprisonment for not more than six (6) months for each offense. The owner, general agent or contractor of a building premises, or part thereof, where such a violation has been committed or does exist, and any agent, contractor, builder, architect, corporation or other person who commits, takes part or assists in such violation, shall be liable for such an offense. All such penalties shall be collectable by and in the name of the Town. Each and every day that any such violation continues after notification that such violation exists shall constitute a separate offense. Such notice shall be given in writing by the Zoning Administrator and shall be served by certified mail or personal service.
2. Court Action: The imposition of penalties herein prescribed shall not preclude the Town from instituting any appropriate legal action or proceeding in a court of competent jurisdiction to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance of use, or to restrain by injunction, correct or abate a citation or prevent the illegal occupancy of a building, land or premises.

E. Status of Existing Violations

No building permit or Certificate of Occupancy or Use required by this Ordinance shall be issued by the Zoning Administrator pertaining to any premises on which there exists a violation of this Ordinance, or any related town regulation which governs either building construction or the use of land and structures within the Town of Northumberland.

F. Form of Petitions, Applications and Appeals

Unless otherwise stated, all petitions, applications and appeals provided for in this Ordinance shall be made on forms prescribed by the Planning Board and Zoning Board of Appeals. Completed forms shall be accompanied by whatever further information, plans or specifications as may be required by such forms.

G. Application Fees

Fees provided for by this Ordinance shall be paid upon the submission of petitions, applications and appeals and prior to inspections, in such amount or amounts as shall be established by the Town Board from time to time. Said fees will be posted in the Building Department on the official "Schedule of Fees for the Town of Northumberland". The following actions will require fees.

1. Building Permit
2. Certificate of Occupancy or Use
3. Temporary Certificate of Occupancy
4. Special Permit
5. Site Plan Review Application
6. Zoning Variance Application
7. Planned Unit Development Application
8. Inspections

This list is not necessarily all inclusive.

H. Payment of Fees

1. All fees shall be paid at the time of application to the Zoning Administrator.
2. No fee shall be allowed to be substituted for any other required fee.

I. Notice of Public Hearing

Each notice of hearing upon an application for site plan review or a special permit, an application for PUD districting, the review of a variance application, or upon an appeal to the Zoning Board of Appeals from an action of the Zoning Administrator shall be published once in a newspaper having general circulation in the Town at least ten (10) days prior to the date of the hearing. In addition, at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of the property within five hundred (500) feet of the exterior boundary of the property for which the application is made, as may be determined by the latest assessment records of the Town.

ARTICLE XIV ZONING BOARD OF APPEALS

A. Purpose and Intent

The purpose of this Article is to provide for the creation of a Zoning Board of Appeals with the power to issue variances from this Ordinance in cases where the strict application thereof would result in practical difficulty or unnecessary hardships inconsistent with the general purpose and objectives of this Ordinance. It is further the purpose of this Article to provide a mechanism for appeal of any decision of the Zoning Administrator and to provide a mechanism for interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

B. Creation, Appointment and Organization

The Town Board shall appoint a Zoning Board of Appeals pursuant to Section 267 of Town Law. Said Board shall consist of seven (7) members and two (2) alternate members, to serve for staggered seven (7) year terms. The Chairperson of the Board shall be one of the seven (7) members and shall be designated as such annually by the Town Board. Vacancies shall be filled for such unexpired term only. The Board shall elect a Vice Chairman from its membership, and shall establish rules for the conduct of the officers. The Town Board shall appoint a secretary. All members are subject to removal by the Town Board for cause and after public hearing. The Board of Appeals may employ such clerical or other staff assistance as may be necessary and prescribe their duties, provided it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.

C. Powers and Duties

1. Rules of Procedure, Bylaws, Forms: The Zoning Board of Appeals shall have the power to make, adopt, and promulgate such written rules of procedure, by-laws, and forms as may be provided for in Section 267 of Town Law for the proper execution of its duties and to secure the intent of this Ordinance. Such rules, by-laws, and forms shall not be in conflict with, or have the effect of waiving, any provisions of this Ordinance or any other Ordinance or Ordinances of the Town of Northumberland. Such rules, by-laws, forms, and any subsequent amendments or supplements thereto, shall be submitted to the Town Board by the Zoning Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject, or modify such rules, by-laws and forms within seventy (70) days after submission.
2. Appeals Seeking Interpretations: The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. This shall not be construed

so as to permit an appeal to the Zoning Board of Appeals of a decision or determination made by the Zoning Administrator which is based upon a determination of the Planning Board. Such appeals shall be made pursuant to Article XI.D.8 of this Ordinance.

3. Appeals Seeking Variances:

- a. Area Variances. Except as otherwise provided herein, where there are practical difficulties in the way of carrying out the strict letter of this Ordinance pertaining to area regulations, the Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify yard requirements, setback lines, lot coverage, frontage requirements, height requirements, and density regulations.
 - (1) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - (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 Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (2) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood.

- b. Use Variances. Except as otherwise provided herein, when the literal application of this Ordinance pertaining to use of land will result in unnecessary hardship, the Zoning Board of Appeals shall have the power in passing upon appeals to vary the use requirements of this Ordinance.
- (1) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that
- (a) Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
- (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.
- (2). The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, while at the same time preserving and protecting the character of the neighborhood and the health, safety and welfare of the community.
- c. Variances to Flood Damage Prevention Law. See Local Law Number 1 of 1995 for specifics.
- d. Imposition of Conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Ordinance, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

D. Procedures

1. Meetings and Voting Requirements: Meetings shall be held at the call of the Chairman or at such other times as the Board of Appeals may determine. A quorum shall consist of four (4) members. In order to reverse a decision of the Zoning Administrator or to authorize a variance, an affirmative vote of at least four (4) members shall be required. A favorable vote of a majority plus one of all members shall be required if the action taken by the Zoning Board of Appeals is contrary to an advisory recommendation received from the Saratoga County Planning Board under the provisions of Section 239 of the General Municipal Law. The Board shall keep accurate minutes of its proceedings documenting fully all findings and showing the vote of each member upon each question. All meetings of the Board of Appeals shall be open to the public.
2. Appeals:
 - a. An appeal to the Board of Appeals may be taken by any person aggrieved, or by an officer, board or bureau of the Town affected thereby.
 - b. All applications and appeals made to the Zoning Board of Appeals shall be submitted in writing on forms furnished by the Zoning Administrator and must be received at least seven (7) business days prior to their monthly meeting date. Every application of appeal shall refer to the specific provision of this Ordinance being appealed and shall exactly set forth the interpretation that is claimed, in addition to the information requested on the form.
 - c. The application of appeal shall contain a reasonably accurate description of the present improvement and the additions or changes intended to be made under this application indicating the size of such proposed improvements, material and general construction thereof.
 - d. The application of appeal shall contain a plot plan of the real property to be affected indicating the location and size of the lot and size of improvements thereon and proposed to be erected thereon, and all yard dimensions and adjacent property owners.
 - e. Each application for an area or use variance shall be accompanied by a proposed site plan at an appropriate scale showing the size and placement of the lot, including County tax map reference numbers (Section, Block, Lot) surrounding land use, design and location of proposed buildings, driveways, parking areas, landscaping and screening, proposed drainage and utility systems, existing and proposed contours of the land, and any other information deemed necessary by the Zoning Board of Appeals.

- f. The Zoning Board of Appeals has the right to waive any of the aforementioned application requirements which it feels are inapplicable.
- g. Within thirty-five (35) days of receipt by the Zoning Board of Appeals of a completed application of appeal, the Zoning Board of Appeals shall give notice by public ad in a newspaper of general circulation in the Town of a public hearing to be held on the application not less than five (5) days and not more than thirty-one (31) days after the notice.

In accordance with General Municipal Law Section 239(m), at least five days before said hearing on the application, if applicable, the Zoning Board of Appeals shall mail notice thereof to the County Planning Board.

- (1) In case of an appeal alleging error or misinterpretation in any order or other action by the Zoning Administrator, the following persons shall be notified: the Zoning Administrator, appellant and the person or persons, if any, who benefit from the order, requirement, regulation or determination and all owners of property within five hundred (500) feet of the nearest line of the property for which the appeal of the decision is sought.
- (2) In case of an appeal for a variance the following persons shall be notified: all owners of property within five hundred (500) feet of the nearest line of the property for which the variance is sought, and to such other property owners as the Chairperson of the Board of Appeals may direct.
- (3) Referral to County Planning Board: Prior to taking action on any matter which would cause any change in the regulations or use of land or building on real property as specified in Section 239(m) of the General Municipal Law, the Zoning Board of Appeals shall refer such matter to the County Planning Board.

Such actions shall include those which affect property located within five hundred (500) feet of the following:

- (a) Municipal boundary;
- (b) Boundary of any existing or proposed county or State Park or other recreation area;
- (c) Right-of-way of any existing or proposed County or State road or highway;

- (d) 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
- (e) Existing or proposed boundary of any County or State-owned land on which a public building or institution is situated.
- (f) The boundary of a farm operation within an Agricultural District established pursuant to Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances.
- (g) If within thirty (30) days after such referral the County Planning Board disapproves the proposal or recommends modification thereof, the Zoning Board of Appeals shall not act contrary to such disapproval or recommendation except by a majority vote plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

If the County Planning Board fails to report within such thirty (30) day period or such longer time period as may have been agreed upon, the Zoning Board of Appeals may act without such report.

- (h) Within sixty-two (62) days of the final adjournment of a public hearing called and held under paragraph (g) of this Section, the Zoning Board of Appeals shall render its decision. The decision of the Board shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Board.

3. Time of Appeal: Such appeals shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Administrator by filing with said Zoning Administrator and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The cost of sending or publishing any notices relating to such appeal shall be borne by the appealing party and shall be paid to the Zoning Board of Appeals prior to the hearing of such appeal.

4. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies for the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be

stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Supreme Court on application, on notice to the Zoning Administrator and on due cause shown.

5. Requests for Assistance: In hearing an appeal, the Zoning Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency, or employee shall be reimbursed for any expenses incurred as a result of such assistance.
6. Compliance with State Environmental Quality Review Act: The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act under Article Eight of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York State Codes, Rules and Regulations.
7. Decisions: Every decision of the Zoning Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in the particular case. Each such resolution together with all documents pertaining thereto shall be filed in the Office of the Town Clerk, by case number, under one of the following headings; Interpretations or Variances within five (5) business days after such decision is rendered. A copy thereof shall be mailed to the applicant. All approved use variances must be referred to the Town Planning Board for site plan review.
8. Expiration of Appeal Decision: Unless otherwise specified by the Board of Appeals, a decision on any appeal shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorized permit within six (6) months from the date of authorization thereof. The Board of Appeals may increase this period from six (6) months to one (1) year at its discretion.
9. Appeal From Decision of Board of Appeals: All decisions of the Zoning Board of Appeals are subject to court review in accordance with applicable laws of the State of New York.

E. Fee Charge

Each original application to the Zoning Board of Appeals for an area or use variance shall be accompanied by a fee determined by the Town Board.

F. Required Interval for Hearings on Applications and Appeals after Denial

Whenever the Board, after hearing all the evidence presented upon an application of appeal under the provisions of this Ordinance denies the same, the Zoning Board of Appeals shall refuse to hold further hearings on the said or substantially similar application of appeal by the same applicant, his or her successor or assign for a period of one (1) year, except and unless the Board of Appeals shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare, and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Board of Appeals and adopted by the unanimous vote of the members present.

G. Relief from Decisions

Any person or persons jointly or severally aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and regulations of the State of New York. Such proceeding shall be governed by the specific provisions of Article 78, except that the action must be initiated as therein provided within thirty (30) days after the filing of the Board's decision in the Office of the Town Clerk.

ARTICLE XV AMENDMENTS

This Ordinance, or any part thereof, including the Zoning Map indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or repealed by the Town Board in the manner provided by Sections 264 and 265 of the Town Law, and the procedures more particularly set forth in this Section of this Ordinance.

A. Initiation

An amendment to this Ordinance may be initiated in one of three ways:

1. By the Town Board upon its motion;
2. By resolution of the Planning Board or Zoning Board of Appeals, filed with the Town Clerk, or by petition filed with the Town Clerk duly signed and acknowledged from the owners of ten percent (10%) or more of the land area in any district, wherein certain changes to, or repeal of certain provisions of this Ordinance are recommended;
3. By a committee appointed by either the Town Board or the Town Supervisor for the purpose of amending this Zoning Ordinance.

B. Advisory Report by Planning Board

Each such proposed amendment or change shall be referred to the Planning Board. The Planning Board shall submit to the Town Board its advisory report within thirty-five (35) days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within thirty-five (35) days shall be deemed to be a favorable recommendation.

In undertaking such review as shall be requested by the Town Board, the Planning Board shall make inquiry and provide recommendations concerning the matters specified below:

1. Whether such change is consistent with the purposes embodied in this Ordinance as applied to the particular district or districts concerned;
2. Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected;
3. Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change;

4. The indirect implications of such change in its effect on other regulations; and
5. Whether such proposed amendment is consistent with the underlying objectives of the Town's Comprehensive Land Use Plan and this Ordinance.

C. Town Board Procedure

1. Public Hearing: No such change in text or zoning district boundary of this Ordinance shall become effective until after a public hearing is held in relation thereto at which the general public shall have an opportunity to be heard.
2. Public Notice of Hearing: At least ten (10) days prior to the date of such public hearing, a notice of the time and place of such hearing shall appear in a newspaper of general circulation in the Town. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves according to Section 265 of the Town Law. Notice of any proposed change or amendment affecting property within five hundred (500) feet of any other municipality, state park or parkway shall be provided to the clerk of such municipality(ies) at least ten (10) calendar days prior to the date of such public hearing. Written notice of such proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law shall be given at least ten (10) calendar days prior to the date of such hearing.
3. Required Referral: The Town Clerk shall promptly transmit to the Saratoga County Planning Board any matters required to be referred pursuant to the provisions of Sections 239(l) and 293(m) of the General Municipal Law. Sections 239(l) and (m) of the General Municipal Law require that any municipal zoning regulation, or amendment to a zoning regulation, which would change the district classification of, or the regulations applying to real property lying within a distance of five-hundred (500) feet from the boundary of any city, village, town, existing or proposed county or state park or other recreation area; any right-of-way or any stream or drainage channel owned by the County for which the County has established channel lines; any existing or proposed boundary of any county or state owned land on which a public building or institution is situated. The boundary of a farm operation within an Agricultural District established pursuant to Article 25-AA of the NYS Agriculture and Markets Law, except this subparagraph shall not apply to the granting of area variances. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the County Planning Board or thirty (30) calendar days have elapsed since the County Planning Board received all materials relevant to such proposed amendment.

4. Compliance with State Environmental Quality Review Act: Proposed amendments are actions subject to the provisions of the New York State Environmental Quality Review Act. Prior to formal consideration and public hearing, the Town Board shall make a determination as to the type of action, lead agency status, and environmental significance of the proposal in accordance with Article 8 of the Environmental Conservation Law and Part 617 NYCRR.
5. Town Board Action: The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four (4) members of the Town Board, i.e. a majority plus one, shall be required if:
 - a. Action being taken is contrary to the advisory recommendation received from the Saratoga County Planning Board under the provisions of Sections 239 (l) and (m) of the General Municipal Law; or
 - b. In accordance with the provisions of Section 265 of the Town Law, a protest petition against such amendment has been duly signed and acknowledged by the owners of at least twenty percent (20%) of the land area included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or directly across a street.
6. Publication and Postings: Every Zoning Ordinance and every amendment to a Zoning Ordinance, including any map incorporated therein, shall be entered into the minutes of a meeting of the Town Board. An abstract of said ordinance shall be published in accordance with Local Law Number One (1) of the year 1975.
7. Conformance with Town Comprehensive Land Use Plan: In all cases where the Town Board shall approve an amendment to the Zoning Map, said Board shall find, for reasons fully set forth in its resolution, such amendment to be in conformity with the Town Comprehensive Land Use Plan.

ARTICLE XVI MISCELLANEOUS PROVISIONS

A. Interpretation, Conflict with other Ordinances.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

B. Adherence to Covenants, Easements and Restrictions.

All filed maps or other instruments of record restricting the use or partition of land, such as covenants, easements or restrictions, shall be adhered to.

C. Effect of Existing Violations.

No site plan or special permit shall be approved, no building permit or Certificate of Occupancy or Use issued, no subdivision or variance granted under this Ordinance for any premises upon which there is an existing violation of this Ordinance, unless the building permit, variance or Certificate of Occupancy or Use is necessary to allow for the removal of the violation.

D. Severability.

Should any Section or provision of this Ordinance be decided by the courts to be unconstitutional or otherwise invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the Section of provision so declared to be unconstitutional or invalid.

E. Periodic Review Required.

From time to time, at intervals of not more than five (5) years, the Planning Board shall conduct a review of the effectiveness of the provisions of this Ordinance, including the location of zoning district boundaries, and shall submit a report thereon to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of the public health, safety, convenience, necessity, or welfare.

F. Supersession.

The Zoning Ordinance of the Town of Northumberland, Saratoga County, New York" enacted by the Town Board in December 1977, together with all

subsequent changes and amendments thereto, is hereby comprehensively revised and superseded by this Ordinance.

- G. Effective Date.** This Ordinance shall become effective immediately, in accordance with the applicable provisions of law, specifically Section 27 of the Municipal Home Rule Law.

ATTACHMENT A

**USE, AREA AND BULK REGULATIONS
OF THE TOWN OF NORTHUMBERLAND**

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

APD – Agricultural Protection District

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Farms	10	300	NA	NA	NA	10%	35 (1)
Single Family Dwelling	5	300	50	25	25	10%	35
Agricultural Pursuits	10	300	50	25	25	10%	35
Agricultural Use Structures	10	300	50	25	25	10%	35 (1)
Forestry Uses	10	300	50	25	25	10%	35
Forestry Use Structure	10	300	50	25	25	10%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	10%(2)	25
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Swimming Pool	NA	NA	70	20	20	NA	NA
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Storage Shed	NA	NA	60	20	20	NA	10
Special Permit Uses							
Farm Employee Dwelling Units	10(2)	300	50	25	25	10%(2)	35
Home Occupation	5(2)	300	50	25	25	10%(2)	35
Bed & Breakfast	5	300	50	25	25	10%	35
Forestry Use Structures	10	300	50	25	25	10%	35
Garden Shop	5	300	50	25	25	10%	35
Mining	1	300	100	100	100	NA	35

APD – Agricultural Protection District (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	----- Setbacks -----			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses (continued)							
Nursing Home	5	300	100	50	50	10%	35
Marina	5	300	50	30	30	10%	35
Park	5	300	10	10	10	10%	35
Composting Facility	10	300	50	30	30	10%	35
Agribusinesses	10	300	100	100	100	10%	
Sawmills	5	300	100	100	100	50%	
Riding Stables	10	300	100	100	100	20%	

Signs: See Article X (H) (14) for regulations

- (1) A silo shall have a maximum height of 90 feet
- (2) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

R-3 Residential

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Farms	5	300	NA	NA	NA	20%	35 (1)
Single Family Dwelling	3	200	50	25	25	20%	35
Agricultural Pursuits	10	300	50	25	25	20%	35
Agricultural Use							
Structures	10	300	50	25	25	20%	35 (1)
Forestry Uses	10	300	50	25	25	20%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	20%(2)	25
Storage shed	NA	NA	60	20	20	NA	10
Swimming Pool	NA	NA	70	20	20	NA	NA
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Farm Employee Dwelling							
Unit	10(2)	200	50	25	25	20%(2)	35
Special Permit Uses							
Forestry Use Structure	10	300	50	25	25	20%	35
Home Occupation	3(2)	200	50	25	50	20%(2)	35
Stable/Riding Academy	10	300	100	100	100	20%	35
Veterinarian Clinic/Hosp.	3	300	100	100	100	20%	35

R-3 Residential – (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses (continued)							
Kennel	10	300	100	100	100	20%	35
Garden Shop	3	200	50	25	25	20%	35
Bed & Breakfast	3	200	50	25	25	20%	35
Golf Course	160	300	100	100	100	20%	35
Mining	3	300	100	100	100	NA	35
Public Utility	3	200	50	50	50	20%	35
Park	1	200	10	10	10	20%	15
Airport	20	NA	100	100	100	20%	35
Nursing home	3	300	100	50	50	20%	35

Signs: See Article X (H) (14) for regulations

(1) A silo shall have a maximum height of 90 feet

(2) The requirement for the principal and accessory uses, combined.

**ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS**

R-1 Residential

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Single Family Dwelling	1	150	50	25	25	20%	35
Duplex Dwelling	1	150	50	25	25	30%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	20% (1)	25
Storage Shed	NA	NA	60	20	20	NA	10
Swimming Pool	NA	NA	70	20	20	NA	NA
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Special Permit Uses							
Duplex Dwelling	1	150	50	25	25	30%	35
Park	1	200	10	10	10	20%	35
Library	1	200	50	25	25	20%	35
Daycare Center	1	150	50	25	25	20%	35

Signs: See Article X (H) (14) for regulations

(1) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

MH – Mobile Home

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	<u>Setbacks</u>			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Mobile Home on an established lot in an established mobile home park	9,000 sq. ft	75	20	20	20	30%	35
Permitted Accessory Uses							
Private Garage	NA	NA	20	5	5	30%(1)	25
Storage Shed	NA	NA	25	5	5	NA	10
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Swimming Pool	NA	NA	40	10	10	NA	NA
Satellite Dish Antenna	NA	NA	NA	10	10	NA	15
Special Permit Uses							
Park	1	50	10	10	10	10%	35
Mobile Home Park, expansion of	5	150	50	25	25	10%	35
Laundromat	20,000 sf	50	25	15	15	50%	35
Recreation Area	1	50	10	10	10	10%	35
QuickStop Retail	20,000 sf	50	25	15	15	50%	35
Food store (gasoline pumps prohibited)							
Signs: See Article X(H) (14) for regulations							
Sf	Square Feet						
(1)	The requirement for the principal and accessory uses, combined.						

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

C/R - Commercial Residential

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
Permitted Principal Uses							
Single Family Dwelling	1	150	50	25	25	20%	35
Permitted Accessory Uses							
Private Garage	NA	NA	50	20	20	20%	25
Storage Shed	NA	NA	60	20	20	NA	10
Satellite Dish Antenna	NA	NA	NA	20	20	NA	15
Swimming Pool	NA	NA	70	20	20	NA	NA
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Special Permit Uses							
Duplex Dwelling	1	150	50	25	25	30%	35
Veterinarian clinic/hosp	1	150	50	25	25	20%	35
Church	1	150	50	30	30	50%	70
Library	1	150	50	25	25	30%	35
Park	1	150	10	10	10	10%	35
Home Occupation	1 (1)	150	50	25	25	20%(1)	35
Professional Offices	1	150	50	25	25	50%	35
Office Building	1	150	50	25	25	50%	35
Bed & Breakfast	1	150	50	25	25	20%	35
Funeral Home	1	150	50	25	25	20%	35
Research & Development Center	150	50	25	25	50%	35	
Indoor Commercial Recreation Center	1	150	50	25	25	50%	35
Restaurant	1	150	50	25	25	50%	35

C/R - Commercial Residential (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	<u>Setbacks</u>			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses							
Stable/Riding Academy	10	300	100	100	100	20%	35
Tavern	1	150	50	25	25	50%	35
Theater	1	150	50	25	25	50%	35

Signs: See Article X (H) (14) for regulations

(1) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

H - Hamlet

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
			Front	Side	Rear		
Permitted Principal Uses							
Single Family Dwelling	20,000 sf	100	25	15	20	50%	35
Duplex Dwelling	40,000 sf	100	25	15	20	50%	35
Permitted Accessory Uses							
Private Garage	NA	NA	25	10	15	50%(2)	25
Storage Shed	NA	NA	35	10	15	NA	10
Swimming Pool	NA	NA	45	10	15	NA	NA
Satellite Dish Antenna	NA	NA	NA	10	15	NA	10
Fences and Walls	NA	NA	NA	NA	NA	NA	6
Special Permit Uses							
Retail Business	20,000 sf	50	25	15	20	60%	35
Restaurant	20,000 sf	50	25	15	20	60%	35
Tavern	20,000 sf	50	25	15	20	60%	35
Home Occupation	20,000 sf(2)	100	25	15	20	50%(2)	35
Professional Office	20,000 sf	50	25	15	20	60%	35
Gasoline Station	20,000 sf	50	25	20	20	50%	35
Public/ Semi-public use	1 acre	75	25	15	20	50%	35
Library	1 acre	75	25	15	20	50%	35
Park	1 acre	100	25	10	10	10%	35
Funeral Home	1 acre	100	25	20	20	50%	35
Daycare Center	1 acre	150	25	25	20	50%	35
Nursing Home	1 acre	150	25	20	20	50%	35
Hotel or Motel	2 acre	100	25	20	20	50%	35
Bed & Breakfast	1 acre	100	25	20	20	50%	35
Laundromat	20,000 sf	50	25	15	15	60%	35
Theater	20,000 sf	100	25	15	20	60%	35

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM SIZES,
AREA AND BULK REGULATIONS

H - Hamlet (continued)

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses (continued)							
School	1 acre	150	25	25	20	50%	35
Church	1 acre	150	25	25	20	50%	70
Public Garage	20,000 sf	50	25	15	20	50%	35
Membership Clubhouse	20,000 sf	50	25	20	20	60%	35
Boarding House	20,000 sf	50	25	15	20	60%	35
Antique shop	20,000 sf	50	25	15	20	60%	35
Medical Clinic	20,000 sf	50	25	15	20	60%	35
Cultural Facility	20,000 sf	50	25	15	20	60%	35
Personal Service							
Establishment	20,000 sf	50	25	15	20	60%	40
Health and Fitness Club	20,000 sf	50	25	15	20	50%	35
Pharmacy	20,000 sf	50	25	15	20	50%	35

Signs: See Article X (H) (14) for regulations
SF Square foot

- (1) Dwelling Unit
- (2) The requirement for the principal and accessory uses, combined.

ATTACHMENT A
SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES
AREA AND BULK REGULATIONS

I - Industrial

	Min. Lot Size (acres)	Min. Lot Frontage (ft)	Setbacks			Maximum Lot Coverage	Height
			Front	Side	Rear		
Special Permit Uses							
Manufacturing	1	200	50	30	30	60%	35
Research & Development Centers	1	200	50	30	30	60%	35
Wholesale Storage & Trade	1	200	50	30	30	60%	35
Sawmills	3	200	50	30	30	60%	35
Lumberyard	3	200	50	30	30	60%	35
Truck Terminal	3	200	50	30	30	60%	35
Agribusiness	1	200	50	30	30	60%	35
Public Utility Use	1	200	50	30	30	60%	35
Mining	3	200	50	30	30	60%	35
Warehouse	1	200	50	30	30	60%	35
Composting Facility	5	200	50	30	30	60%	35
Recyclables, Handling and Recovery Facility	2	200	50	30	30	60%	35
Adult Businesses	1	200	50	50	50	25%	35
Commercial Communications Radio Towers	1	200	50	50	50	25%	35

Signs: See Article X (H) (14) for regulations

ATTACHMENT B

**PLANNED UNIT DEVELOPMENT DISTRICT MODEL LAW
OF THE TOWN OF NORTHUMBERLAND**

MODEL LOCAL ORDINANCE

Each Planned Unit Development District is in an amendment to the Zoning Ordinance. Their adoption requires a change to the existing zoning map and must be accompanied by a local law or ordinance approved by resolution of the Town Board. This model local ordinance is provided as a guide to the applicant who will be responsible for preparation of the local ordinance which should be developed during the sketch plan review process and submitted to the Town Board along with the planning board's recommendation on the project. The town attorney may amend the proposed ordinances at the direction of the Town Board.

Section 1. Title of Proposed P.U.D. District

"This ordinance shall be known as Ordinance # _____ of 20____ of the Town of Northumberland amending the Zoning Ordinance of the Town of Northumberland as adopted _____, providing for the creation of a Planned Unit Development District # _____ to be known as _____."

Section 2.

"The Zoning Ordinance of the Town of Northumberland as adopted _____ and the Zoning Map of the Town of Northumberland set forth therein and made a part thereof are amended by changing from the existing zoning districts _____ as hereinafter described and creating within the boundaries of said newly described area, a Planned Unit Development District to be known and described as _____."

Section 3.

"The area of _____ (Name of P.U.D.D.) _____ consists of approximately _____ acres in the Town of Northumberland and is bounded and described as set forth in Appendix A (legal description) and Appendix B (sketch plan). Attached hereto, and made a part hereof. The area is located (approximate) and bordered by (streets)."

Section 4.

- A. Description of uses allowed in P.U.D.D. by type, number and acreage. Description of open space/recreation areas and any lands to be dedicated for public use.
- B. The sketch plan and the proposed uses are set forth in Appendix B and are in the office of the Town Clerk. The sketch plan may be amended after a Public Hearing by the Town Board.

Section 5.

Explanation of the manner in which the P.U.D.D. will be provided with water and sewer service.

Section 6.

Established construction standards for buildings and public improvements; i.e., "Plans to be approved by licensed architect or engineer. Construction will comply with N.Y. Building Codes. All construction shall be subject to inspection by Town Building Inspector, Town Engineer, and Town Highway superintendent."

Section 7.

Construction to begin within _____ months, years of final approvals and issuance of all required permits. Description of staging of development.

Section 8.

"All roads, drainage easements, and right-of-ways shall be constructed by the developer and shall be in accordance with the Town Building codes and Subdivision Regulations, be offered without cost to the Town of Northumberland for public use."

Section 9.

Dedication of open space/recreation areas to the town or non-profit entity (homeowner's association). Dedication of lands for future public use; i.e., schools, fire stations, etc.

Section 10.

"Uses permitted in P.U.D.D. are set forth in Appendix B." Statement that developer shall follow procedures of town, site plan review ordinance, and town subdivision regulations. Statement that "no use shall be permitted except as approved by the Town Board as being in conformity with this ordinance.

Section 11.

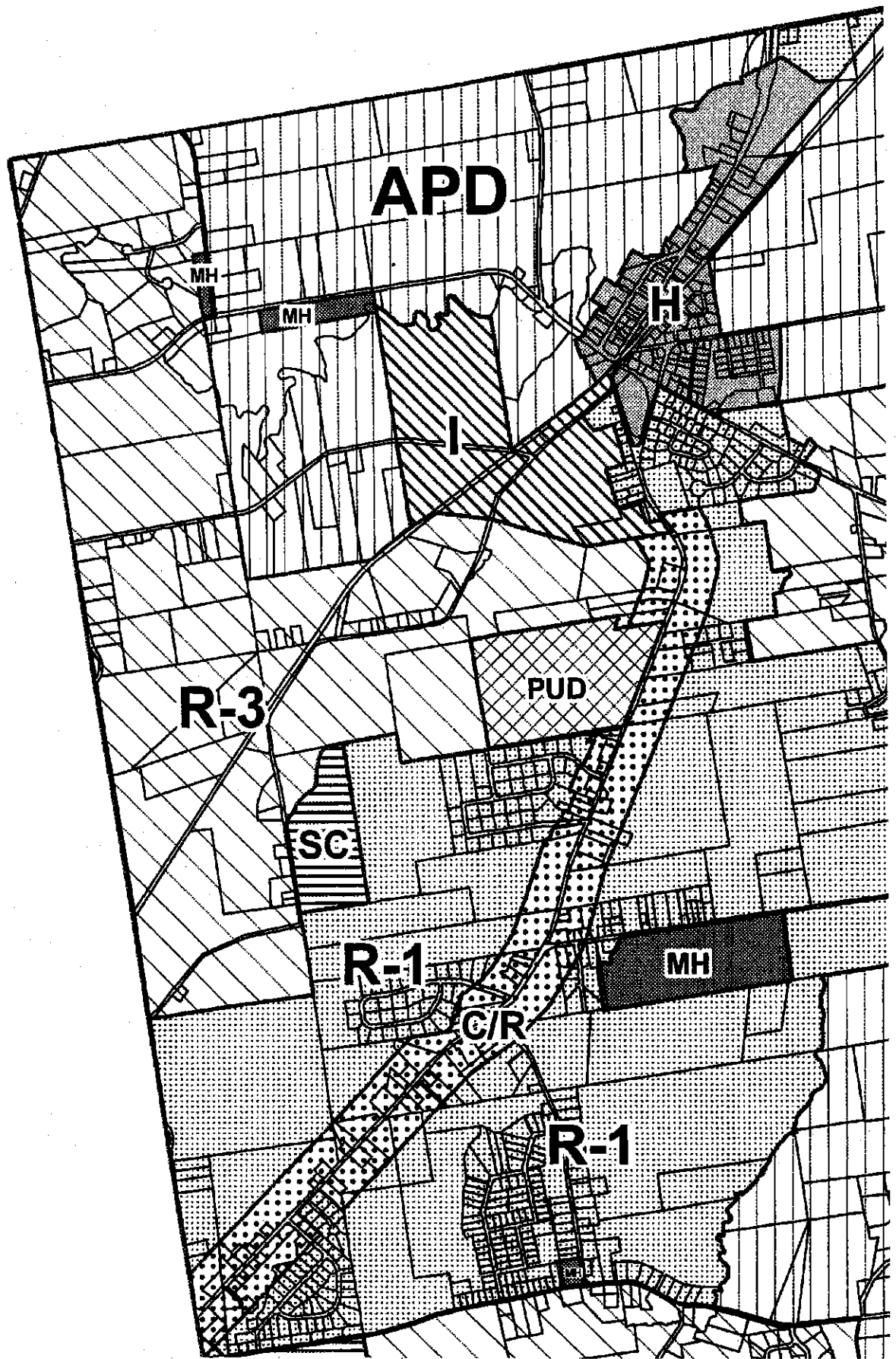
Submission of plans. "Developer shall in accordance with the town site plan review ordinance and subdivision regulations submit plans for approval of each phase of construction prior to the issuance of a building permit.

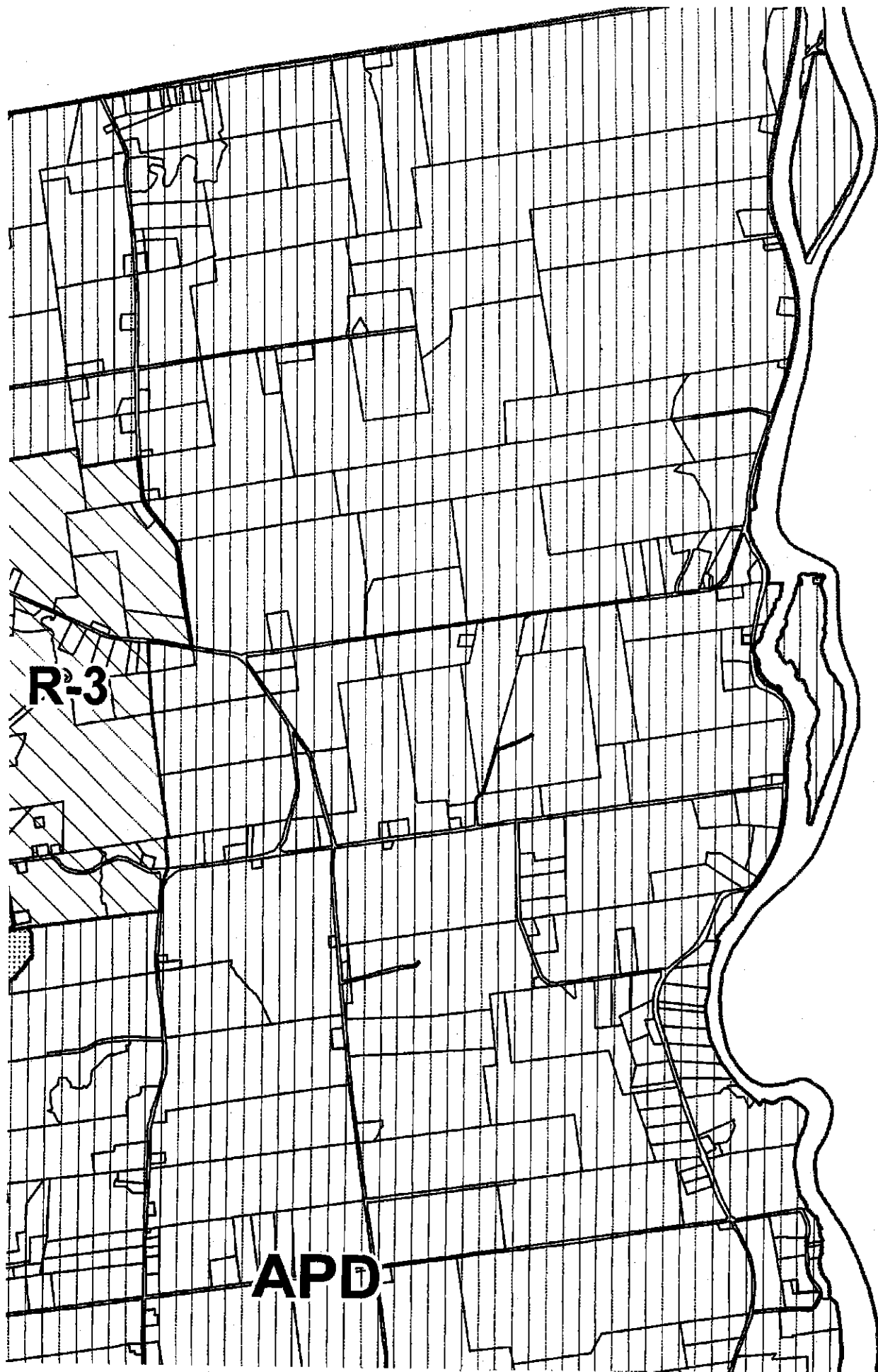
Section 12.

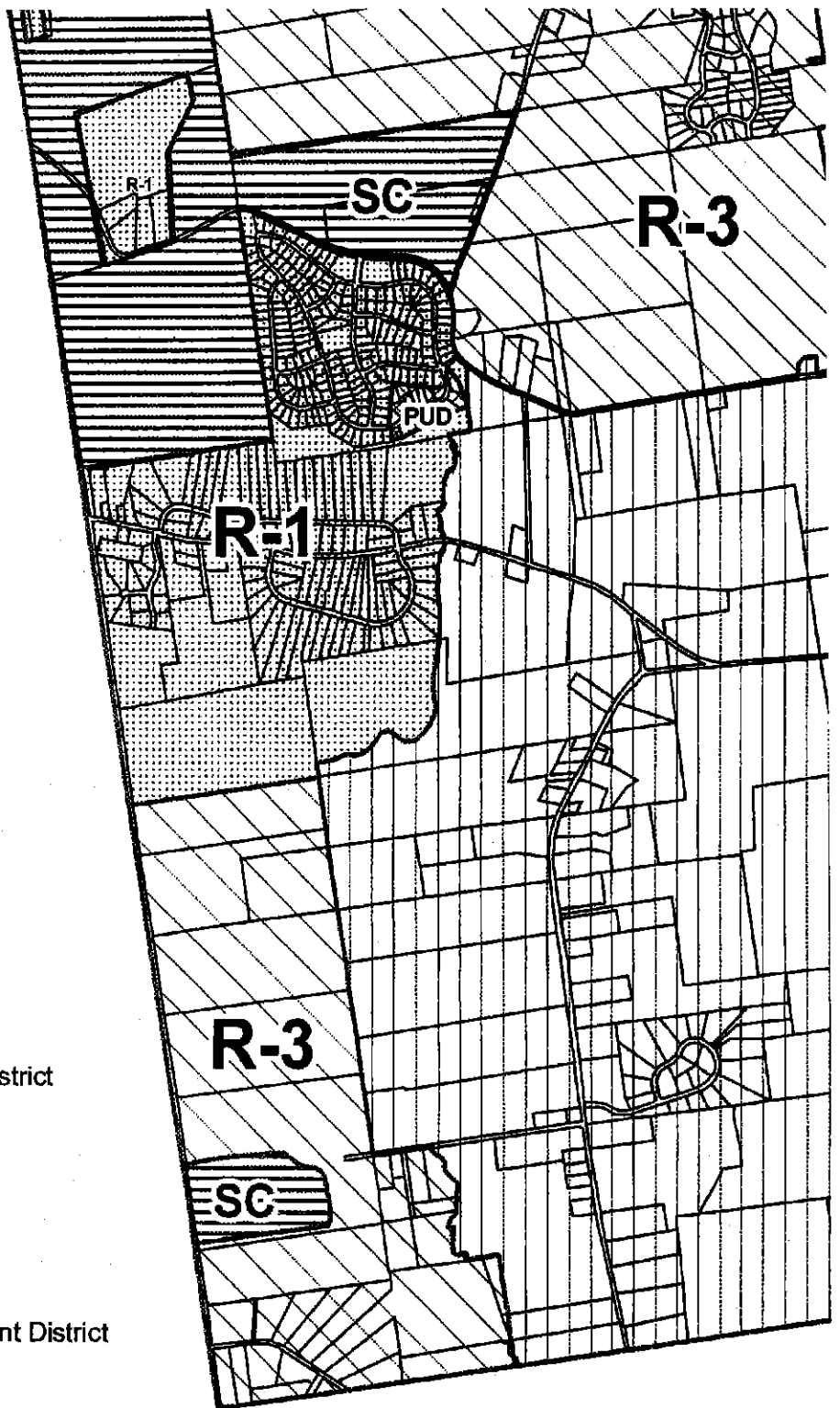
This ordinance shall take effect _____ days after approval by the Town Board and posting and publishing in the official newspaper of the town as required by law

_____.

ATTACHMENT C
ZONING MAP
OF THE TOWN OF NORTHUMBERLAND







- | | | |
|--|-----|-----------------------------------|
| | APD | Agricultural Protection District |
| | C/R | Commercial/Residential |
| | H | Hamlet |
| | I | Industrial |
| | MH | Mobile Home |
| | PUD | Planned Unit Development District |
| | R-1 | Residential 1 Acre |
| | R-3 | Residential 3 Acre |
| | SC | Saratoga County |



SCALE: 1" = 2,000'



the LA group
Landscape Architecture
and Engineering, P.C.
40 Long Alley
Saratoga Springs
New York 12866
Tele: 516-587-8100

ZONING MAP

TOWN OF NORTHUMBERLAND

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2006 of the ~~(County)(City)(Town)(Village)~~ of Northumberland was duly passed by the Town Board on 02/15 2006 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

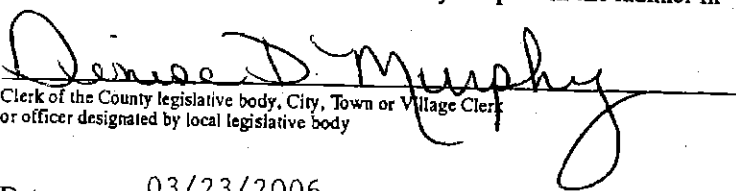
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: 03/23/2006

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Town Attorney

Title

~~COUNTY~~
~~TOWN~~
~~VILLAGE~~

of Northumberland

Date: 3/29/06

**Town of Northumberland
Local Law No. 5 of the year 2006**

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
APR 27 2006
MISCELLANEOUS
& STATE RECORDS

**A Local Law amending Local Law No. 2 of the year 1991 – Soil Disturbing Activities
Law**

Be it enacted by the Town Board of the Town of Northumberland as follows:

II. Definitions:

(e) eliminate the wording “or by the cutting of trees”

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2006 of the ~~(County)(City)(Town)(Village)~~ of Northumberland ~~Town Board~~ was duly passed by the ~~(Name of Legislative Body)~~ on April 10 2006, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

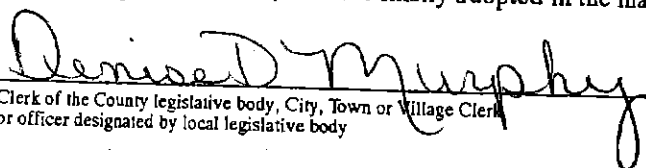
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 1_____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: April 13, 2006

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Title

Town Attorney

~~XXXX~~

~~XX~~

Town

~~XXXX~~

of Northumberland

Date: April 24, 2006

Town of Northumberland
Local Law No. 6 of the year 2006

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JUL 20 2006
MISCELLANEOUS
& STATE RECORDS

A Local Law amending Local Law #4 of the year 2006 – A Local Law Amending the Town's existing Zoning Ordinance.

Be it enacted by the Town Board of the Town of Northumberland as follows:

Article II/Definitions

82. LOT FRONTAGE

The distance between side lot lines at the required minimum front yard setback for the principal use on the site, measured as the shortest straight line connecting the side lot lines.

82a. LOT LINE, FRONT – The lot line separating a lot from the nearest street

82b. LOT LINE, REAR – The lot line opposite and most distant from the front lot line.
A corner lot has no rear lot line but has at least two front lot lines.

82c. LOT LINE, SIDE – Any lot line other than a front or rear lot line

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2006 of the ~~(County)(City)(Town)(Village)~~ Northumberland ~~Town Board~~ was duly passed by the Town Board on June 12, 2006 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

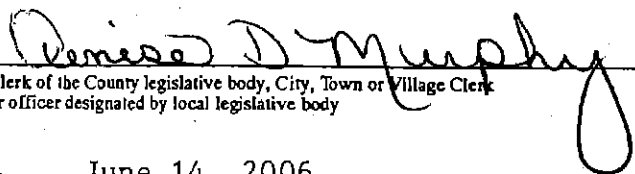
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

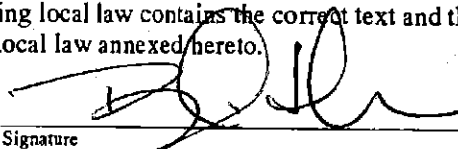
(Seal)

Date: June 14, 2006

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Saratoga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature

Town Attorney

Title

~~COUNTY~~
~~CITY~~ of Northumberland
~~Town~~
~~Village~~

Date: 6/14/06