

Attachment B

CHPEI Revised Exhibit 7 (Replacement of the Original Exhibit 7)



Champlain Hudson Power Express Project

Exhibit 7

Local Ordinance Review

REPLACEMENT of the Original Exhibit

**EXHIBIT 7
LOCAL ORDINANCES REVIEW**

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EXHIBIT 7: LOCAL ORDINANCE REVIEW

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

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

Note: Certain local municipalities that border coastal areas and inland waterways along the Project route have enacted Local Waterfront Revitalization Plans (LWRPs) and Harbor Management Plans (HMPs) to preserve, enhance, protect, develop and use those waterfront areas and waterways; in some cases, those same municipalities have also enacted permit requirements regulating activities within LWRP zones. While PSL § 130’s exemption from obtaining local permits and approvals applies to the Project, and thus applies to local permit requirements tied to LWRPs, it is not being applied to the LWRP provisions themselves. See Exhibit 4, Section 4.2.5 for a detailed evaluation of the Project’s consistency with applicable municipal LWRP and HMP policies for both the underwater portions of the Project and the terrestrial portions of the Project potentially located in coastal or waterfront areas, such as the cable landfalls and aboveground facilities.¹

¹ This Exhibit 7 is offered as a full **REPLACEMENT** to the original Exhibit 7 offered as part of the March 30, 2010 and the July 22, 2010 supplemental filing in this proceeding (Attachment I). All prior versions should be disregarded.

WASHINGTON COUNTY

CODE OF THE
VILLAGE OF WHITEHALL

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

Residential District Class B
Recreation Park
Commercial
Light Industrial

USE OF THE WASTERWATER COLLECTION AND TREATMENT SYSTEM LAW

ARTICLE II USE OF PUBLIC SEWERS REQUIRED

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

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

ARTICLE V USE OF THE PUBLIC SEWER

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

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

ARTICLE XI MISCELLANEOUS

Sec. 4. The Engineer and other authorized representatives of the village, representatives of EPA, NYSDEC, NYSDOH, and/or the County Health Department, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties, records, and easements at all times for the purpose of inspection, observation, sampling, flow, measurement, and testing

to ascertain a user's compliance with applicable provisions of federal and state law governing use of the POTW, and with the provisions of this law.

FLOOD DAMAGE PREVENTION 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 hazards within the jurisdiction of the Village of Whitehall

3.2 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Hazard Boundary Map (FHBM), or Flood Insurance Rate Map (FIRM) Nos. H 01 & H 03 dated June 25, 1976 and any revisions thereto, are adopted by reference and declared to be a part of this local law. The FHBM or FIRM is on file at the office of the Village Clerk, 1 Saunders Street, Whitehall, N.Y.

3.5 Penalties for non-compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this local law and other applicable regulations. Violation of the provisions of this local law by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250.00 for each violation and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Board of Trustees from taking such other lawful action as necessary to prevent or remedy a violation.

Section 4.0 Administration

4.1 Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit, shall be made on forms furnished by the Building Inspector and may include, but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and evaluations of the area in

question, existing or proposed structures, fill, storage or materials, drainage facilities; and the location of the foregoing.

Local permits and approvals not required per PSL §130.

4.3-1 Permit Review.

(1) Review all development permits to determine that the permit requirements of this local law have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this local law, “adversely affects” means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

Local permits and approvals not required per PSL §130.

4.3-3 Information to be obtained and maintained.

(2) For all new or substantially improved floodproofed structures:

(i) obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

(ii) maintain the floodproofing certifications required in Section 5.2-2(3)

Section 5.0 Provisions for Flood Hazard Reduction

5.1 General Standards.

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

5.1-1 Anchoring.

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

5.1-2 Construction Materials and Methods.

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

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

5.1-3 Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters; and

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

5.1-4 Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 Encroachments.

Any proposed development shall be analyzed to determine effects on the flood carrying capacity of the area of special flood hazard as set forth in Section 4.3-1(3), Permit Review.

5.2-2 Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement or cellar, evaluated to or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) be flood proofed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;

(2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 4.3-3(2).

ZONING REGULATIONS OF THE VILLAGE OF WHITEHALL

4.4 Permitted Uses Allowed in Each Zone.

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located. The permitted uses allowed in each separate zone are:

2. Residential District Class B:

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

3. Commercial District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

4. Light Industrial District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

6. Recreational Park

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

ARTICLE VI PARKING

6.1 Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. Parking areas shall not be located in front yards except in developed driveway or developed parking lot areas or as provided under a special permit.

ARTICLE IX

SIGNS

9.2 The size, type and location of any sign or advertising device shall be allowed only in accordance with the following regulations and wherever districts are set forth in this article, the same shall refer to the districts set forth in these regulations.

a. Signs permitted in Residential Districts A and B, Planned Residential Development, Recreational Park, View Shed and Wet Lands Districts are as follows:

v. Temporary business signs advertising the sale, rental construction or improvements of the premises on which they are located shall be allowed provided that such signs shall not exceed a combined total of six (6) square feet in area, shall not be illuminated and shall be promptly removed by the owner when the circumstances leading to their erection no longer apply.

b. Signs permitted in Commercial and Light Industrial Districts are as follows:

i. The signs permitted under Article 9.2(a) shall be allowed.

iv. Temporary signs advertising the sale, rental, construction or improvement of the premises on which they are located shall be allowed, provided that such signs shall not exceed a combined total of ten (10) square feet in area and shall be promptly removed by the agent or owner when the circumstances leading to their erection no longer apply.

c. General regulation relating to signs in all districts.

ii. Signs shall be constructed of durable materials and shall be maintained in good condition.

iii. No sign shall be erected so that any portion thereof shall be any closer than five (5) feet to the nearest lot line or within five (5) feet of any utility pole.

v. The maximum height of any portion of any sign shall not extend above the façade of any building on the premises.

9.3 After the effective date of the adoption of these regulations and except as otherwise herein provided, no person shall erect any sign(s) allowed herein without first obtaining a permit from the Zoning Enforcement Officer.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF WHITEHALL

Note: the Town of Whitehall has no zoning districts.

FLOOD DAMAGE PREVENTION LOCAL LAW

Section 4.2 Establishment of Development Permit.

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

Local permits and approvals not required per PSL §130.

Section 4.3-6 Stop Work Orders.

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

SIGN LAW

Section B Other Signs.

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

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

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

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

Section B#2 Permit Required.

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

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF HARTFORD

Note: the Town of Hartford has no zoning districts.

**Town of Hartford AMENDED Site Plan Review Law
AMENDING Local Law No. 3 of 2000**

ARTICLE C SITE PLAN REVIEW PROCEDURE

§ 1 Procedures Generally. Before beginning any new land use activity, except uses specifically exempted by Article C, §2 of this law, a site plan approval by the Planning Board is required.

Local permits and approvals not required per PSL §130.

§2 Land uses subject to and exempted from site plan approval. All new land use activities within the town shall require site plan review and approval before being undertaken, except the following:

Exemptions from site plan review:

f. Incidental landscaping or grading.

ARTICLE 7 BUILDING SITE REQUIREMENT

7.2 General Site Provisions.

7.2.A No dwelling, building, or other structure, used for residential or business purposes, shall be erected on a lot with an area of less than 43,560 square feet (one acre).

7.2.B No dwelling, building, or other structure used for residential or business purposes shall be erected on a lot less than one hundred fifty (150) feet wide and shall not be erected as to be nearer than forty (40) feet from the nearest line right of way of the street or highway upon which it abuts or nearer than forty (40) feet from any lot line on any side or in the rear.

7.2.C Nothing herein contained shall be deemed to affect any existing use of a building or of an existing lot at the effective date of this ordinance. No non-conforming use, if changed to conforming use, shall hereafter be changed to nonconforming use.

**LOCAL LAW NO. 1 1976
SPECIAL FLOOD HAZARDS**

§ 4 It shall be unlawful to construct or alter any structure within the special flood hazard areas which are shown on the FIA Flood Hazard Boundary Map of the Town of Hartford, dated December 27, 1974, without first having secured a permit therefor.

Local permits and approvals not required per PSL §130.

LOCAL LAW FOR FLOOD DAMAGE PREVENTION

§ 3.2 Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(2) Flood Insurance Rate Map (multiple panels) Index No. 361234A, Panels 01-04, whose effective date is 11/1/85.

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: Hartford Town Hall.

§ 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.

Local permits and approvals not required per PSL §130.

§ 5.1 General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazards shown on the Flood Insurance Rate Map designated in Section 3.2.

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

5.1-2 Encroachments.

(1) Within Zones A1-A30 and AE, on streams without a regulatory 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 Hartford 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 Hartford for all fees and other costs in relation to the application.

§ 5.2 Standards for all structures.

5.2-1 Anchoring.

(1) New structures and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent floatation, collapse, or lateral movements during the base flood. This requirements is in addition to applicable state and local anchoring requirements for resisting wind force.

5.2-2 Construction materials and methods.

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

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

LOCAL LAW ESTABLISHING CONDITIONS FOR THE ISSUANCE OF BUILDING PERMITS IN AREA HAVING SPECIAL FLOOD HAZARDS

Section 4

It shall be unlawful to construct or alter any structure within the special flood hazard area which are shown on the FIA Flood Hazard Boundary Map of the Town of Hartford, dated December 27, 1974, without first having secured a permit thereof.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF FORT ANN

Note: the Town of Fort Ann has no zoning districts.

SITE PLAN REVIEW LAW

Section 5 Applicability of Site Plan Approval Procedures.

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

Local permits and approvals not required per PSL §130.

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

Section 2

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

Section 5

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

Local permits and approvals not required per PSL §130.

FLOOD DAMAGE LAW

4.2-1 Administration.

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

Local permits and approvals not required per PSL §130.

4.4-6 Stop Work Orders.

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

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF KINGSBURY

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

Residential-Agricultural
Low Density Residential
Residential Forestry

CHAPTER 47 FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 47.4 Building permits.

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

Local permits and approvals not required per PSL §130.

§ 47-6 Stop-work orders.

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

- (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
- (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
- (3) Any work for which a building permit is required which is being performed without the required building permit or under a building permit that has become invalid, has expired, or has been suspended or revoked.

§ 47-7 Certificates of occupancy.

A. Certificates of occupancy required. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures, buildings or portions thereof which are converted from one use or occupancy classification or 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.

Local permits and approvals not required per PSL §130.

CHAPTER 48 FLOOD DAMAGE PREVENTION

§ 48-4 Definitions and word usage.

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

FLOODWAY - The same meaning as "regulatory floodway."

REGULATORY FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 48-12B of this chapter.

§ 48-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard have been identified by the Federal Emergency Management Agency on Flood Insurance Rate Maps enumerated on Map Index No. 361235 0001-0004, dated September 7, 1979.

B. The above documents are hereby adopted and declared to be a part of this chapter and are filed at the Town Clerk's office, Town of Kingsbury.

§ 48-11 Development permit.

A development permit shall be obtained before the start of construction of any other development within the area of special flood hazard as established in § 48-6. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 48-12 Duties of local administrator.

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

A. Permit application review. The local administrator shall:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purpose of this chapter, "adversely affects" means physical damage to adjacent properties. A hydraulic engineering study may be required of the applicant for this purpose.

(a) If there is no adverse affect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse affect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 48-13E, Encroachments.

B. Use of other base flood and flood way data.

When base flood elevation data has not been provided in accordance with § 48-6, Basis for establishing areas of special flood hazard, 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 § 48-13D(4), in order to administer § 48-14,

Specific provisions for flood hazard reduction, and § 48-15, Floodways.

Local permits and approvals not required per PSL §130.

§ 48-13 General provisions for flood hazard reduction.

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

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

A. Anchoring.

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

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

B. Construction materials and methods.

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

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

C. Utilities.

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

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

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

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

D. Subdivision proposals.

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

E. Encroachments.

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

§ 48-14 Specific provisions for flood hazard reduction.

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

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

B. Nonresidential construction.

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

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

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

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

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

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

(b) If the structure is to be floodproofed:

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

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

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

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

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

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

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

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

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

§ 48-15 Floodways.

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

CHAPTER 53 HEALTH AND SANITATION

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

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

CHAPTER 64 SOLID WASTE

§ 64-10 Storage of garbage.

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

§ 64-11 Spilling or scattering of materials.

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

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

CHAPTER 65 STORMWATER

§ 65-2 Definitions.

ILLICIT DISCHARGE - Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 65-5 of this part.

SPECIAL CONDITIONS:

A. Discharge compliance with water quality standards.

The condition that applies where the Town has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the Town must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters.

The condition in the Town's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy.

The condition in the Town's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges.

D. The condition, if any, in the Town's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges.

§ 65-5 Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in § 65-5A. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this part, unless the Department or the Town has determined them to be substantial contributors of pollutants: waterline flushing or other potable water sources; landscape irrigation or lawn watering; existing diverted stream flows; rising groundwater; uncontaminated groundwater infiltration to storm drains; uncontaminated pumped groundwater; foundation or footing drains; crawl space or basement sump pumps; air-conditioning condensate; irrigation water; springs; water from individual residential car washing; natural riparian habitat or wetland flows; dechlorinated swimming pool discharges; residential street wash water; water from fire-fighting activities; and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this part.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit,

waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 65-10 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.

§ 65-12 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 65-27 Stormwater pollution prevention plans.

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

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

CHAPTER 75 VEHICLES AND TRAFFIC

§ 75-2 Vehicles and trucks over eight tons excluded from certain highways.

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

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

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

C. Kingsbury Road.

§ 75-4 Parking restricted during certain months.

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

CHAPTER 80 ZONING

§ 80-7 Definitions.

ESSENTIAL SERVICES - The construction, alteration or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam, communication, or water transmission or distribution systems, including poles, wires, police call boxes, traffic signals, hydrants, street signs and similar equipment and accessories in connection therewith, but not including buildings unless granted by special permit and reasonably necessary for the furnishing of adequate service by public utilities or governmental agencies.

§ 80-11 Construction permits.

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

Local permits and approvals not required per PSL §130.

§ 80-19 Provisions applicable in all districts.

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

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

damage resulting from pollution or reduction in the supply of surface or ground waters shall be excluded from all districts.

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

Local permits and approvals not required per PSL §130.

ARTICLE VI DISTRICT REGULATIONS

§ 80-20 RF-5A Residential-Forestry District.

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

(9) Essential service buildings.

[Essential Services is defined in § 80-7 and include transmission lines]

Local permits and approvals not required per PSL §130.

§ 80-21 RA-1A and RA-M-1A Residential-Agricultural Districts.

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

(3) Essential service buildings.

Local permits and approvals not required per PSL §130.

§ 80-22 LDR-25 and LDR-15 Low-Density Residential Districts

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

(2) Essential service buildings.

Local permits and approvals not required per PSL §130.

§ 80-26 Transitional zoning.

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

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

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

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

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

Light Industrial (~7,000 ft)

CHAPTER 51 FIRE PREVENTION AND BUILDING CODE

§ 51-4 Compliance required.

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

§ 51-9 Building permit required.

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

Local permits and approvals not required per PSL §130.

§ 51-25 Stop order.

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

CHAPTER 54 FLOOD DAMAGE PREVENTION

§ 54-4 Definitions.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.

FLOODWAY

The same meaning as "regulatory floodway."

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 54-12B of this chapter.

§ 54-5 Applicability.

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

§ 54-6 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the Town of Fort Edward, of Washington County, New York," dated June 15, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the Fort Edward Town Clerk's office, 118 Broadway, Fort Edward. New York. Flood Insurance Rate Map, Community-Panel Number 360885 00 10 A.

§ 54-8 Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this

chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than two hundred fifty dollars (\$250.) or imprisoned for not more than fifteen (15) days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Fort Edward from taking such other lawful action as necessary to prevent or remedy an infraction....

§ 54-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 54-6. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 54-12 Powers and duties of local administrator.

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

A. Permit application review. The local administrator shall:

- (1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - (a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.
 - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of § 54-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 54-6, Basis for establishing areas of special flood hazard, 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 § 54- 13D(4), in order to administer § 54-14, Specific standards, and § 54-15, Floodways.

C. Information to be obtained and maintained. The local administrator shall:

(1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures and whether or not the structure contains a basement or cellar.

(2) For all new or substantially improved floodproofed structures:

(a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed.

(b) Maintain the floodproofing certifications required in §§ 54-13 and 54-14.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances, when granted, and certificates of compliance.

D. Alteration of watercourses. The local administrator shall:

(1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, New York 10278.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries.

(1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.

(2) Base flood elevation data established pursuant to § 54-6 and/or

Subsection B, when available, shall be used to accurately delineate the areas of special flood hazard.

(3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the areas of special flood hazard when base flood elevations are not available.

F. Stop-work orders.

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

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

G. Inspections.

The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.

H. Certificate of compliance.

(1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.

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

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

Local permits and approvals not required per PSL §130.

§ 54-13 General standards.

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

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

A. Anchoring.

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

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

B. Construction materials and methods.

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

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

C. Utilities.

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

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

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

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

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either fifty (50) lots or five (5) acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 54-12A(3). This may require the submission of additional technical data to assist in the determination.

§ 54-14 Specific standards.

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

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

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

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

(b) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be

certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria

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

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

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

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

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

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

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

(b) If the structure is to be floodproofed:

[1] A licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design

and methods of construction are in accordance with accepted standards of practice to make the structure watertight, with walls substantially impermeable to the passage of water,

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

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

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

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

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

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

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

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

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

§ 54-15 Floodways.

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

CHAPTER 56 STORMWATER

§ 56-6 Stormwater pollution prevention plans.

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

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

§ 56-7 Performance and design criteria.

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

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

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

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

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

CHAPTER 57 STORM SEWERS

§ 57-2 Definitions.

ILLICIT DISCHARGE

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 57-6 of this article.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges: under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

§ 57-6 Discharge prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1) through (4). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the Town has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, uncontaminated crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from firefighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable local laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 57-11 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 57-13 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which

are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 68 LITTERING

§ 68-3 Prohibitions.

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

CHAPTER 81 SITE PLAN REVIEW

§ 81-4 Planning Board authorization.

[T]he Planning Board is authorized to review and approve, approve with modifications or disapprove site plans, prepare to specification set forth in this chapter and in regulations of the Planning Board, showing the arrangement, layout and design of the proposed use of the land shown on such plan.

Local permits and approvals not required per PSL §130.

§ 81-19 Building permits.

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

Local permits and approvals not required per PSL §130.

CHAPTER 99 VEHICLES AND TRAFFIC

§ 99-1 Speed limit established.

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

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

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

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

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

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

- Ethan Allen
- Putnam Avenue
- Gates Avenue

CHAPTER 108 ZONING

§ 108-7 Regulations applicable to all districts.

Except as hereinafter otherwise provided:

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

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

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

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

Local permits and approvals not required per PSL §130.

§ 108-12 M-1 District.

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

CODE OF THE
VILLAGE OF FORT EDWARD

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

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

CHAPTER 29 MOVINGS OF BUILDINGS

§ 29-1 Permit required.

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

Local permits and approvals not required per PSL §130.

CHAPTER 49 UNIFORM FIRE PREVENTION AND BUILDING CODE

§ 49-9 Permit required.

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

Local permits and approvals not required per PSL §130.

§ 49-28 Stop-work orders.

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

CHAPTER 52 FLOOD PREVENTION

§ 52-4 Definitions.

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

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

FLOODWAY: Same as "regulatory floodway."

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 52-12B of this chapter.

§ 52- 6 Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the Village of Fort Edward of Washington County, New York," dated February 15, 1984, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, which is hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the Village Clerk's office, 118 Broadway, Fort Edward, New York.

§ 52-8 Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted or altered, and no land shall be excavated or filled, without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than two hundred fifty dollars (\$250.) or imprisoned for not more than fifteen (15) days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Fort Edward from taking such other lawful action as necessary to prevent or remedy an infraction.

§ 52-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 52-6. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in

question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing....

Local permits and approvals not required per PSL §130.

§ 52-12 Powers and duties of local administrator.

A. Permit application review. The local administrator shall:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 52-14E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 52-6, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source....

F. Stop-work orders.

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

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

G. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.

Local permits and approvals not required per PSL §130.

§ 52-13 Certificate of compliance.

A. It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator, stating that the building or land conforms to the requirements of this chapter.

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

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

Local permits and approvals not required per PSL §130.

§ 52-14 General standards.

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

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

A. Anchoring.

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

B. Construction materials and methods.

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

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

C. Utilities.

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

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 52-12A(3). This may require the submission of additional technical data to assist in the determination.
- (3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 52-12B, the requirements of § 52-16, Floodways, shall apply.

§ 52-15 Specific standards.

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

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

- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either

have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

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

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

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

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

B. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to

or above the base flood elevation as may be determined in § 52-12B or two (2) feet above the highest adjacent grade where no elevation data is available.

§ 52-16 Floodways.

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

Local permits and approvals not required per PSL §130.

CHAPTER 59 LITTERING

§ 59-3 Litter in public places.

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

§ 59-4 Litter from vehicles.

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

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

CHAPTER 61 NOISE

§ 61-2 Prohibited acts.

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

§ 61-3 Exceptions.

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

CHAPTER 65 PROPERTY MAINTENANCE

§ 65-5 Storage of commercial and industrial material.

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

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

CHAPTER 69 SEWERS

§ 69-1 Prohibited acts.

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

CHAPTER 70 SIGNS

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

§ 70-3 Permit required; application; approval.

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

Local permits and approvals not required per PSL §130.

§ 70-4 Exempt Signs.

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

§ 70-5

General restrictions.

- A. No off premises signs shall be allowed other than as permitted under the exempt signs provisions of § 70-4 above.
- B. No sign in any district shall be placed or located within or extend into the right-of-way of any public highway or roadway.
- C. No sign shall be illuminated by or contain flashing, intermittent, rotating or revolving lights, except to show time and temperature.
- H. No sign shall be attached to fences, utility poles or trees.
- J. No sign(s) shall be placed along a state highway without first obtaining permission from the New York State Department of Transportation in order to avoid conflict with any New York State law.
- K. No sign will exceed four feet high from the ground when it is placed between the curb and sidewalk or beside a roadway.

§ 70-7

Regulations by district.

A. General regulations.

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

CHAPTER 71 SOLID WASTE COLLECTION AND DISPOSAL

§ 71-4

Maintenance of premises.

Owners and occupants of occupied premises and owners and persons in charge of unoccupied premises, including vacant lots within the village, are hereby charged

with the duty of maintaining such premises at all times in a sanitary, clean and tidy condition and so as to prevent the accumulation there of solid waste which constitutes a nuisance or fire hazard.

CHAPTER 74 STREET AND SIDEWALKS

§ 74-1 Street excavations.

No person other than an employee of the village shall excavate any street without first obtaining permission from the Highway Superintendent. Any person given permission to excavate shall restore the street to the condition prior to the excavation to the satisfaction of the Highway Superintendent. The person given permission shall indemnify the village against all damages or claims for damages, costs, suits, actions or judgments that may be brought against the village by persons resulting from such excavation. The village may require a certificate of insurance naming the village as a loss payee with a liability limit of at least \$1,000,000.

Local permits and approvals not required per PSL §130.

§ 74-2 Failure to restore street as directed.

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

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

§ 74-3 Guarding of excavations.

A. Any person given permission to make an excavation in any street shall, between sunset and sunrise that street remains open, keep the same fenced and lighted so as to properly warn all persons of such excavation.

B. Any person making an excavation within five feet of the line of any street shall erect and maintain a barrier at least four feet in height between said street and the excavation, and place lighted warnings at such excavation.

C. No person shall remove any barrier or guard erected for public safety.

- § 74-4 Permission required for encumbrances.
- No person shall erect or cause to be erected any building or fixture or place any encumbrance which shall project into or over the line of any public area without obtaining the permission of the Highway Superintendent.
- § 74-5 Obstruction of public areas.
- No person shall obstruct or use any street, sidewalk or other public ground in any manner other than which was originally intended.
- § 74-6 Restriction on hauling of materials.
- No person shall transport or cause to be transported in any vehicle any material which is not so constructed as to prevent the material from dropping or sifting upon any streets of the village.
- § 74-8 Restriction on placement of pipes.
- The village shall not place or caused to be placed any pipes in any street that have not been accepted by the village.
- § 74-9 Structures on or over streets and sidewalks.
- No person shall construct or cause to be constructed any sign or structure upon or over any street or sidewalk in the village, nor shall any sign or structure now in existence be allowed without the consent of the Code Enforcement Official through an application to be provided by the Code Enforcement Official.
- § 74-11 Obstruction of sidewalks.
- No person shall permit any animal, vehicle or other objects to obstruct the free use of any sidewalk or crosswalk in the village and no person shall obstruct the sidewalks with boxes, barrels, crates, goods, wares, merchandise or any other materials without obtaining permission from the Village Board.
- § 74.13 Digging in front of private premises.
- No person shall dig into or across any sidewalk until permission is received by the Highway Superintendent and the sidewalk shall be put back in as good as the condition prior to the digging.

CHAPTER 100 ZONING

- § 100-2 Word usage; terms defined.

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

TRAILER — Any sort of vehicle known as a "house trailer," "mobile home," "trail mobile" or any type of vehicle in which one (1) or more persons may dwell and use or occupy for residential, business or any other purpose.

Local permits and approvals not required per PSL §130.

§ 100-11 Exceptions.

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

§ 100-28 Building permits.

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

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

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

Local permits and approvals not required per PSL §130.

§ 100-32 Trailers.

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

§ 100-33 Stripping of topsoil.

No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken

except in connection with the construction or alteration of building on such premises and excavation or grading incidental thereto. A permit will be required for any other disposal of topsoil.

§ 100-34 Excavating, grading and filling.

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

Local permits and approvals not required per PSL §130.

§ 100-36 Visibility at intersections.

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

SARATOGA COUNTY

CODE OF THE
TOWN OF MOREAU

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

Manufacturing 1
Residential 5

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

§ 74-4 Building permits.

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

Local permits and approvals not required per PSL §130.

§ 74-6 Stop-work orders.

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

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

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

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

CHAPTER 78 FLOOD DAMAGE PREVENTION

§ 78-6 Establishment of areas of special flood hazard.

A. The areas of special flood hazard for the Town of Moreau, Community No. 360723, 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) The Flood Insurance Rate Map for Saratoga County (all jurisdictions), as shown on Index No. 36091C000 and panels 0190, 0195, 0215, 0307, 0309, 0333, 0334, 0335 and 0355, whose effective date is August 16, 1995.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town Hall, 61 Hudson Street, South Glens Falls, New York.

§ 78-11 Floodplain development permit.

A. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 78-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 78-14 General construction standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 78-6:

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

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage.
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location.

(b) The Town of Moreau agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Moreau for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Moreau for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 78-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood.

(b) The Town of Moreau agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Moreau for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and

mapping and reimburse the Town of Moreau for all costs related to the final map revisions.

§ 78-15 Standards for all structures.

The following standards shall apply to all structures:

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

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement, and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

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

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

(4) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

C. Utilities.

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

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

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

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

CHAPTER 82 FRESHWATER WETLANDS

§ 82-5 Permit required; exceptions.

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

B. No permit under this chapter shall be required for:

(4) Activities subject to the review jurisdiction of the State Public Service Commission or the New York State Board on Electric Generation Siting and the Environment under Article VII or Article VIII of the State Public Service Law, respectively. The standards and restrictions of this chapter will be applied by said bodies in determining whether to issue a certificate of environmental compatibility and public need under such Articles.

Local permits and approvals not required per PSL §130.

CHAPTER 84 ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS

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

ILLICIT DISCHARGE

Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 84-5 of this law.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards. The condition that applies where the Town has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the Town must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters. The condition in the Town's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy. The condition in the Town's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges.

D. The condition, if any, in the Town's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the Town has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources; landscape irrigation or lawn watering; existing diverted stream flows; rising groundwater; uncontaminated groundwater infiltration to storm drains; uncontaminated pumped groundwater; foundation or footing drains; crawl space or basement sump pumps; air-conditioning condensate; irrigation water; springs; water from individual residential car washing; natural riparian habitat or wetland flows; dechlorinated swimming pool discharges;

residential street wash water; water from fire-fighting activities; and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 84-10 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.

§ 84-12 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record

of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 100 NOISE

§ 100-5 Prohibited acts; exceptions.

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

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

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

CHAPTER 117 SIGNS

§ 117-4 Regulations.

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

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

A. Signs in agricultural and residential districts.

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

(2) Business signs for customary agricultural operations selling farm products grown on the premises shall be allowed, provided the combined

area of such signs shall not exceed a total of 16 square feet in any R-1 or R-2 Residential Districts and 32 square feet in any agricultural and residential districts and shall not include illumination.

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

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

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

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

B. Signs in commercial and manufacturing districts.

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

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

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

(4) Temporary signs advertising the sale, construction or improvement of the premises on which they are located shall be allowed, provided that the combined area of such signs shall not exceed a total of 32 square feet and

that the signs shall be removed within five days after the conclusion of the circumstances leading to their erection. Failure to properly remove signs within the prescribed time period is a violation of this chapter.

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

C. General regulations.

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

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

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

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

(5) Signs to be erected by a nonprofit community service organization which are intended as a public service for the good of the community may be erected upon the granting of a special permit by the Planning Board pursuant to Article V, Special Use Permits, of the Zoning Law of the Town of Moreau.

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

(b) Such signs shall not be illuminated.

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

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

(6) Temporary signs.

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

vision for traffic or in any manner creates a hazard, nuisance or disturbance to the health and welfare of the general public.

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

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

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

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

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

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

(d) Such signs shall not be illuminated.

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

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

(g) Permits for such signs shall be subject to the approval of the Planning Board pursuant to Article V, Special Use Permits, of the Zoning Law of the Town of Moreau.

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

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

(b) Signs must face the interstate highway.

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

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

§ 117-5 Permit required.

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

Local permits and approvals not required per PSL §130.

CHAPTER 120 STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

§ 120-6 Definitions.

LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

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

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

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

Local permits and approvals not required per PSL §130.

§ 120-8 Stormwater pollution prevention plans.

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

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

§ 120-10 Other environmental permits.

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

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

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

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

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

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

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

B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SPPP shall be prepared by a licensed professional.

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

CHAPTER 136 VEHICLES AND TRAFFIC

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

§ 136-11 Trucks over certain weights excluded.

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

§ 136-37 Schedule VIII: Trucks Over Certain Weights Excluded.

In accordance with the provisions of § 136-11, trucks in excess of the weights indicated are hereby excluded from the following streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Weight (tons)	Location
(Reserved)		

CHAPTER 149 ZONING

§ 149-5 Definitions.

PUBLIC UTILITY STRUCTURE, MAJOR (except telecommunications towers)

Any electric power transmission or distribution line with associated equipment of a rating of more than 15 kilovolts which is one mile or more in length; any telephone interchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing 25 or more pairs of wire and designed to provide initial telephone service for new structures; any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric substation generating facility or maintenance building; and any water or sewage pipes or conduits, including any water storage tanks designed to service 50 or more principal buildings. Any use which is subject to the jurisdiction of the Public Service Commission pursuant to Article V, VII or VIII of the Public Service Law or other utility receiving prior approval by the Public Service Commission having jurisdiction over such uses under such Articles or other provisions.

PUBLIC UTILITY USE

The following public utilities which are subject to the jurisdiction of the Public Service Commission pursuant to Article I, § 5, of the Public Service Law, as follows:

- A. Gas (natural or manufactured or mixture of both) and electricity for heat or power.
- B. Telephone lines.
- C. Telegraph lines.
- D. Water and sewer systems for domestic, commercial or public uses.
- E. Cellular radio or telephone communication.

§ 149-12 Issuance of building permit.

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

Local permits and approvals not required per PSL §130.

§ 149-19 Agriculture, One- and Two-Family Residential Districts (R-5).

A. Purpose. The R-5 District encompasses the bulk of active agricultural land in the town. The purpose of this district is to promote, enhance and protect agriculture by limiting development.

B. Use regulations. Permitted, accessory and special permit uses in R-5 Districts shall be as set forth in the Schedule of Regulations included at the end of this chapter.

§ 149-24 General Manufacturing and Industrial Districts (M-1).

A. Purpose. The M-1 District provides for the maintenance and expansion of heavy industry and large-scale manufacturing without competition from other uses. Site plan review is required for all uses in the M-1 District.

Local permits and approvals not required per PSL §130.

B. Use regulations. Permitted, accessory and special permit uses in M-1 Districts shall be as set forth in the Schedule of Regulations included at the end of this chapter.

Schedule of Regulations

149 Attachment 5: Agriculture, One- and Two-Family Residential Districts (R-5).

[Electric transmission/public utility use not a permitted use with this zoning district.]

149 Attachment 12: General Manufacturing and Industrial Districts (M-1).

[Public Utility Use is only allowed as a permitted accessory use within this zoning district. CHPEI will not be an accessory use.]

§ 149-26 Resource Protection Districts (RP).

B. Use regulations. Permitted, accessory and special permit uses in RP Districts shall be as set forth in the Schedule of Regulations included at the end of this chapter.

§ 149-30 Application requirements.

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

Local permits and approvals not required per PSL §130.

§ 149-68 Building permits.

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

Local permits and approvals not required per PSL §130.

THE ZONING ORDINANCE
OF THE
TOWN OF NORTHUMBERLAND

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

Agricultural Protection District
Hamlet
Industrial
3-Acre Residential

ARTICLE VI AGRICULTURAL PROTECTION DISTRICT (“APD”)

B. Permitted Uses

C. Special Permitted Uses

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

ARTICLE VII COMMERCIAL/RESIDENTIAL DISTRICT & HAMLET DISTRICT PERFORMANCE GUIDELINES

B. Commercial/Residential & Hamlet District Design Guidelines

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

1. **Harmony in Scale:** In many instances, the scale of new commercial structures is inharmonious with pre-existing residential buildings and their surroundings. The Planning Board should review each application for new commercial/ business structures within these Districts to determine its compatibility of scale with the existing nearby residential structures. Wherever possible, the Planning Board should require the applicant to design the scale of commercial and business structures to be compatible with the scale of existing structures within the area.

2. **Setbacks:** Where nearby existing buildings within these Districts reflect pre-zoning front setbacks creating a characteristically close relationship with the Route 50 corridor, it is highly desirable to continue this pattern in order to retain the area's character. Therefore, the maximum setback of new construction should harmonize with the average set-backs of existing adjacent buildings. Where commercial or business development is proposed adjacent to a residential use, a side yard setback of 30 feet shall be required for any buildings, parking or storage areas. This area is to be used as a buffer zone and shall be appropriately landscaped as required by the Planning Board.

4. Signage: The goal of regulating signage is to encourage legible signage for commercial and businesses located within the Route 50 corridor and Hamlet areas to enable the identification of goods and services available, while deterring excessive visual competition which degrades the quality of these District's visual character. All signs to be located within these Districts are subject to the review and approval of the Town Planning Board. Large, freestanding signs are prohibited within the C/R and Hamlet Districts. The Planning Board should require applicants to utilize the smallest sign possible, and in no instance shall the area of said sign be in excess of 10 square feet. Whenever possible, small freestanding signs shall only be permitted in the Commercial/Residential and Hamlet Districts when sited in conjunction with vegetative landscaping designed to integrate the sign into the adjoining residential character of these Districts.

5. Traffic Access and Circulation: As commercial areas become more densely developed and as traffic volumes increase, highways become more congested and traffic accidents increase. Many of these accidents are in large part due to poorly controlled vehicular circulation and poorly designed road access points. The Planning Board shall require that all commercial/business use access within the C/R and Hamlet Districts be limited to a single curb cut and, whenever possible, utilize existing side streets for ingress and egress where they abut the premises.

6. Parking: The visual impact of parking areas within these Districts' largely residential areas can easily be reduced through proper siting and the use of landscaped buffers. Parking areas within the District shall only be allowed, unless unfeasible, at the side or to the rear of buildings. Parking areas must also be screened along lot lines bordering residential uses. Screening shall consist of a landscaped area at least six (6) feet wide, densely planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective visual barrier. All trees shall be a minimum of 2" trunk diameter when planted and native trees and shrubs shall be utilized, wherever possible. Parking lots containing ten or more spaces shall be planted with at least one tree per eight spaces, with each tree being surrounded by no less than 40 sq. ft. of permeable, unpaved area.

7. Buffers/screening: The Planning Board is encouraged to require adequate buffer and screening of all commercial and business uses within the C/R and Hamlet Districts, as appropriate, as part of its site plan review function. Open storage areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish, must be visually screened from roads and surrounding land uses. Suitable types of screening include natural colored wood fences and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence should be built to provide screening until the evergreens are of sufficient

height. In locations where potential health or safety hazards may arise (such as rubbish storage/collection areas), a solid wooden fence, six (6) feet in height is required to deter children and animals from entering the area. Where new fencing would create a continuous surface greater than ten (10) feet in length, it shall be "softened" visually with tree and shrub plantings.

7. Noise: Due to the proximity of residential uses near commercial/ business uses within these Districts, excessive noise emanating from commercial/ business uses will not be allowed and are subject to the requirements of Town of Northumberland Local law # 2 of 2005.

8. Air Emissions: Emission of dust, dirt, flyash, odors, fumes, vapors, or gases which could be injurious to human health, animals, or vegetation and detrimental to the enjoyment of adjoining or nearby properties, which are produced by any commercial or business establishment located within the C/R and Hamlet Districts shall be prohibited. Violation of this prohibition shall be determined by the Town of Northumberland Zoning Administrator and shall be grounds for the revocation of the commercial use's or business' special permit.

9. Lighting and Glare: Overspill from tall, unshielded or unfocused floodlights; parking lot luminaires; and security lighting can cause excessive glare and unwelcome illumination on neighboring properties. This is particularly bothersome with regard to fugitive light impacts on nearby residential structures, but can also cause traffic safety problems if intense rays from such fixtures are cast into the line of vision of drivers traveling along nearby highways and streets of the C/R and Hamlet Districts. The Planning Board is encouraged to require all commercial and business uses within these Districts to utilize reasonable lighting intensities and outdoor lighting fixtures that provide adequate shielding to prevent fugitive illumination from affecting nearby residential uses.

ARTICLE VIII SHORELINE OVERLAY DISTRICT

B. General Information

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

C. Projects within District

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

Local permits and approvals not required per PSL §130.

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.

ARTICLE IX SPECIAL PERMIT USES

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

Local permits and approvals not required per PSL §130.

H. Additional Standards for Certain Uses

19. Public Utility Use.

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

Local permits and approvals not required per PSL §130.

ARTICLE X SITE PLAN REVIEW

C. Applicability

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

1. All special permit uses listed in Article IX. of this Ordinance and all those special permit uses identified elsewhere in this Ordinance. All approved use variances granted by the Zoning Board of Appeals.
2. All land use activities proposed within the boundaries of the Shoreline Overlay District, described in Article VIII of this Ordinance, and shown on the Town of Northumberland Zoning Map.

Local permits and approvals not required per PSL §130.

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 nominally 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, grease-cutters, 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.

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.

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.

Local permits and approvals not required per PSL §130.

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.)

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.

Local permits and approvals not required per PSL §130.

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 storm water 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.

Local permits and approvals not required per PSL §130.

Local Law #1 of the year 2007

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

SECTION 4 BUILDING PERMITS

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

Local permits and approvals not required per PSL §130.

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.

ATTACHMENT A SCHEDULE OF PERMITTED USES, MINIMUM LOT SIZES AREA AND BULK REGULATIONS

R-3 Residential

[Public utility uses are specifically listed as a special permitted uses within this zoning district.]

Local permits and approvals not required per PSL §130.

Hamlet

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

Agricultural Protection District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

Industrial

[Public utility use is specifically listed as a special permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

LOCAL LAW No. 1 of 1991
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.

LOCAL LAW No. 2 of 1991
SOIL DISTURBING ACTIVITIES

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:

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.

Local permits and approvals not required per PSL §130.

LOCAL LAW No. 1 of 1995

FLOOD DAMAGE PREVENTION

Section 2.0 Definitions.

"Floodway" - has the same meaning as "Regulatory Floodway".

"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....

§ 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. 3609100000, 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, Gansvoort.

§ 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.

Local permits and approvals not required per PSL §130.

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 -2 Encroachments

(1) Within Zones AI-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 mown of u. 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 AI-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.

LOCAL LAW No. 2 of 2005

LOCAL LAW REGARDING NOISE AND NUISANCE

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 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 the 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.

CODE OF THE
TOWN OF WILTON

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

R-1
C-2
RB-1
RB-2
PUD
R-1
CR-1

CHAPTER 43 BUILDING CONSTRUCTION ADMINISTRATION

§ 43-6 Building Permit Required

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

Local permits and approvals not required per PSL §130.

§43-12 Stop Orders

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

CHAPTER 57 DUMPS AND DUMPING

§ 57-3 Unlawful acts.

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

CHAPTER 69 ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWER

§ 69-2 Definitions.

ILLICIT DISCHARGE

Any direct or indirect non-stormwater discharge to the MS4, except as exempted in § 69-6 of this chapter.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

§ 69-6 Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided

in § 69-6A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 69-11 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

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

§ 69-13 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 79 NOISE AND NUISANCES

§ 79-3 Noise and Nuisances, Unlawful Acts.

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

(5) Construction, demolition and excavation: the erection, including excavating; demolition; alteration; or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety.

(14) Noise in the conduct of any business: the creation of unreasonable or unnecessary noise in the operation, conduct and/or maintenance of any business, factory, plant yard or manufacturing establishment, except as otherwise provided in this chapter, including but not limited to excavating, blasting, grinding, breaking, crushing or processing of any substance (where permitted).

CHAPTER 129 ZONING

§ 129-3 Word usage.

PUBLIC UTILITY

A company of one or more persons or corporations or authorities operating an agency or agencies for public service, which may be subject to the jurisdiction, supervision and regulations of the New York State Public Service Commission. Not to include, for the purposes of this chapter, telecommunication towers which are defined separately.

§129-9 Permits.

A. A permit is required for but not limited to the following activities:

- (1) Alteration of any structure.
- (2) Banner placement.
- (3) Construction of any structure.
- (4) Demolition of any structure.
- (5) Driveway installation.
- (6) Mobile home placement or replacement.
- (7) Modular home placement.
- (8) Relocation of structures.
- (9) Septic installation.
- (10) Sewer hookup.
- (11) Sign placement.
- (12) Soil and woodland conservation.
- (13) Installation of solid-fuel-burning devices.
- (14) Installation of swimming pools, including aboveground pools.

B. The Town reserves the right to require additional permits as deemed necessary.

Local permits and approvals not required per PSL §130.

§ 129-20 Purpose; prohibited activities; permitted uses.

A. This R-1 Residential District is designated as that area where residents desire to live in predominantly detached, single-family housing. Commercial or industrial activities are prohibited.

B. Uses permitted in R-1 Residential Districts shall be as follows: See Schedule A.

§ 129-21 Special permit uses.

The following shall be allowed as special permit uses: See Schedule A.

Schedule A

[Public utility use is specifically listed as a specially permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

§ 129-25 Descriptive purpose; permitted uses.

A. The R-2 Residential District is limited to agriculture, rural residential and certain other non-intensive land uses. Industrial activities are prohibited.

B. Uses permitted in the R-2 Residential District shall be as follows: See Schedule B.

Schedule B

[Public utility use is specifically listed as a specially permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

§ 129-48.1 Descriptive purpose; permitted uses.

A. The Residential Business District (RB-1) is reserved to promote an area for office and low-intensity commercial uses and to encourage continued uses consistent with rural residential areas.

B. Uses permitted in the Residential Business District shall be as follows: See Schedule E.

§ 129-48.2 Special permit uses.

The following shall be allowed as special permit uses: See Schedule E.

Schedule E

[Public utility use is specifically listed as a specially permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

§ 129-55 Purpose; permitted uses.

A. The purpose of this district is to provide for research, computer, telecommunications, warehousing and nonpolluting assembly operations as well as low volume service-oriented business operations. Industrial and business parks utilizing common access and utilities will be encouraged.

B. In the C-2 Business/Light Industrial District, the following uses are permitted uses: See Schedule I.

§ 129-56 Special permit uses.

The following uses are allowed in the C-2 Business/Light Industrial District with the issuance of a special permit: See Schedule I.

Schedule I

[Public utility use is specifically listed as a specially permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

§ 129-49.1 Descriptive purpose; permitted uses.

A. The Residential Business District (RB-2) is reserved to promote an area for office, day care, and bed-and-breakfast facility uses and to encourage continued uses consistent with rural residential areas.

B. Uses permitted in the Residential Business District shall be as follows: See Schedule F.

§ 129-49.2 Special permit uses.

The following shall be allowed as special permit uses: See Schedule F.

Schedule F

[Public utility use is specifically listed as a specially permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

§ 129-95 Purpose; permitted uses.

A. The CR-1 Commercial/Residential One District is designated for a mix of commercial and residential uses.

B. The following uses are allowed in the CR-1 Commercial/Residential One District: See Schedule N.

§ 129-96 Special permit uses.

The following uses are allowed in the CR-1 Commercial/Residential One District with the issuance of a special permit: See Schedule N.

Schedule N

[Public utility use is specifically listed as a specially permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

§ 129-115 Regulations.

The regulations for Planned Unit Development Districts (PUDs) are intended to provide a means for the development of entirely new residential, commercial, or industrial subdivisions, parks, or estates in which certain economies of scale or creative architectural or planning concepts may be utilized by the developer without departing from the spirit and intent of this chapter. Projects consisting of only single-family detached dwelling units (DUs) do not meet PUD criteria. In no case shall the regulations of this section be so interpreted as to circumvent the benefits of this chapter to the residents or occupants of such development or the residents or occupants of adjoining properties. PUDs, as defined herein, may be established only in accordance with the procedure specified in this section.

A. The site for a PUD shall not be less than 10 acres for a residential development, three acres for a commercial development, or five acres for an industrial development; provided, however, that where an applicant can demonstrate that the characteristics of his holdings will meet the objectives of this article, projects with less acreage will be considered, and further provided that in the event that the Town Board is considering a project with less acreage, the affirmative vote of not less than 4/5 of the members of the Town Board shall be required to establish such as a PUD. The proposed development shall conform to the Town's most recent comprehensive plan.

B. The Town Board shall refer the application to the Town Planning Board and the Saratoga County Planning Board (if applicable) for an initial advisory opinion within 90 days of the date of the application if, in the sole discretion of the Town Board, the application meets the intent of the PUD regulations and the Comprehensive Plan.

C. PUDs should be considered as a single parcel for the purpose of applying the regulations specified in the zoning district schedules. Editor's Note: The zoning district schedules are included at the end of this chapter. Individual buildings and structures within such district need not conform to these regulations, provided that any variation from such regulations shall not be contrary to the intent of this chapter.

Local permits and approvals not required per PSL §130.

§ 129-145 Commercial or industrial site plan review.

The Planning Board shall review, approve, approve with modifications or disapprove plans for all nonresidential uses, public and semipublic buildings, whether or not such development includes a subdivision or resubdivision of a site. The construction of residential single- or two-family dwellings and farm buildings shall not be covered by this article.

Local permits and approvals not required per PSL §130.

§ 129-164 Air and water quality standards; construction standards.

All developments proposed for the Town of Wilton shall meet the minimum air and water quality control standards established by the State of New York. The New York State Uniform Fire Prevention and Building Code shall prevail unless the Town has specifically adopted other codes which supersede.

§ 129-166 Outdoor storage and parking.

B. Storage or parking of a commercial vehicle in a residential zone shall be prohibited.

(1) A commercial vehicle shall be any vehicle which would require a commercial drivers license to legally operate on a public road.

§ 129-168 Temporary structures.

B. Nonresidential use.

(1) Temporary mobile homes or trailers used in conjunction with construction work shall be permitted. A temporary mobile home or trailer may be located on the site of a work project and shall be used solely as an

office or storage house in connection with the work project, provided that it is removed within 30 days after completion of such project. A temporary mobile home or trailer shall not be used as a residence.

(2) Temporary structures/facilities used in conjunction with construction work shall be permitted. Structures shall be located on the site of a work project and shall be used solely in conjunction with the work project. These structures shall be removed prior to the completion of said project.

§ 129-175 Special permit review.

Each specific use for which a special permit is sought shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use.

Local permits and approvals not required per PSL §130.

§ 129-176 Standard requirements for specific uses.

K. Public utilities.

(1) Site plan. An applicant shall be required to submit a site plan... The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wire and anchors, parking and landscaping, and shall include grading plans for new facilities and roads.

Local permits and approvals not required per PSL §130.

§ 129-174 Design standards for RB-1, RB-2, CR-1, CR-2, C-2, and C-3 Zoning Districts.

(8) No uses shall be permitted or conducted in any manner which would render it noxious or offensive by reason of dust, odor, refuse, smoke, fumes, noise, vibration or glare, as determined by the Town of Wilton or its agent.

§ 129-181 Sign requirements.

A. No new signs shall be placed within 100 feet of the center of a stream, with the exception of informational, directional, public safety or regulatory signs which may be placed in such a location by any authorized federal, state or local government entity with the permission of the landowner where such signs are otherwise allowed by law, provided that no such sign shall exceed four square feet in size or a height of 10 feet.

B. Size and dimensions.

(1) Measurement of signs.

(a) All signs shall be measured by the outside dimensions of the sign board. Where individually mounted letters are used to make a sign, the sign shall be measured from the outermost portion of the letters on the right and left sides and the top and bottom of the sign, to include that area between the letters as part of the sign.

(b) Box or letter signs shall be considered as separate signs if the background area of the sign does not physically connect them.

(2) Said signs shall comply with the following provisions:

(a) Signs, attached. In any nonresidential district an attached sign shall be in proportion to the main building front and/or face. Said sign shall not exceed 15% of the building facade, where the sign is located, or 150 square feet, whichever is less. Attached signs shall be allowed only when the main entrance to a business or an industry exits to the building exterior, any other provisions of this article notwithstanding.

(b) Signs, detached.

[1] Maximum square footage for any detached sign in the C-1 Commercial, I-1 Industrial, C-2 Business/Light Industrial, C-3 Commercial/Light Industrial, CR-1 Commercial/Residential or CR-2 Commercial/Residential Zones shall be 75 square feet per side, not to exceed 150 total square feet. In no case shall the total of all signs, both attached and detached, exceed 250 square feet, except in the case where a parcel has frontage and an entrance on two different roads the total of all signs, both attached and detached, shall not exceed 350 square feet.

[2] H-1 Hamlet District signs shall be 60 square feet per side. In no case shall the total of all signs, both attached and detached, exceed 120 square feet.

[3] RB-1 Residential Business District signs shall be 40 square feet per side. In no case shall the total of all signs, both attached and detached, exceed 200 square feet.

[4] Plazas/multiple uses on one property. In the case where a property has multiple uses on a property in either one building or multiple buildings only one detached sign shall

be allowed. The total square footage of this sign shall not exceed the area requirements. This square footage shall include the property/project name and the tenant signs.

[5] In all cases where a parcel has frontage and an entrance on two or more roads, the number of allowable detached signs may be increased to two, but only if the signs are to be located at entrances located on each road.

(3) Signs pertaining to a nonconforming commercial use located in a residential district shall not exceed 20 square feet per side and shall be limited to one sign per establishment.

(4) Signs for uses allowed as a special use shall be as follows, and only one freestanding sign shall be allowed:

(a) Home occupations: maximum square footage for any double-faced sign shall be one square foot per side, not to exceed two total square feet.

(b) Recreational vehicle/tenting campsites: maximum square footage for any double-faced sign shall be 32 square feet per side, not to exceed 64 total square feet.

(c) Senior living community: maximum square footage for any double-faced sign shall be 40 square feet per side, not to exceed 80 total square feet.

(d) Clubs/lodges and country clubs: maximum square footage for any double-faced sign shall be 16 square feet per side, not to exceed 32 total square feet.

(e) Boarding, tourist houses and bed-and-breakfasts: maximum square footage for any double-faced sign shall be four square feet per side, not to exceed eight total square feet.

(f) Apartment buildings: maximum square footage for any double-faced sign shall be 10 square feet per side, not to exceed 20 total square feet.

(g) Any church, school or similar publicly owned structure: maximum square footage of 24 square feet per single side is permitted.

C. Design.

(1) No more than two signs, which require a permit, are allowed per establishment. Except in the case where a parcel fronts on two different roads, no more than one attached sign and two detached signs shall be allowed.

(2) No detached sign shall be more than 20 feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

(3) No sign shall flash, produce glare, undue distraction or confusion or be a hazard to the surrounding area or to vehicular traffic.

(4) No sign shall extend above the roof or parapet of the building, including detached signs.

(5) Illuminated signs shall be shielded to reduce glare.

(6) Signs located on New York State Route 50 and New York State Route 9 shall conform to the New York State Route 50 Corridor Study and the Town of Wilton New York State Route 9 Corridor Landscaping Study as follows:

(a) Minimize freestanding signs. Those approved shall be in conformance with the Sign Ordinance.

(b) Simplify the signs as much as possible by the use of logos and other nonverbal symbols.

(c) Signs shall be compatible with the building architecture.

(d) All project signs shall be of like style and shall be part of an overall plan for the entire project.

(e) Sign illumination shall be minimized and only used to make the sign visible at night.

D. Specific regulations to sign types.

(1) Attached signs.

(a) Attached signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the level of the second floor of the building.

(b) Attached signs, except for certain electric signs, shall not extend more than six inches from the face of the buildings to which they are attached. Electric signs may extend a distance of up to 14 inches to accommodate the sign and a code-required transformer box; but in no case shall this transformer box extend more than eight inches from the face of the building to which it is attached or shall it extend beyond the face of the sign.

(2) Detached signs:

(a) No detached sign may be located less than 50 feet from any other detached sign.

(b) Detached signs shall be set back a minimum of 30 feet from the front property line.

(c) No detached sign shall extend over or into the public right-of-way nor shall it overhang the property lines.

§ 129-183 Construction.

General provisions:

A. All signs shall comply with applicable regulations of the Building Code.

B. All electrical signs shall be constructed in accordance with the standards of the National Electric Code.

C. All detached signs shall be designed and constructed to withstand a wind pressure of not less than 20 pounds per square foot.

D. All signs, including attached signs, shall be securely anchored and shall not swing or move in any manner.

E. All detached or attached signs shall employ acceptable safety material.

F. All signs shall be painted and/or fabricated in accordance with generally accepted standards.

G. All signs shall be constructed of durable materials and shall be maintained in good condition and repair at all times.

§ 129-185 Temporary signs.

The following signs shall be allowed without a permit, subject to the regulations contained herein:

A. Construction signs. One construction sign per construction project not exceeding 24 square feet per side in sign area in residential districts or 48 square feet per side in commercial or industrial districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed five days after completion of construction and prior-to occupancy.

§ 129-187 Permit requirements.

A. Permit required.

(1) Permits required. No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 129-188 Special permit signs.

All types of signage not specifically covered in the foregoing sections shall require a special permit requiring approval of the Zoning Board of Appeals.

Local permits and approvals not required per PSL §130.

§ 129-197 Soil disturbance; excavation, mining, removal and filling of lands.

A. The use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, mining, garbage, rubbish or other waste or by-products is hereby prohibited in any zoning district, except upon prior approval by the Planning Board or as otherwise presented under this chapter.

Local permits and approvals not required per PSL §130.

ARTICLE XXVIII STORMWATER CONTROL

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

§ 129-206 Stormwater pollution prevention plans.

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

§ 129-207 Performance and design criteria.

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

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

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

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

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

§ 129-246 Permits.

A. Building permit. No building or dwelling unit shall be constructed, structurally altered, enlarged or moved where such construction, alteration or enlargement is in excess of \$2,000 (market value) and is not considered general maintenance unless a building permit for such action has been issued by the Building Inspector.

B. Conditional use permit. A conditional use permit for special purposes that do not fall under the requirements for a building permit or special use permit may be granted for the period up to 90 days by the Building Inspector upon the approval of the Town Board. This permit may be renewed by the Town Board for an additional 30 days.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF GREENFIELD

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

Office Residential
Agricultural/Residential 4

CHAPTER 43 DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWER

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

§ 43-2 Definitions.

ILLICIT DISCHARGE

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 43-6 of this chapter.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards: the condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters: the condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy: the condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the

municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

§ 43-6 Discharge prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable local laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 43-11 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 43-13 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 47 DUMPS AND DUMPING

§ 47-16 Restrictions.

It is illegal to transport trash, refuse, debris and/or garbage along public highways in the Town of Greenfield except within an enclosed vehicle or under a securely fastened cover or secured in some other fashion or manner on all other vehicles.

CHAPTER 54 FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 54-5 Building permits.

A. No person, firm or corporation shall commence the erection, construction, alteration, enlargement, improvement, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the official inspection agency for each such building or structure, except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature, storage buildings, 192 square feet or less, and tent-style storage structures.

Local permits and approvals not required per PSL §130.

§ 54-11 Stop orders.

Whenever the inspector has reasonable grounds to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations or not in conformity with the provisions of an application or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent to suspend all work and suspend all building activities until the stop order has been rescinded. Such order and notice shall appear in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for the permission for construction of such building.

CHAPTER 57 FLOOD DAMAGE PREVENTION

§ 57-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Greenfield Community No. 360717 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 0284, 0287, 0288, 0289, 0292, 0294, 0303, 0304, 0308, 0311, 0312, 0313, 0404, 0406, 0407, 0408, 0409, 0428, 0429, 0433, whose effective date is August 16, 1995.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town of Greenfield Town Hall, Town Clerk's office, 7 Wilton Road, Greenfield Center, New York, 12833.

§ 57-11 Floodplain development permit.

A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance

Rate Map enumerated in § 57-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 57-14 General standards for construction.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 57-6.

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

- (1) Within Zones A1 - A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

- (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

- (b) The Town of Greenfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Greenfield for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping

and reimburse the Town of Greenfield for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 57-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

(b) The Town of Greenfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Greenfield for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Greenfield for all costs related to the final map revisions.

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

§ 57-15 Construction standards for all structures.

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1 - A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be

certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- (b) The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
- (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

- (1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air-conditioning equipment, hot-water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architects' certification of the design is required.
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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

§ 57-17 Construction of nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 57-14A, Subdivision proposals, and § 57-14B, Encroachments, and § 57-15, Construction standards for all structures:

A. Within Zones A1 - A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

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

(2) Be floodproofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

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

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 57-17A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

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

CHAPTER 67 LITTERING

§ 67-3 Prohibited acts.

A. No person shall deposit, throw, cast, lay or suffer or permit any other person to deposit, throw, cast or lay any waste, litter, rubbish, refuse, garbage, debris, discarded objects, materials and/or matter of any type on any street or public place in the Town.

B. No person shall abandon or discard or cause or suffer any other person to abandon or discard any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes, cartons, yard supplies, household appliances, automobiles or parts thereof, machinery or equipment, rubbish, refuse or garbage in any street or public place in the Town.

C. No person, being the owner, driver or manager of an automobile or other vehicle, and no owner of any receptacle shall deposit, scatter, blow, drop, spill or permit to be deposited, scattered, blown, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or materials, shavings, rubbish, litter, waste materials, automobiles or parts thereof, machinery, refuse or garbage therefrom upon any street or public place in the Town.

CHAPTER 85 STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

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

§ 85-3 Definitions.

LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

§ 85-6 Stormwater pollution prevention plans.

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

B. Contents of stormwater pollution prevention plans.

(1) Requirements for all land development activities.... All SWPPPs shall provide the following background information and erosion and sediment controls:

(a) Background information about the scope of the project, including location, type and size of project.

(b) Site map/construction drawing(s) for the project at a scale no smaller than one inch equals 100 feet and a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

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

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

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

(f) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project closeout;

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

- (i) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- (j) Temporary practices that will be converted to permanent control measures;
- (k) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- (l) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- (m) Name(s) of the receiving water(s);
- (n) Delineation of SWPPP implementation responsibilities for each part of the site;
- (o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- (p) Any existing data that describes the stormwater runoff at the site.

(2) Additional requirements for certain land development activities. Land development activities as defined in § 85-3 and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:

- (a) Condition A: stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
- (b) Condition B: stormwater runoff from land development activities disturbing five or more acres.
- (c) Condition C: stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

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

- (a) All information in Subsection B(1) above;
- (b) Description of each postconstruction stormwater management practice;
- (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;
- (d) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (e) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;
- (f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
- (g) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice.
- (h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
- (i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 85-8 of this chapter.
- (j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

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

D. Contractor certification.

(1) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

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

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

Local permits and approvals not required per PSL §130.

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

§ 85-7 Performance and design criteria.

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

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

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

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

B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Subsection A above and the SWPPP shall be prepared by a licensed professional.

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

CHAPTER 100 VEHICLES AND TRAFFIC.

§ 100-1 Vehicle weight limits.

Pursuant to Subdivision 11 of § 1660 of the Vehicle and Traffic Law, the Town Board of the Town of Greenfield hereby directs and orders that all Town roads will be temporarily closed to any and all vehicles having a gross weight of over four tons.

§ 100-2 When effective; duration.

Such temporary restrictions will become effective when notices are posted on the highways and public notice is given by the Town Clerk, and shall continue until such time as conditions will permit opening.

CHAPTER 105 ZONING.

§ 105-52 Application for permit.

A special permit application shall be filed with the official by the owner or owner's agent at least two weeks (14 days) prior to the Planning Board meeting at which it is to be introduced, on forms prescribed by the official.

Local permits and approvals not required per PSL §130.

§ 105-111 Earth Material Extraction Overlay District (EME).

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

A. Statement of purpose. The Town recognizes that natural sand, gravel, rock and mineral resources are necessary and beneficial to the economy of the Town and the welfare of its citizens. The purpose of the Earth Material Extraction Overlay District is to ensure that utilization and reclamation of these resources are done in a manner compatible with other land uses, in conformance with the Town's goal of maintaining the rural character and quality, and done in a way which minimizes potential hazards to the health, safety and general welfare of Town residents.

B. Applicability. The standards of the Earth Material Extraction Overlay District (EME) shall apply to all lands shown on the Official Earth Material Extraction Overlay District Zoning Map of the Town of Greenfield as being located within the Earth Material Extraction Overlay District.

C. Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the Earth Material Extraction Overlay District.

D. Accessory uses. Any accessory use permitted in the underlying zoning district shall be permitted in the Earth Material Extraction Overlay District.

E. Special uses. Any use permitted with a special use permit in the underlying zoning district shall be permitted in the Earth Material Extraction Overlay District. In addition, except when incidental to the construction of a building on the same lot, the excavation, processing or sale of earth, sand, gravel, clay or other natural mineral deposits or the quarrying of any kind of rock formation hereafter may be carried out only after the issuance of a special use permit....

§ 105-112 Floodplain Management, Wetland Resource Conservation Overlay District (FMWRC).

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

A. Statement of purpose.

(1) The purpose of the Floodplain Management, Wetland Resource Conservation Overlay District is to regulate land development within flood hazard zones, wetlands and the Kayderosseras Creek area basin. Population growth, attended by housing, roads and other construction, along with increased demands on the Town's natural resources, has been found to be encroaching on, despoiling or eliminating many of the Town's wetlands, water bodies, watercourses and other natural resources and processes associated therewith.

(2) The conservation, preservation and maintenance of these natural resources in any undisturbed and natural condition constitutes important physical, ecological, social, aesthetic, recreational and economic assets necessary to promote the health, safety and general welfare of present and future residents of the Town and of downstream drainage areas.

(3) It is the intent of this district to provide for the protection, preservation, proper maintenance and use of the Town's water bodies, watercourses and wetlands by preventing or minimizing erosion due to flooding and stormwater runoff, flooding of downstream lands, maintaining the natural groundwater supplies, and preserving and protecting the purity, utility, water-retention capability, ecological functions, recreational usefulness

and natural beauty of all water bodies, watercourses and wetlands and other related natural features of the terrain.

(4) Specifically, the following objectives pertain:

(a) To maintain, protect and enhance water quality and associated aquatic resources and water supply within the Kayderosseras Creek watershed.

(b) To minimize the threat to life and the destruction of property and natural resources from flooding and preserve and/or reestablish natural floodplain hydrologic function.

(c) To enhance the cultural, recreational and visual amenities of the Kayderosseras stream corridor.

(d) To maintain, protect and enhance water quality and associated resources and water supply within the confines of wetlands within the Town.

B. Applicability. In addition to the requirements of Chapter 57, Flood Damage Prevention, of the Code of the Town of Greenfield, New York, the following standards for the Floodplain Management, Wetland Resource Conservation Overlay District shall apply to any lands meeting any of the following criteria:

(1) All lands within the one-hundred-year flood zone as determined by the Federal Emergency Management Agency.

(2) The five-hundred-foot conservation buffer zone adjacent to the one-hundred-year flood zone or, where no one-hundred-year flood zone exists, measured from the center line of the stream.

(3) All lands designated as New York State Department of Environmental Conservation regulated wetlands.

(4) All lands designated as federally regulated wetlands by the United States Army Corps of Engineers.

C. Permitted, accessory and special uses. All uses allowed in the underlying zoning district, including permitted uses, accessory uses and special uses, shall be permitted only as a special use in the Floodplain Management, Wetland Resource Conservation Overlay District. Each use shall require a special use permit in compliance with Article VI of this chapter; Chapter 57, Flood Damage Prevention, of the Code of the Town of Greenfield, New York; and the additional standards of this section. Within the five-hundred-foot buffer overlay, a special use permit is not required for a minor exterior structural addition or alteration (defined as an enclosed porch, deck, stairway or other similar facility).

§ 105-113 Kayderosseras Ridge Overlay District (KROD).

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

A. Purpose. The purpose of the Kayderosseras Ridge Overlay District is to protect the aesthetic, scenic and ecological character and nature of the Kayderosseras Ridge within the Town. This overlay district provides standards for regulating development on the Kayderosseras Ridge, in order to minimize structural intrusions upon the visual landscape, to prevent erosion and the degradation of water quality, to preserve important ecological resources, and to maintain the rural character and scenic beauty of the Town.

B. Boundaries; site plan review required.

(1) The boundaries of the Kayderosseras Ridge are depicted on the Town of Greenfield Zoning Map. They extend from an elevation of 1,000 feet above mean sea level to the top of the ridge. For the purposes of these regulations, if any portion of any parcel of land is located within the KROD, the entire parcel shall be considered within the district.

(2) All activities in the KROD involving the construction of more than 1,200 square feet shall require site plan approval by the Planning Board in accordance with the procedures of Article IX of this chapter.

Local permits and approvals not required per PSL §130.

C. Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the Kayaderosseras Ridge Overlay District.

D. Minimum lot size. The minimum lot size for all uses in the KROD shall be eight acres per principal permitted use and/or dwelling unit.

E. Visibility. All structures proposed within the KROD shall be sited away from ridgelines. Wherever possible, structures shall be sited at lower elevations and close to existing roads and vegetation. In steeply sloped areas, structures shall be sited in a manner so as to minimize the amount of disturbance to slopes.

§ 105-114 Lake Desolation Overlay District (LDOD).

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

A. Purpose. The purpose of the Lake Desolation Overlay District (LDOD) is to protect the water quality of Lake Desolation from pollution associated with sanitary sewage disposal systems.

B. Boundaries. The boundaries of the LDOD are depicted on the Town of Greenfield Zoning Map.

C. Water supply. Any public or private supply of water for domestic purposes must meet or exceed the standards of the New York State Department of Health and the Town of Greenfield.

E. Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the Lake Desolation Overlay District.

§ 105-123 Signs.

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

B. General provisions.

(1) For the purpose of this section, a "sign" shall be defined as any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

(2) No person, firm or corporation shall hereafter erect, reerect, construct or structurally alter a sign or sign structure without first obtaining a permit issued by the Code Enforcement Officer.

(4) No permanent sign, other than an official traffic sign, shall be erected within the right-of-way of any public street or highway.

(5) The maximum sign area requirements as set forth in this section shall apply to a single side of a sign. On a two-sided sign, only one side shall be counted in computing the sign's area. A sign may not have more than two sides.

(6) The provisions of this section relating to signs shall apply in all zoning districts.

(7) Signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises.

(8) No sign shall be permitted which causes a traffic, health or safety hazard or creates a nuisance due to its placement, display or manner of construction. No sign shall be located so as to obstruct views of traffic.

(9) Nonconforming signs which existed prior to the adoption of this section may not be relocated or altered except in conformance with this section. Any change in the content of a nonconforming sign, including

names, words, logos or similar information, shall constitute an alteration requiring conformance with this section.

(11) The following types of signs shall be allowed in all districts and shall not be subject to permitting by the Town of Greenfield:

(a) Temporary signs.

[6] One sign, not exceeding six square feet in a residential district nor 16 square feet in a commercial district, listing the architect, engineer, contractor and/or owner on the premises where construction, renovation or repair is in progress.

C. Sign permits required. In addition to those signs expressly permitted under § 105-123(11), the following regulations shall govern the erection, alteration or relocation of signs within the Town. No sign listed below shall be erected, altered or relocated until a sign permit is obtained from the official duly designated by the Town Board (the “official”) to administer and enforce the provisions of this section.

Local permits and approvals not required per PSL §130.

§ 105-121 Parking, landscaping, loading, curb, sidewalk and buffer requirements.

(4) Description of buffer types.

(a) Buffer types are illustrated in Figure 27. Each buffer type contains certain minimum requirements, which are outlined in the table below. The buffer shall apply to both sides of the property line to which it is applied. Trees and shrubs are to be from the recommended lists in this section. An opaque fence or other screen may be substituted for trees or shrubs of the minimum specified height, at the discretion of the Planning Board.

	Buffer Types			
	Buffer Yard Type	Minimum Landscaped Yard (feet)	Number of Trees Required per 100 Linear Feet of Buffer	Minimum Height of Required Trees (feet)
	A	10	1	N/A
	B	20	3	6
	C	50	5	10

(b) Parking or storage of vehicles of any kind or objects associated with the use of the property is not permitted within the buffer yards. When not inhabited with natural woody plants (i.e., trees and shrubs) sufficient to visually screen adjoining uses or zones, such buffers shall be planted, regraded and/or fenced.

(c) Buffer yards are in addition to landscape requirements outlined in this section and may not be used as a substitution for any part of the required landscaping. Where the use and area tables of this chapter specify a fifty-foot buffer, the requirements of a Type C buffer shall apply.

§ 105-127 Contractor storage yard standards.

A. A contractor storage yard may only be permitted in connection with a principal permitted use, except in the IM Zone.

B. Vehicles stored at a contractor storage yard should be parked in the rear of the property or have a Type B buffer as defined in § 105-121.

C. Storage of building materials, supplies, parts, etc., must be indoors unless approved by special use permit.

D. No more than eight vehicles propelled by their own power (i.e., not including trailers) with a gross vehicle weight of 26,000 pounds or more may be stored at a large contractor storage yard.

E. No more than two vehicles propelled by their own power (i.e., not including trailers) with a gross vehicle weight of 26,000 pounds or more may be stored at a small contractor storage yard.

§ 105-135 Additional standards.

G. Public utilities. Major installations of public utilities shall be reviewed by the Planning Board where proposed in any residential district. The Planning Board shall have the power to require any reasonable change in the site plan in order to protect the residential nature of adjoining properties. Underground utilities, including telephone and electric facilities, are encouraged. Developers may be asked to provide justification if underground utilities are not provided in the site plan.

Local permits and approvals not required per PSL §130.

§ 105-138 Performance standards.

B. Prohibited nuisances. No use shall be established or operated in a manner so as to create hazards, vibration, glare, air, water, groundwater pollution, or other nuisance elements in excess of the limits established in this article.

C. Fire and explosion hazards. All activities involving the manufacturing, production, storage, transfer, or disposal of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. In addition, on-site fire suppression equipment and devices standard to the industry shall be installed. The burning of waste materials in an open fire is prohibited, other than the routine burning of residential yard waste by the homeowner or tenant.

D. Lighting and glare.

(1) Purpose. It is the intent of these regulations to minimize glare and to provide the minimum amount of lighting on commercial sites necessary to provide for safe use of the property.

(2) Application. These regulations shall apply to all commercial, industrial, multifamily, office and recreation uses in the Town of Greenfield.

(3) Standards. All exterior lights and illuminated signs shall be designed and located in such a manner as to prevent objectionable light and glare to spill across property lines. The following horizontal illumination levels shall be observed. For uses not listed here, the Planning Board may determine the appropriate horizontal illumination level referencing the values found in the reference titled the "IESNA Lighting Handbook" published by the Illuminating Engineering Society of North America. The Planning Board may vary these standards, making them more or less restrictive, where it finds it to be in the interests of this chapter and the Town to do so. In particular, the Town may vary the standards with reference to the brightness and use of the surrounding environment.

Use	Horizontal Illuminance (footcandles)
Commercial parking lot	2.5
Industrial parking lot	1.0
Office parking lot	1.0
Recreation parking lot	2.5
Multifamily parking lot	2.5
Churches/education lots	1.0

Use	Horizontal Illuminance (footcandles)
Building entrances	5.0
Building exteriors	1.0
Loading/unloading areas	20.0
Gas station approach/driveway	2.0
Gas station pump island	10.0
Gas station service areas	3.0
Seasonal stands	25.0
Automobile lots	20
Driveways and road approaches	2.0
Sidewalk and bikeways	1.0

(4) Fixtures. A lighting fixture shall be architecturally compatible with the primary building. Fixtures shall be shielded and have cutoffs to direct light directly to the ground. This must be accomplished so that light dispersion or glare does not shine above a horizontal plane of 90° from the base of the fixture. Cutoff fixtures must be installed in a horizontal position as designed. Flat lens cutoffs are required. Fixtures shall generally be of dark colors. Pole-mounted fixtures shall not exceed 20 feet in height. High-pressure sodium lights are preferred. Lexan lenses or similar low-glare material is preferred. All lighting shall maintain a uniform ratio of 4:1.

(5) Vision. Lighting shall not interfere with or impair pedestrian or motorist vision.

(6) Procedure. Any use subject to site plan review shall submit a lighting plan describing the lighting component specifications such as lamps, poles, reflectors and bulbs. The lighting plan shall show the illumination levels for the entire site and shall be at a scale consistent with the site plan. The Planning Board may require specific lighting plans to address portions of the site, such as parking lots or pedestrian walkways, for evaluation purposes.

Local permits and approvals not required per PSL §130.

E. Noise.

(1) Unnecessary, excessive, offensive and/or nuisance noises from all sources are prohibited.

(2) Construction shall be limited to the hours of 6:00 a.m. to 9:00 p.m.

F. Odor and air pollutants.

(1) No odors may be emitted which are easily detectable and offensive at the property line and which cause annoyance to a person of reasonable sensitivity.

(2) No emission of fly ash, dust, fumes, vapors, toxic gases or other forms of air pollution shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property which can cause any excessive soiling.

G. Radioactivity and electrical disturbance. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

H. Vibration. No vibration shall be permitted which is detectable without an instrument at the property line and which may cause annoyance to a person of reasonable sensitivity.

§ 105-142 Accessory structures.

A. Accessory structures less than 120 square feet in size shall be permitted in all zoning districts. Accessory structures less than 120 square feet in size do not need to comply with the side yard and/or rear yard setback standards of this chapter. Accessory structures greater than 120 square feet in size must comply with the setback requirements of this chapter. If the principal building or use to which the structure is accessory would require site plan review or a special use permit under this chapter, then the accessory use requires such review.

Local permits and approvals not required per PSL §130.

B. Tractor-trailer boxes and railroad transport boxes may not be used as accessory structures.

§ 105-144 Blasting.

Notice of blasting shall be supplied to the Town Clerk at least 24 hours in advance of the event.

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

§ 105-146 Water body setbacks.

No building or structure may be constructed within 50 feet of the mean high-water mark of any permanent, year-round flowing stream or water body within the Town of Greenfield.

105 Attachment 4: Table 1, Use Regulations

[Electric transmission/public utility uses are not specifically listed as permitted uses within any of the applicable zoning districts.]

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

Rural Residential 1
Suburban Residential 1
Transect Zone 5 Neighborhood Center
Transect Zone 4 Urban Neighborhood
Warehouse District
Urban Residential 2
Suburban Residential 2
General Industrial
Office/Medical Business District
Highway General Business District

CHAPTER 81 BLASTING

§ 81-1 Permit and license required; definition.

A. No person, firm, corporation or legal entity shall engage in the activity of blasting anywhere in the City of Saratoga Springs without first obtaining a blasting permit from the Building Inspector as provided in this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 118 BUILDING CODE ADMINISTRATION

§ 118-4 Building permits.

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

Local permits and approvals not required per PSL §130.

§ 118-6 Stop-work orders.

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

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code,

without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

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

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

CHAPTER 120 FLOOD DAMAGE PREVENTION

§ 120-4 Word usage; definitions.

FLOODWAY

Has the same meaning as "regulatory floodway."

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies....

§ 120-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the City of Saratoga Springs, Community No. 36072S, 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. 36191C0000 and Panel Nos. 0428, 0429, 0433, 0434, 0436, 0437, 0439, 0441, 0442, 0443, 0451, 0453, 0454, 0461 and 0465, whose effective date is August 16, 1995.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the office of the City Clerk.

§120-12 Development permit required; fees.

A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 120-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 120-15 General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 120-6.

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

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage.
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

(b) The City of Saratoga Springs 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 City of Saratoga Springs for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Saratoga Springs 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 § 120-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

(b) The City of Saratoga Springs 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 City of Saratoga Springs for all fees and costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Saratoga Springs for all costs related to the final map revisions.

§ 120-16 Standards for all structures.

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) Enclosed subgrade areas.

(a) For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH, and Zone A if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

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

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

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

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

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

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

CHAPTER 126 GARBAGE, RUBBISH AND REFUSE

§ 126-4 Transportation of refuse.

A. All refuse carried through the streets and highways of the City of Saratoga Springs must be in enclosed receptacles.

B. No person, firm, partnership or corporation shall use a vehicle for transporting refuse which permits such substance to drop therefrom or sift through upon a highway.

C. All vehicles used to transport refuse in the City of Saratoga Springs, New York, either commercial or private, if not completely enclosed, must be equipped with and make use of a covering that completely covers the material being transported to prevent such material from blowing, falling or dropping from said vehicle. A sturdy and well-fastened tarpaulin shall be acceptable as a covering.

CHAPTER 138 ILLICIT DISCHARGES TO STORM SEWER SYSTEM

§ 138-6 Discharge prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be

construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 138-10 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

§ 138-12 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 148 NOISE

§ 148-2 Unreasonable noises generally; unreasonable noise defined.

It shall be unlawful for any person to make any unreasonable noise within the boundaries of the City of Saratoga Springs. For purposes of this chapter, "unreasonable noise" shall mean any noise which is of such character that a reasonable person of normal sensitivities would not tolerate it under the circumstances, or is detrimental to the life or welfare of any individual, or causes a risk of public inconvenience or alarm.

§ 148-3 Standards for unreasonable noise.

The standards which may be considered in determining whether a violation of this chapter exists may include but not be limited to the following:

- A. The level or volume of the noise.
- B. The time of day or night the noise occurs.
- C. The duration of the noise.
- D. Whether the noise is recurrent, intermittent or constant.
- E. Whether the making of the noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons.
- F. Whether the noise is reasonably necessary for temporary building or construction operations.
- G. Whether reasonable methods are available for deadening or muffling the noise.
- H. The proximity of the noise to residential property or property customarily used by persons for sleeping.
- I. The proximity of the noise to hospitals or other types of care-giving facilities.
- J. The proximity of the noise to schools during school hours.

§ 148-4 Specific acts deemed unreasonable noise.

In addition to and not in limitation of the standards enumerated in § 148-3, the following acts are deemed to be in violation of this chapter and to constitute unreasonable noise:

A. The conducting of any building or construction operations between the hours of 10:00 p.m. and 7:00 a.m., except when necessary in an emergency to protect or preserve property or when necessary in the public interest.

B. In any residential zoning district, the use of any device or apparatus for the amplification of sound, between the hours of 11:00 p.m. and 7:00 a.m., either outdoors or inside a building or structure so as to allow the amplified sound from such apparatus to be clearly and distinctly heard outside such building or structure.

C. In any nonresidential zoning district, the amplification of sound from whatever source, acoustical, electric or other, between the hours of 12:00 midnight and 8:00 a.m., Monday through Friday, either outdoors or inside a building or structure so as to allow the sound to be clearly and distinctly heard outside such building or structure.

D. In any nonresidential zoning district, the amplification of sound from whatever source, acoustical, electric or other, between the hours of 1:00 a.m. and 8:00 a.m., Saturday and Sunday, either outdoors or inside a building or structure so as to allow the sound to be clearly and distinctly heard outside such building or structure.

E. In any nonresidential zoning district within 250 feet adjacent to and/or abutting a residential district, the residential rules and limitations will apply.

F. The operation of any motor vehicle or motorcycle within the T-6 Urban Core Transect Zone, as said zone is defined or may hereafter be defined in the Zoning Ordinance, in such a manner as to cause a sound level meter in good operating condition to register a decibel level of 90 dba or greater at a distance of 50 feet from said meter.

CHAPTER 180 PUBLIC RIGHT-OF-WAY USE PERMIT

§ 180-3 Permit required.

A. Every person, firm, corporation, or legal entity who wishes to place any equipment, material, or vehicles in a public right-of-way within the City at any

location within the City of Saratoga Springs shall be required to obtain a permit therefor from the Code Administrator.

Local permits and approvals not required per PSL §130.

CHAPTER 200A STORMWATER MANAGEMENT

§ 200A-4 Applicability.

C. All land development activities subject to review and approval by the applicable board of the City of Saratoga Springs under subdivision, site plan, and/or special permit regulations shall be reviewed....

D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP....

Local permits and approvals not required per PSL §130.

CHAPTER 203 STREETS AND SIDEWALKS

§ 203-12 Permit required.

No person other than an authorized employee shall dig in a right-of-way without the prior written permit, revocable at any time, of the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

§ 203-16 Fencing and lights required.

A. A person causing digging in a highway shall between sunset and sunrise keep the same fenced and guarded by a lighted red lantern or lanterns approved by the Commissioner of Public Works.

B. A person making or causing an excavation or having an excavation on his premises within five feet of the line of a highway shall keep the same protected by a fence approved by the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

§ 203-20 Prohibitions.

No person shall interfere with or obstruct or use in any way not authorized by law any highway, public park, building or reservoir, sewer, water carrier or watercourse.

§ 203-21.2 Prohibitions.

A. No person shall, by physical obstruction, interfere with any other person's use of any public way or public place.

B. No person shall, by physical obstruction, interfere with any other person's use of a doorway or other ingress to or egress from a public place. Failure to maintain a distance of at least six feet from the threshold of any such doorway, ingress or egress shall be deemed a violation of this subsection.

CHAPTER 216 TEMPORARY STRUCTURES

Article I General Provisions

It shall be unlawful for any person, firm, corporation or other legal entity to install/erect or cause to be installed/erected any temporary structure, tent, canopy, awning or other similar structure in the City of Saratoga Springs without first obtaining a permit where required by this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 217 STORAGE CONTAINERS

§ 217-3 License required; application.

A. Every person, firm, corporation, or legal entity who wishes to place a storage container at any location within the City of Saratoga Springs shall be required to obtain a license therefor from the Code Administrator in any of the following circumstances:

(1) When the container is manufactured and designed to be transported, serviced, and/or manipulated by motorized or mechanical apparatus, except when such container is designed exclusively for frequent curbside pickup as part of a residential use.

(2) When the container is placed in whole or in part on public property.

(3) When the container is placed on private property for more than three months. (Containers placed at locations for less than three months must be reported and registered with the Office of Code Administration.)

Local permits and approvals not required per PSL §130.

CHAPTER 220 TREES

§ 220-2 Permit required.

A. Except upon order of the Department of Public Works, it shall be unlawful for any person, firm or corporation or the officer or employee of a corporation without a written permit from the Department of Public Works to remove, destroy, cut, break, climb or injure any tree, plant or shrub or portion thereof that is planted or growing in or upon any public highway or public place within the City of Saratoga Springs or cause, authorize or procure any person to remove, destroy, cut, break, climb or injure any such tree or shrub or portion thereof or to injure, misuse or remove or cause, authorize or procure any person to injure, misuse or remove any device set for the protection of any tree, plant or shrub in or upon any public highway or public place.

Local permits and approvals not required per PSL §130.

§ 220-5 Planting permits.

A. It shall be unlawful for any person, firm or corporation to plant or set out any tree or cause or authorize or procure any person to plant or set out any tree in or upon any part of any public highway or public place without first obtaining from the Department of Public Works a written permit so to do and without complying in all respects with the conditions set forth in such written permit and with the provisions of this chapter.

Local permits and approvals not required per PSL §130.

§ 225-19 Transportation of explosives.

A. No person shall operate a motor vehicle or tractor-trailer combination within the limits of the City of Saratoga Springs while transporting Class A or Class B explosives as defined by 49 CFR 173.50C in a quantity in excess of 25 pounds unless a written plan of the route is approved by and filed with the Department of Public Safety, with approved copies forwarded to the Police Department and Fire Department and one copy carried on the vehicle, and the Police and Fire Departments will be notified by telephone prior to each trip.

Local permits and approvals not required per PSL §130.

§ 225-22 Vehicle restrictions.

A. Trucks in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule XIV (§ 225-79), except for the pickup and delivery of materials on such streets.

§ 225-23 Temporary street closings.

C. No person, corporation or other legal entity shall close any City street or part thereof without having first obtained a temporary street closing permit. Applications for such a permit shall be made writing to the Department of Public Works, and shall be reviewed and approved by the Department Public Works, the Department of Public Safety, and the Department of Accounts.

Local permits and approvals not required per PSL §130.

§ 225-24 General provisions.

D. Parking on crosswalks and in safety zones prohibited. No vehicle shall be parked on any crosswalk or within any safety zone.

E. Truck parking.

(1) No tractor, trailer, semitrailer or truck exceeding five tons registered gross weight or 35 feet in length shall be parked in front of any place of business except long enough to load or unload merchandise.

(2) No tractor, trailer, semitrailer or truck exceeding five tons registered gross weight or 35 feet in length shall be parked on the streets of any residential district, as defined by the Zoning Ordinance, except to pick up or deliver merchandise.

(3) No trailer, semitrailer, dumpster, refuse container or other like container which is transported by any truck or vehicle of any size shall be left on any street, road or public way without written permission from the Department of Public Safety. The Commissioner of Public Safety shall have the power to require such barricades, lighting and other safety measures as he deems necessary.

F. Tree belt/tree lawn. No vehicle shall be parked between the curblane and the lateral boundary line of the City right-of-way or sidewalk without written permission from the Commissioner of Public Works and a copy filed at the police station.

§ 225-79 Schedule XIV: Trucks Over Certain Weights Excluded.

In accordance with the provisions of § 225-22, trucks in excess of the weights indicated are hereby excluded from the following streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Weight Limit (tons)	Location
Buff Road	5	Between Church Street and Washington Street
Circular Street	5	Between Broadway and High Rock Avenue
Circular Street	5	Between Spring Street and Broadway
Congress Avenue	5	Between West Avenue and New Street
Congress Street	5	Between Franklin Street and Federal Street
Denton Road	5	Between Seward Street and Locust Grove Road
Empire Avenue	5	Between Congress Avenue and Joseph Street
Excelsior Springs Avenue	5	Between Lake Avenue and Excelsior Avenue
Gilbert Road	5	Between Lake Avenue and Union Avenue
Glenmore Avenue	5	Between West Circular Street and Grand Avenue
Grand Avenue	5	Between Franklin Street and City Line
Grand Avenue	5	Between West Avenue and Franklin Street
Joseph Street	5	Between West Circular Street and Empire Avenue
Kirby Road	5	Between Church Street and Washington Street
Lake Avenue	5	Broadway to Weibel Avenue
Lincoln Avenue	5	Between Broadway and Ballston Avenue
Lincoln Avenue	5	Between Broadway and Nelson Avenue
Locust Grove Road	5	Between Church Street and City line
Pine Road	5	Between Washington Street and Grand Avenue
Seward Street	5	Between Church Street and City line on Seward St
Slade Road	5	Between Washington Street and Grand Avenue
Spring Street	5	Between Circular Street and Broadway
Union Avenue	5	Between Henning Road and Circular Street
West Circular Street	5	Between Broadway and Glenmore Avenue

CHAPTER 240 ZONING ORDINANCE

ARTICLE II ESTABLISHMENT OF DISTRICTS

§ 240-1.5 Terms Defined.

UTILITY ESTABLISHMENTS: Establishments engaged in the generation, transmission and/or distribution of electricity, gas or steam, including water and irrigation systems and sanitary systems; substations carrying more than 34.5 kilovolts; administration offices for such use; maintenance facilities; accessory

buildings and outdoor storage. Also included are above ground electrical transmission lines carrying greater than 115 kilovolts. Telecommunication facilities and telecommunication towers are not utility establishments.

Table 1: Schedule of Uses

Rural Residential 1

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

Suburban Residential 1

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

Transect Zone 5 Neighborhood Center

[Utility Establishment a specially permitted use upon site plan review in this zoning district].

Local permits and approvals not required per PSL §130.

Transect Zone 4 Urban Neighborhood

[Utility Establishment a specially permitted use upon site plan review in this zoning district].

Local permits and approvals not required per PSL §130.

Warehouse District

[Public Utility Facilities a permitted use upon site plan review in this zoning district.]

Local permits and approvals not required per PSL §130.

Urban Residential 2

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

Suburban Residential 2

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

General Industrial

[Utility Establishment a permitted use upon site plan review in this zoning district].

Local permits and approvals not required per PSL §130.

Office/Medical Business District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

Highway General Business District

[Utility Establishment a permitted use upon site plan review in this zoning district].

Local permits and approvals not required per PSL §130.

§ 240-2.7 Transect Zones.

B. Development standards and guidelines applicable to all transect zones. Land use and development standards within the T-4, T-5, and T-6 Zones are summarized in Table 1 “Use Schedule”.

ARTICLE V SITE PLAN REVIEW APPROVAL

§ 240-5.2 Delegation to Planning Board.

C. The Planning Board shall conduct site plan review for the following types of actions:

(1) Transect Zones: Site plan review shall be required to construct, erect, build, improve, remodel, renovate, demolish, convert or change the use any building other than a single family residence in any Transect Zone.

(2) Nonresidential use: Site plan review shall be required to construct, erect, build, improve, remodel, renovate, demolish, convert or change the use of a building in any industrial, commercial or institutional district.

Local permits and approvals not required per PSL §130.

ARTICLE X SIGNS

§ 240-10.1 General Considerations.

A. All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. Signs within the Saratoga Historic District(s) shall comply with the Guidelines for the Preservation of the Saratoga Springs Historic District as prepared by the Design Review Commission. All signs shall be compatible within the context of its visual and physical environment. In making such determination, consideration shall be given but need not be limited to the following elements:

- (1) Size, bulk, and mass
- (2) Texture and materials
- (3) Colors
- (4) Lighting and illumination
- (5) Orientation and elevation
- (6) General and specific location
- (7) Proximity to streets, highways and mass transit routes
- (8) Design, including size and character of lettering, logos, and related contents
- (9) Background or field, including the skyline
- (10) Character of structural members
- (11) Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.

§ 240-10.2 General Sign Regulations.

A. Permits Required. No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 240-10.3 Specific Sign Regulations.

A. Exempt Signs (require no permits). The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this Article and other conditions specifically imposed by the regulations:

(15) One sign, not exceeding 10 square feet in all zoning districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or repair is in progress.

B. Prohibitions. The following types of signs are prohibited:

(1) No permanent or temporary sign shall be erected or placed within 150 feet of a signalized intersection or 50 feet of an unsignalized intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop," "Look," "Drive in," "Left," or any other words, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(2) No sign shall project into the public right-of-way, except as approved by the City's Department of Public Works after consultation with the Department of Public Safety.

(3) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or nondiffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or public nuisance. No sign shall in its construction employ any mirror or mirrorlike surface, nor any day glowing or other fluorescent paint or pigment.

C. Signs Permitted with Permit.

(3) Freestanding Sign.

(a) Only one free standing sign shall be permitted on any parcel. The size of freestanding signs shall be limited in size according to the posted speed limit of the road on which the sign has frontage,

or according to the district in which the sign is located, as follows.
District or Posted Speed Limit Height Size

District or Posted Speed Limit	Height	Size
T-5 & T-6 Zones in the Downtown area, T-5 Zone in the northern South Broadway area, T-5 Zone in the inner Excelsior Avenue area	12'	12 sq. ft.
All other districts 0-44 mph	12"	24 sq. ft.
All other districts 45 mph or greater	20'	40 sq. ft.

(b) A single freestanding sign may be used to identify more than one on-premises establishment.

Local permits and approvals not required per PSL §130.

§ 240-10.4 Constructions Standards.

A. General Provisions.

- (1) All signs shall comply with applicable regulations of the Building Code.
- (2) All electrical signs shall be constructed in accordance with the standards of the National Electric Code.
- (3) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 20 pounds per square foot of surface area.
- (4) All signs, including wall mounted signs, shall be securely anchored and shall not swing or move in any manner.
- (5) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring, and loose supports, braces, guys and anchors.
- (6) All freestanding or wall signs shall employ acceptable safety material.
- (7) All signs shall be painted/fabricated in a professional manner.

B. Specific Regulations to Sign Types.

(2) Free standing signs.

(a) No freestanding sign may be located less than 50 feet from any other freestanding sign.

(b) No freestanding sign shall be more than 40 square feet per side for a double-faced sign.

(c) No freestanding sign shall be more than 20 feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

(d) No freestanding sign shall extend over or into the public right-of-way or overhang the property lines.

(e) Freestanding signs under which a pedestrian walkway or driveway passes must have a 10 foot vertical clearance.

ARTICLE XII SUPPLEMENTAL REGULATIONS AND EXCEPTIONS

§ 240-12.20 Soil Disturbing Activities.

B. Prohibited Activities: No person (individual, corporation, partnership, association, trustee or other legal non-government entity) will engage in any soil disturbing activity which changes the natural topography, removes or disturbs the topsoil or removes more than 15% of the trees greater than 4 inches in diameter of 1½ or more acres, including a series of adjacent or contiguous parcels of land in a RR-1 (Rural Residential District-1) or ½ acre or more including a series of adjacent or contiguous parcels of land in any other zoning district within the City of Saratoga Springs, 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, without first submitting a Soil Erosion and Sediment Control Plan and being issued a Soil Disturbing Activity Permit.

Local permits and approvals not required per PSL §130.

§ 240-13.4 Building Permits.

A. No building or structure shall be constructed, erected, added to or structurally altered, and no building or other structure shall be moved, removed, added to or

demolished, in whole or in part, or altered until a permit in conformance with the N.Y.S. Uniform Fire Prevention and Building Code therefor has been issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF MILTON

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

Residential (R1)
Commercial Transition District (CT)

CHAPTER 85 FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 85-4 Building permits.

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

Local permits and approvals not required per PSL §130.

§ 85-6 Stop-work orders.

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

- (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
- (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or
- (3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

CHAPTER 88 FLOOD DAMAGE PREVENTION

§ 88-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Milton, Community No. 360722, 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 0404, 0408, 0409, 0412, 0414, 0416, 0417, 0418, 0428, 0436, 0437, 0438, 0439, 0530, 0531, 0532, 0551, whose effective date is August 16, 1995.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at: Town Hall, Town of Milton, 503 Geyser Road, Ballston Spa, New York 12020, Building Department.

§ 88-11 Purpose of floodplain development permit; fees.

A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 88-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 88-14 General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 88-6:

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

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage.
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

- (1) Within Zones A1 through A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) permitted unless:

- (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any location; or

- (b) The Town of Milton agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Milton for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Milton for all costs related to the final map revision.

- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 88-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during the occurrence of the base flood; or

(b) The Town of Milton agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Milton for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Milton for all costs related to the final map revisions.

§ 88-15 Standards for all structures.

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

A. Anchoring.

(1) New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) Enclosed areas.

(a) For enclosed areas below the lowest floor of a structure within Zones A1 through A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

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

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

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

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

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

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

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

§ 88-17 Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 88-14A, Subdivision proposals, and § 88-14B, Encroachments, and § 88-15, Standards for all structures.

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

A. Within Zones A1 through A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

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

(2) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

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

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

CHAPTER 143 SEWERS AND WATER

§ 143-3 Prohibited discharge.

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

drains and sump pumps shall not be connected to any sanitary sewer. The installation and operation of any garbage grinder rated at 3/4 horsepower or greater shall be subject to review and approval of the Town of Milton.

B. Waters or wastes containing certain contaminants hazardous or injurious to the sewers or the sewage treatment facilities are also excluded.

§ 143-34 Excavation specifications.

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

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

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

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

Maximum Trench Width 1 Foot Above Top of Pipe

Pipe Size (inches)	Trench Width (inches)
8 to 12	30
15 to 18	O.D. + 16
21 to 27	O.D. + 18

Maximum Trench Width 1 Foot Above Top of Pipe

Pipe Size (inches)	Trench Width (inches)
30 to 36	O.D. + 24

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

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

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

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

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

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

§ 143-35 Rock excavation; blasting.

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

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

B. Where blasting is necessary, it shall be done by men experienced in such work. All blasts shall be well covered and provisions made to protect pipes, conduits, sewers, structures, persons and property adjacent to the site of the work. Prior to blast, all persons in the vicinity, but no less than 300 feet, shall be given ample warning. Blasting will not be permitted between sunset and one hour after sunrise, except with special permission, nor within 25 feet of the completed work.

C. All handling and use of explosives shall be in accordance with Industrial Code Rule Nos. 23 and 30 of the New York Department of Labor, Board Standards and Appeals, and Article 16 of the New York State Labor Law.

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

CHAPTER 150 STORM SEWERS

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

§ 150-2 Definitions.

ILLICIT DISCHARGE

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 150-6 of this article.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the

TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

§ 150-6 Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1)The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 150-11 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

§ 150-13 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**CHAPTER 151 STORMWATER MANAGEMENT AND EROSION AND
SEDIMENT CONTROL**

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

§ 151-4 Applicability; administration.

C. All land development activities subject to review and approval by the Town Board of Milton, Town of Milton Planning Board, and/or Town of Milton Code

Enforcement Official under Town subdivision, site plan, erosion control and/or special permit regulations shall be reviewed....

D. All land development activities not subject to review as stated in Subsection C shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP....

CHAPTER 169 VEHICLES, PROHIBITION OF

§ 169-10 Prohibited acts; report of violations.

A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.

B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

CHAPTER 180 ZONING

§ 180-22 Wetlands, floodplains, steep slopes and streams.

A. In all districts, the buildable area and all minimum front, side and rear yard requirements must be satisfied by measurement wholly on unconstrained land.

Local permits and approvals not required per PSL §130.

B. Unconstrained land shall not include areas within a designated wetland, as delineated by the New York State Department of Environmental Conservation (including the required one-hundred-foot buffer) or the National Wetlands Inventory prepared by the United States Fish and Wildlife Service, or which lies under water or which is on slopes in excess of 15% or which is within the one-hundred-year floodplain or is included in the delineated Stream Corridor Overlay (SCO) District. In determining the locations of wetlands, the Planning Board may require that the wetlands be flagged during an on-site wetland delineation by a professional engineer, surveyor or a wetland biologist.

C. The provisions of Chapter 88, Flood Damage Prevention, are hereby incorporated by reference to be made a part of this section.

§ 180-24 General performance standards.

No use shall be permitted that does not conform to the following standards of use, occupancy and operation, in addition to all relevant provisions or other local, state and federal laws, rules or regulations.

A. Noise.

(1) No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category stated below when measured at or within the property boundary of the receiving land use:

Receiving Land Use Category	Sound Level Limit (dBa)
Residential zones (R1, R2, MU, H1 and H2)	55
Commercial zones (TC, CT, and A)	62

(2) For any source of sound which emits a pure tone, a discrete tone or an impulsive sound, the maximum sound limits set forth above shall be reduced by five dBa.

B. Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential or agricultural premises shall be disseminated beyond the boundaries or the lot where such use is located.

C. Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated. Special efforts shall be required, such as the planting of vegetation and the installation of light shields, to alleviate the impact of objectionable or offensive light and glare produced by exterior sources on neighboring residential properties or public thoroughfares.

D. Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, common or private sewage disposal system, stream or into the ground, except in strict conformance with the standards approved by the New York State Departments of Health and Environmental Conservation or other duly empowered agency.

E. Radioactivity or electromagnetic disturbance. No activities shall be permitted which emit dangerous radioactivity beyond the building in which such activity is located or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

F. Fire and explosion hazards. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices standard in the industry. All applicable requirements of the New York State Uniform Fire Prevention and Building Code, as well as the provisions of the National Fire Protection Association (NFPA) Code, shall be fully observed.

G. Maintenance of developed lots. All open portions of any developed lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free and erosion-resistant condition by suitable landscaping with trees, shrubs, grasses or other planted ground cover or by paving with asphalt, concrete, washed stone or other suitable material. Required yard areas shall be planned and maintained in such a manner as to provide an inoffensive setting which is consistent with the general use of the area.

H. Commercial vehicles.

(1) Vehicles exceeding 9,000 pounds loaded or unloaded shall not be kept in any residential district unless the vehicle is stored in a fully enclosed building which meets the other provisions of this chapter.

(2) Vehicles designed for the transport or storage of flammable materials, explosive materials or pesticides, including chemical fertilizers, shall not be kept on residential lots longer than necessary for the delivery or application of the commercial service.

I. All excavation undertaken for any reason must employ best management practices to prevent stormwater runoff.

§ 180-26 Signs.

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

A. General standards: No sign permitted, temporary or directional, shall be erected, relocated or maintained in any zoning district except in accordance with the provisions stated herein:

(1) At all times, sign(s) must be maintained in a proper state of repair in full compliance with New York State Uniform Fire Prevention and Building Code, Electrical Code and reasonable property maintenance standards. When any sign becomes insecure or is deemed unsafe by the Code Enforcement Official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this chapter, the owner thereof shall upon written notice forthwith and in any case not more than 10 days make such sign conform to the provisions of this

chapter, or shall remove it. If within 10 days the order is not complied with, the Code Enforcement Official may remove or cause such sign to be removed at the expense of the owner and/or user of the sign.

(2) No signs shall attempt or appear to regulate, warn or direct highway traffic or to imitate or resemble official traffic signs, signals or devices.

(3) No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

(4) No sign shall project over property lines or be located within public right-of-way. Signs projecting over walkways must be at a minimum clearance of 10 feet from grade. Signs, architectural projections or sign structures projecting over vehicular access areas must conform to clearance limitations imposed by the Town.

(5) Animated signs are permitted in CT, TC and A Zones only. Changeable signs are permitted in CT, TC and A Zones as well as for permitted on-residential uses located in R1, R2, H1, H2 and MU Zones.

(6) Any sign legally existing at the time of the passage of this chapter that does not conform in use location, height or size with the regulations shall be considered a nonconforming use any may continue in such status until such time as it is either abandoned or removed by its owner or agent....

(7) Temporary signs, unless otherwise regulated by specific provisions of this chapter, shall be subject to the following regulations:

(a) Except for those temporary signs whose time of display is specifically addressed elsewhere in this chapter, no temporary sign or banner shall be permitted to be displayed for a period on excess of 90 days in any one period of 365.

(b) Except for those temporary signs whose size is specifically addressed elsewhere in this chapter, the size of any temporary sign shall not exceed the size permitted for any permanent sign of like configuration or type in a given zone.

(c) Any temporary sign which is electrically energized or that contains any electrical device must conform to the same requirements that relate tot permanent electric signs under this chapter.

B. Exempt signs (requiring no permit):

(1) Historical markers, tablets, statues, memorial signs and plaques, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six square feet.

(2) Flags and insignia of any government.

(3) On-premises directional signs for the convenience of the general public, identifying parking areas, fire zones, entrances and exits and similar signs, not exceeding four square feet in face area and no more than six feet in height above finished grade. Wall-mounted directories of building tenants not to exceed six square feet.

(4) Nonilluminated warning, private drive, posted or no trespassing signs not exceeding two square feet per face.

(5) Address numbers: for structures in residential districts, a sign no to exceed 1 1/2 square feet in area mounted on the house or mailbox. For structures in a nonresidential district, a sign identifying only the street name and number not exceeding four square feet when placed on a building or 1 1/2 square feet when placed on a mailbox.

(6) The following temporary signs are permitted without application for and issuance of a permit:

(a) Construction signs, limited to one unlighted sign not to exceed 32 square feet in surface area and identifying the parties involved in the construction on the premises, but not including the advertisement of any product. Such signs shall be removed prior to the issuance of a certificate of occupancy.

(b) Event signs, not exceeding 32 square feet in surface area, displayed on private property and limited to one such event sign per premises. Event signs, including political signs, may announce a campaign, drive or event of a political, civic, philanthropic, educational or religious organization and are to be removed within five days after the event.

(c) Real estate signs, located on the premises for sale or lease, not exceeding four square feet per side in a residential zone or 10 square feet per side in any commercial zone. All such signs shall be removed immediately upon sale or lease of the property.

C. Permitted signs. Upon filing of an application and payment of the required sign permit fee, in accordance with a schedule established and reviewed annually by the Town Board, and the issuance or a sign permit by the Code Enforcement

Official the following signs shall be permitted in accordance with the identified standards related to number, size and location:

(1) For permitted home occupations in all districts, a single sign not exceeding four square feet in total surface area and identifying the occupation conducted on the premises. Unless attached to the principal structure, no such sign shall be located closer than 10 feet to the front property line nor closer than 20 feet to any other property line.

(2) For nonresidential uses within the R1, R2 and MU Districts, where the speed limit is less than 45 mph a single freestanding sign not exceeding 12 square feet in surface area per side is allowed per street frontage and shall not extend into the front right-of-way. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case a freestanding sign may be located at the second entrance. Where the speed limit is over 45 mph, a single freestanding sign not exceeding 20 square feet in surface area is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case a freestanding sign may be located at the second entrance. Freestanding signs shall not exceed 10 feet in height above finished grade and cannot be closer than 20 feet to any side property line and shall not extend into the front right-of-way. One wall sign not exceeding 10% of the area of the facade upon which it is placed up to a maximum of 20 square feet is also allowed per street frontage. Within a business complex (shopping center, strip mall or other) each tenant or owner is allowed a wall sign not exceeding 10% of the facade separately leased or owned, up to a maximum of 20 square feet.

(3) For nonresidential uses within the TC, CT and A Districts, where the speed limit is less than 45 mph, one freestanding sign, not exceeding 40 square feet is allowed per street frontage and shall not extend into the front right-of-way. A second freestanding sign is allowed when a parcel has two street frontages and second entrance, in which case a freestanding sign may be located at the second entrance. In locations where the speed limit is 45 mph or greater, one freestanding sign not exceeding 75 square feet is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case freestanding signs may be located at the second entrance. Freestanding signs shall not exceed 20 feet in height above finished grade and cannot be closer than 20 feet to any side property line and shall not extend into the front right-of-way. One wall sign not exceeding 15% of the area of the facade upon which it is placed or a maximum of 150 square feet shall be allowed per street frontage. Within a business complex (shopping center, strip mall or other) each tenant or owner is allowed a wall sign not exceeding 15% of the facade separately leased or owned, up to a maximum of 150 square feet.

(4) For nonresidential uses within H1 and H2 Districts, where the speed limit is less than 45 mph, one freestanding sign, not exceeding 20 square feet, is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case a freestanding sign may be located at the second entrance. In locations where the speed limit is 45 mph or greater, one freestanding sign not exceeding 32 square feet is allowed per street frontage. A second freestanding sign is allowed when a parcel has two street frontages and a second entrance, in which case a freestanding sign may be located at the second entrance. Freestanding signs shall not exceed 15 feet in height from finished grade and be no closer than 20 feet to any side property line and shall not extend into the front right-of-way. One wall sign not exceeding 15% of the FACADE on which it is placed or a maximum of 100 square feet shall be allowed per street frontage. Within a business complex (shopping center, strip mall or other) each tenant or owner is allowed a wall sign not exceeding 15% of the facade up to a maximum of 100 square feet.

(5) Canopy signs and awning signs are considered as part of the square footage limitations for wall signs in a given zone. A business may have both a wall sign and an awning/canopy sign but the total sign area may not exceed the allowable size for the wall. Text on awnings or canopies shall be limited to legal name and/or primary service or product.

(6) Off-premises signs. Businesses and public destinations relating to, but isolated from primary routes of travel shall be permitted a maximum of two directional signs as a special permit use, subject to the provisions of Article VII of this chapter, the issuance of a sign permit and the following additional requirements. Specifications for these "trailblazer" wayfinding signs are designed to conform to the NYS Department of Transportation standards of signs used on NYS highways for the same purpose and are available from the Building Department. Installation of these signs in the public right-of-way requires approval from the governing state, county or Town highway official.

(a) In locations with more than one approved "trailblazer" directional sign, all such signs shall be affixed to a common standard so as to present a neat and orderly appearance.

(b) No other off-premises signs are permitted.

D. Temporary signs. Signs which advertise or display short-term message (i.e., GRAND OPENING, UNDER NEW MANAGEMENT, HOLIDAY SALE) are permitted to be displayed for a period of up to 12 consecutive calendar days with the following provisions:

(1) All regulations as listed in the general standards section shall also apply to temporary signs. No temporary sign shall be larger than the dimension allowed for a permanent sign of the same type, in a given zone.

(2) The following temporary signs are prohibited:

(a) A-frame style or sandwich boards signs.

(b) Signs mounted on trailers or other portable devices.

(3) Types of temporary signs allowed:

(a) Temporary wall signs.

(b) Temporary freestanding signs.

§ 180-28 Excavation as part of site preparation.

[N]othing contained herein shall prohibit the excavation of sand, gravel, shale, topsoil or similar material from a lot preparatory to construction of a building for which a building permit has been issued or to move such material from one part of a premises to another part of the same premises when such excavation or removal is clearly incidental to the approved building construction and/or site development and necessary for improving the property for a use permitted in the zoning district in which the property is located. No such material may, however, be sold for export from the site. Provision shall be made to restore an effective cover crop to any area of land from which topsoil has been removed or covered within the first growing season following the start of such operation.

§ 180-36 Required screening for nonresidential uses.

Any enclosed or unenclosed commercial or light industrial use permitted by this chapter shall be provided with a fence, screen and/or landscaping sufficient to obscure objectionable aspects of such use from view from adjoining properties or public rights-of-way.

A. Any use which is not conducted within a completely enclosed building, including but not limited to storage yards, contractors' yards and parking lots, and which use abuts, is adjacent to or located within a residential zoning district or fronts a public right-of-way shall be obscured from view from such residential zoning districts and public rights-of-way in an effective manner.

B. Adequate plans for the installation of required fences, screens and landscaping shall be reviewed by the Town Planning Board in accordance with the provisions of Articles VII and VIII of this chapter, with it specifically provided that the retention and enhancement of existing vegetation, the introduction of substantial

new vegetation and the introduction of earthen berming shall be considered the preferred means to satisfy these screening requirements.

C. Any required fences, screens and landscaping installed in accordance with this chapter shall be maintained in good order to achieve the objectives stated herein. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a chargeable violation of this chapter.

§ 180-39.5 Stormwater control.

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

B. Stormwater pollution prevention plans.

(1) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed or approved until the appropriate board or designated officer in the Town has received a satisfactory, complete, and acceptable stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

(2) Contents of stormwater pollution prevention plans.

(a) All SWPPPs shall provide the following background information and erosion and sediment controls:

[1] Background information about the scope of the project, including location, type and size of project.

[2] Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharge(s).

[3] Description of the soil(s) present at the site.

[4] Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in

soil disturbance. Consistent with the New York standards and specifications for erosion and sediment control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

[5] Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff.

[6] Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.

[7] Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project closeout.

[8] A site map/construction drawing(s) specifying location(s), size(s), and length(s) of each erosion and sediment control practice.

[9] Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.

[10] Temporary practices that will be converted to permanent control measures.

[11] Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.

[12] Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.

[13] Name(s) of the receiving water(s).

[14] Delineation of SWPPP implementation responsibilities for each part of the site.

[15] Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.

[16] Any existing data that describes the stormwater runoff at the site.

(b) Land development activities as defined in Subsection A of this and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection B(2)(c) below as applicable.

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

[2] Condition B: Stormwater runoff from land development activities disturbing five or more acres.

[3] Condition C: Stormwater runoff from land development activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

(c) SWPP requirements for Condition A, B and C:

[1] All information in Subsection B(2)(a) of this section;

[2] Description of each post-construction stormwater management practice;

[3] Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;

[4] Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

[5] Comparison of post-development stormwater runoff conditions with pre-development conditions;

[6] Dimensions, material specifications and installation details for each post-construction stormwater management practice;

[7] Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;

[8] Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;

[9] Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Subsection D of this section.

(3) Plan certification. The SWPP shall be prepared by a landscape architect or professional engineer, acceptable to the Town, and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements of this chapter.

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

(5) Contractor certification.

Local permits and approvals not required per PSL §130.

(a) Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is

unlawful for any person to cause or contribute to a violation of water quality standards."

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

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

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

C. Performance and design criteria for stormwater management and erosion and sediment control. All land development activities shall be subject to the following performance and design criteria:

(1) Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents....

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

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

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

ARTICLE VII SPECIAL PERMIT USES

§ 180-40 Approval by Planning Board.

All special permit uses cited in the District Schedule of Use Regulations, § 180-87 in Article IV of this chapter, shall be subject to review and approval by the Planning Board in accordance with the standards and procedures included herein. In all cases where this chapter requires such special use permit authorization by the Planning Board, no building permit or certificate of occupancy shall be issued

by the Zoning Enforcement Officer except upon authorization of and in full conformity with plans approved by the Planning Board.

Local permits and approvals not required per PSL §130.

§ 180-87 District Schedule of Use Regulations.

Residential (R-1)

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

Commercial Transition District

[Public utility use is specifically listed as a specially permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF BALLSTON

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

Rural
Industrial
Mixed Use Centers
Ballston Lake Waterfront

CHAPTER 62 FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 62-2 Building permits.

No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, except a nonresidential farm building, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes, nor install heating equipment without having applied and obtained a permit from the Building Inspector. However, no permit shall be required for the performance of necessary repairs which are not of a structural nature and which are done in conformance with the Uniform Code. A nonresidential farm building only includes buildings and property which meet the requirements for an agriculture assessment and the eligibility requirements as defined in the Assessor's Manual Section 305: "In any case where a building permit or use requires site plan review, the Building Inspector shall refer the site plan to the Planning Board for review before issuing a building permit. Site plan review shall be required before the issuance of a building permit for any building proposed to be placed on any new or existing commercial site."

Local permits and approvals not required per PSL §130.

CHAPTER 68 FLOOD DAMAGE PREVENTION

§ 68-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Ballston, Community Number 360711, 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 0439,

0531, 0532, 0533, 0534, 0541, 0544, 0551, 0552, 0553, 0554, 0561, 0562,
whose effective date is August 16, 1995.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town Offices, Charlton Road, Ballston Spa, New York.

§ 68-11 Purpose of floodplain development permit; fees.

A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 68-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 68-14 General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 68-6:

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

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage.
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

(b) The Town of Ballston agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Ballston for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Ballston for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 68-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during the occurrence of the base flood; or

(b) The Town of Ballston agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Ballston for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Ballston for all costs related to the final map revisions.

§ 68-15 Standards for all structures.

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

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH and also Zone A, if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

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

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

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

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

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

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

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

storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

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

§ 68-17 Nonresidential structures.

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

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in § 68-14A, Subdivision proposals, and § 68-14B, Encroachments, and § 68-15, Standards for all structures.

A. Within Zones A1-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

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

(2) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

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

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the

provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

CHAPTER 80 MACHINERY AND EQUIPMENT

§ 80-3 Idling and unattended large machinery or equipment.

A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than two hours or to remain idling and unattended for more than 1/2 hour.

B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to a law enforcement officer.

CHAPTER 91 STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

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

§ 91-8 Stormwater pollution prevention plan.

A. The SWPPP shall be prepared in full conformance with the latest version of the New York State Department of Environmental Conservation Stormwater Management Design Manual, the New York Standards and Specifications for Erosion and Sediment Control and GP-0-08-001.

B. The SWPPP shall be prepared by a qualified professional as defined in GP-0-08-001 and must be signed by the qualified professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

C. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before

undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

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

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

Local permits and approvals not required per PSL §130.

D. The following components shall be included in stormwater pollution prevention plans regardless of project size:

(1) Background information about the scope of the project, including location, type and size of the project;

(2) Site map and construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

(3) The site map should be at a scale no smaller than one inch equals 100 feet (e.g., one inch equals 500 feet is smaller than one inch equals 100 feet);

(4) An erosion and sediment control plan stamped by a qualified professional as defined in GP-0-08-001;

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

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

(7) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with SPDES Permit GP-0-08-001, not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP by the Town of Ballston;

- (8) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- (9) Description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- (10) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
- (11) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- (12) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
- (13) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- (14) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- (15) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and any existing data that describes the stormwater runoff at the site.

E. The following components shall also be included in stormwater pollution prevention plans that include postconstruction stormwater management practices [Note: Many of the components listed below are also required to be included in the stormwater management report.]:

- (1) Description of the inspections to be performed by a qualified inspector in accordance with GP-0-08-001;
- (2) Description of each postconstruction stormwater management practice;
- (3) Temporary practices that will be converted to permanent control measures;
- (4) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction stormwater management practice;
- (5) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;

- (6) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions for the applicable design storms;
- (7) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;
- (8) Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
- (9) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be described with a legal description on the plan and the easement must be filed in the County Clerk's office and shall remain in effect with transfer of title to the property;
- (10) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article II, § 91-4, of this chapter.

F. Design requirements. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the New York Standards for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction the Stormwater Management Officer.

G. Erosion and sediment control.

- (1) Clearing and grading shall be performed with the erosion and sediment control techniques set forth in the most recent version of the New York Standards and Specifications for Erosion and Sediment Control to prevent sedimentation of downstream features and properties:

J. Maintenance easements and/or district dedications.

- (1) Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer shall execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater maintenance facility. The easement shall provide for access to the facility at reasonable times for periodic inspections by the Town of Ballston to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The maintenance easement agreement and easement shall be recorded by the applicant at the applicant's expense at the Saratoga County Clerk's office after review and approval by the Attorney for the Town of Ballston. Said agreements and easements shall be created at the applicant's expense. A title insurance policy sufficient to cover the interest of the Town in the easement shall also be procured for the benefit of the Town of Ballston at the applicant's

expense and insure the Town. All required releases of liens will be taken care of by the applicant.

(2) If a maintenance district is to be created, then title to the land to be dedicated to the district must be clear and marketable before dedication and all expenses of dedication will be paid by the applicant. If the facility is landlocked, then a corridor from a street will be dedicated unless impractical based upon the location, in which case an easement will be created and conveyed to the district.

K. Inspections.

(1) The Stormwater Management Officer or designated agent shall make periodic inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the SWPPP as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Stormwater Management Officer shall be maintained at the site during the progress of the work.

Local permits and approvals not required per PSL §130.

§ 91-10 Stop-work orders.

The Stormwater Management Officer may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to immediately cease all land development activities, except those activities that address the violations leading up to the stop-work order. The stop-work order shall be in effect until the Town of Ballston confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this chapter.

CHAPTER 92 STORM SEWERS: ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS

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

§ 92-2 Definitions.

ILLICIT DISCHARGE

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 92-6 of this chapter.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy. The condition in the municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

§ 92-6 Discharge and connection prohibitions; exemptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater, except as provided in §92-6A. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: waterline flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated

pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 92-10 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 92-12 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice

addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 96: SOLID WASTE

§ 96-7 Prohibited acts.

A. No person shall deposit, throw, cast, lay or suffer or permit any person to deposit, throw, cast or lay any waste, litter, rubbish, refuse, garbage, debris, discarded objects, materials and/or matter of any type on any street or public place in the town.

B. No person shall abandon or discard or cause or suffer any other person to abandon or discard any article or thing, including but not limited to shopping carts or shopping wagons, baskets, crates, boxes, cartons, yard supplies, household appliances, automobiles or parts thereof, machinery or equipment, rubbish, refuse or garbage, in any street, avenue, highway or public place in the town.

C. No person, being the owner, driver or manager of any automobile or other vehicle, and no owner of any receptacle, shall deposit, scatter, blow, drop, spill or permit to be deposited, scattered, blown, dropped or spilled any dirt, gravel, sand, clay, loam, stone or building rubbish or material, shavings, rubbish, litter, waste materials, household appliances, automobiles or parts thereof, machinery, refuse or garbage therefrom upon any street, avenue, highway or public place in the town.

CHAPTER 125 VEHICLES AND TRAFFIC

§ 125-7 Weight limits established.

A. Trucks, commercial vehicles, tractors, tractor-trailer combinations having a gross vehicle weight in excess of 10,000 pounds are excluded from traveling on Mourningkill Drive in the Town of Ballston, Saratoga County, and State of New York.

B. The Town of Ballston establishes a ten-ton weight limit on Ballston Avenue.

CHAPTER 138 ZONING

§ 138-14 Environmental regulations.

The following restrictions shall also be subject to applicable New York State and/or federal regulations that apply to industrial districts. No facility will be allowed that shall:

A. Cause the emission of excessive smoke, fumes, gas, dust or other atmospheric pollutant beyond the boundaries of the user's lot; and, for the purpose of this subsection, smoke shall be deemed excessive when its shade or appearance is darker than Number 2 on Ringelmann's scale for grading density of smoke.

B. Cause noise audible beyond the boundaries of the user's lot.

C. Discharge any waste material into any sanitary disposal system or sewage system, except as permitted by the public health authorities of the municipality controlling such sewerage system and as permitted by the Town of Ballston with respect to any town-owned or -operated sewerage system.

D. Store or stock any waste material on the premises of the user, other than that used in day-to-day operations.

E. Cause any adverse effect on town water sources, including groundwater supplies and Ballston Lake.

F. Protection of water sources and water quality shall be given the highest priority by the Zoning Board of Appeals or Planning Board in considering the regulations of this article and any site plan review.

G. Create an adverse effect on the environment, as defined by New York State Environmental Quality Review Act Editor's Note: See Article 8 of the Environmental Conservation Law. and its supplemental regulations. Specific attention shall be given by the Zoning Board of Appeals and Planning Board to wetland areas located in the boundaries of the industrial district, and all New York State regulations regarding the protection of such wetland areas shall be strictly complied with by all industrial district owners or developers.

§ 138-15 Facility and site requirements.

A. All users shall attractively landscape the unoccupied or unused portions of the premises with lawn, trees, shrubs or other plant material with due consideration to the natural growth and the nature and condition of the terrain.

B. There shall be a minimum lot size of 40,000 square feet or six times the total square footage (outside dimensions) of the building or buildings on the site, whichever is greater.

H. Access to the Industrial Zone shall be by Route 50, Route 67 and Underpass Road only.

§ 138-17 Construction standards.

All construction within the Industrial Zone shall conform to the applicable standards of the New York State Uniform Fire Prevention and Building Code. All building plans and site plans for construction within the Industrial Zone shall be approved by a New York State licensed design professional, as such professional is defined by § 7208 of the New York State Education Law.

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

§ 138-18 Permit requirements and administration.

A. Construction shall begin within one year from final approval and issuance of all required permits. The developer or his or her successors and assigns shall be solely and exclusively responsible for obtaining any permits required to commence development of the land as authorized by this chapter.

B. Nothing in this chapter shall be construed to satisfy the obligations of any person to obtain any governmental approval or permit from any governmental agency other than the Town of Ballston for activities proposed with the Industrial Zone.

Local permits and approvals not required per PSL §130.

§ 138-19 Developer to provide roads and utilities.

The access roads and all water, sewage and stormwater control facilities shall be installed at no cost or expense to the town. Roads to be dedicated to the Town of Ballston will be built in accordance with town highway specifications.

§ 138-20 Use and change of use.

Any use of any of the land or buildings in the district shall be approved by the Planning Board of the Town of Ballston or its agent. Any change in use must comply with the regulations established by this article. "Change in use" shall include any use of the land or buildings for any purpose other than that for which approval has previously been given.

Local permits and approvals not required per PSL §130.

§ 138-27.4 Applicability.

A. The Watershed Protection Overlay District is superimposed over the basic zoning districts as set forth on the Zoning Map of the Town of Ballston, which is on file in the office of the Town Clerk. Editor's Note: The official version of the Zoning Map is on file in the office of the Town Clerk or is available through eCode360. A copy of the map may be included in a pocket at the end of this volume. Proposed land uses in the Ballston Lake Overlay District are subject to the requirements set forth in this section, in addition to those requirements and standards ordinarily applicable to the underlying districts. In case of conflict, the more restrictive regulation requirements shall apply.

Local permits and approvals not required per PSL §130.

C. Illicit discharges into, and illicit connections into, the municipal separate storm sewer system ("MS4") shall be governed by Chapter 92 of the Ballston Town Code. This portion of the Code, and any amendments to it, are intended to apply to the Watershed Protection Overlay District and the MS4.

§ 138-27.7 Review and approval.

A. For any application for development within the Watershed Protection Overlay District that requires site plan approval or subdivision approval by the Town of Ballston Planning Board, in the underlying zoning district, the applicant shall include the following information, in addition to the site plan or subdivision approval requirements of the underlying district. The applicant shall review Chapter 91, Stormwater Management and Erosion and Sediment Control, for specific design requirements within the Watershed Protection Overlay District.

Local permits and approvals not required per PSL §130.

§ 138-27.9 Industrial uses.

Industrial uses shall be permitted in the Watershed Protection Overlay District in conformance with the underlying zoning district. All industrial uses within the Ballston Lake Overlay District shall provide supporting documentation to the Town of Ballston Stormwater Management Officer that the use conforms to the requirements of the New York State Department of Environmental Conservation (NYSDEC) under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, Permit No. GP-0-06-002, and any subsequent revisions.

§ 138-42 Vibration.

No vibration shall be discernible at the lot lines or beyond.

§ 138-43 Smoke.

No emission of visible gray smoke of a shade equal to or darker than Number 2 on the Ringelmann Chart, measured at the point of emission, shall be permitted.

§ 138-44 Odors.

No offensive odor shall be noticeable at the lot line or beyond.

§ 138-45 Fly ash; dust.

No emission which can cause any damage to health, animals or vegetables or other forms of property or any excessive soiling shall be permitted.

§ 138-46 Glare.

No direct or sky-reflected glare shall be visible at the lot line or beyond.

§ 138-47 Liquid or solid wastes.

No discharge into any present or future disposal system, public or private, or streams, or into the ground, of any materials of such nature or temperature as to contaminate groundwater supply or any natural body of water shall be permitted.

§ 138-49 Noise.

No continuous hum, intermittent noise or noise with any noticeable shrillness of a volume of more than 50 decibels, measured at lot lines, shall be permitted.

§ 138-50 Fire and explosion hazard.

No process or storage of materials in such manner as to create undue hazard by reason of fire explosion shall be permitted.

§ 138-52 Electrical interference.

Electrical operations shall not create disturbances to radio and television reception in the vicinity.

§ 138-54 Visibility at intersections.

A. On any corner lot, no obstruction higher than 2 1/2 feet above the center line of the street elevation shall be permitted to be planted, placed, erected, or maintained within the triangular area formed by the intersecting pavement lines, or their projections, where corners are rounded, and a straight line joining the pavement lines at points 50 feet distant from their point of intersection.

B. The minimum clear vision zone distance shall be 25 feet from the edge of the pavement at an intersection.

§ 138-55 Distracting lights.

No artificial lights or reflecting device shall be located or displayed where such lights or devices interfere with or compete for attention with traffic signals or divert the attention of operators of motor vehicles or otherwise create traffic hazards.

§ 138-115 Outdoor storage containers.

The use of outdoor storage containers, other than a shed or outbuilding or refuse receptacle, shall be prohibited for a period of greater than four weeks if such storage container can be seen from neighboring properties or frontage roads except where such containers are present during ongoing construction activities under a valid building permit.

Local permits and approvals not required per PSL §130.

§ 138:A53 Table of Uses, Area, Frontage and Setback Requirements, Rural District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

§ 138:A55 Table of Uses, Area, Frontage and Setback Requirements, Industrial District

[Energy Systems use is specifically listed as a special permitted use within this zoning district.]

Local permits and approvals not required per PSL §130.

§ 138:A54.1 Table of Uses, Area, Frontage and Setback Requirements, Ballston Lake Waterfront District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

§ 138:A51 Table of Uses, Area, Frontage and Setback Requirements, Mixed Use
Center North District

[Electric transmission/public utility uses are not specifically listed as permitted
uses within this zoning district.]

CODE OF THE
TOWN OF CLIFTON PARK

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

Hamlet Mixed Use (~300 ft)
Agricultural Residential (~5,000 ft)
Conservation Residential (~6,000 ft)

CHAPTER 73 BUILDING AND CONSTRUCTION AND FIRE PREVENTION

§ 73-14 Transportation of hazardous materials or explosives.

Transporting of explosives, blasting agents, hazardous chemicals or other materials and other dangerous articles must comply with Title 49 of the Code of Federal Regulations and § 380 of the New York State Vehicle and Traffic Law. Editor's Note: Section 380 of the Vehicle and Traffic Law was repealed by L. 1987, c. 186. For current provisions, see § 14-f of the Transportation Law.

§ 73-20 Permits.

A. A permit shall constitute permission to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

Local permits and approvals not required per PSL §130.

E. Permits are required for the following:

(4) To erect a tent, canopy or membrane structure per Chapter 24 of the Fire Code of New York State.

(5) The storage of explosives, ammunition and blasting agents per Chapter 33 of the Fire Code of New York State.

Local permits and approvals not required per PSL §130.

CHAPTER 86 CONSTRUCTION AND DESIGN STANDARDS

§ 86-7 Storm drainage.

B. Stormwater management and erosion and sediment control.

(4) Applicability.

(a) Subsections B, C and D shall be applicable to all land development activities as defined in Subsection C(1).

(b) The Town of Clifton Park shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:

[1] Review the plans;

[2] Upon approval by the Town Board/Planning Board of the Town of Clifton Park, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or

[3] Accept the certification of a licensed professional that the plan conform to the requirements of Subsections B, C and D.

Local permits and approvals not required per PSL §130.

(c) All land development activities subject to review and approval by the Town Board/Planning Board of the Town of Clifton Park under regulations shall be reviewed subject to the standards contained in Subsections B, C and D.

Local permits and approvals not required per PSL §130.

(d) All land development activities not subject to review as stated in Subsection C(4)(c) shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of Subsections B, C and D.

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

C. Stormwater control.

(1) Definitions. The terms used in Subsections B, C and D or in documents prepared or reviewed under Subsections B, C and D shall have the meaning as set forth in this subsection.

LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

(2) Stormwater pollution prevention plans.

(a) Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in Subsections B, C and D.

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

(d) Contractor certification.

[1] Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

Local permits and approvals not required per PSL §130.

(e) Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of

Clifton Park the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection D(1)(c).

Local permits and approvals not required per PSL §130.

(2) Performance guarantee.

(a) Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of Clifton Park in its approval of the stormwater pollution prevention plan, the Town of Clifton Park may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Clifton Park as the beneficiary. The security shall be in an amount to be determined by the Town of Clifton Park based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Clifton Park, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Clifton Park. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

Local permits and approvals not required per PSL §130.

(b) Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Clifton Park with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Clifton Park may draw

upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

(4) Maintenance, inspection and repair of stormwater facilities.

(c) Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with Subsections B, C and D shall ensure they are operated and maintained to achieve the goals of Subsections B, C and D. Proper operation and maintenance also includes, as a minimum, the following:

[1] A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of Subsections B, C and D;

[2] Written procedures for operation and maintenance and training new maintenance personnel; and

[3] Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations ...

D. Administration and enforcement.

(1) Construction inspection.

(a) Erosion and sediment control inspection.

[1] The Town of Clifton Park Stormwater Management Officer may require such inspections as necessary to determine compliance with Subsections B, C and D and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of Subsections B, C and D and the stormwater pollution prevention plan (SWPPP) as approved.

Local permits and approvals not required per PSL §130.

§ 86-10 Trees.

A. Intent.

(2) If the ground level of the property is altered causing additional filling, tree wells or other landscaping techniques shall be employed to ensure the protection of the trees.

(3) The applicant shall be required to plant two new trees per living unit on the street side of new construction sites. This may be waived if the site is wooded.

Local permits and approvals not required per PSL §130.

§ 86-12 General construction practices.

A. General. These construction standards shall govern all construction indicated in final submission of subdivisions and site plans with the town, both on private land and on public land. Construction not covered by these standards shall be in accordance with recognized good practice such as that contained in the State of New York's Department of Transportation Specifications or recommendations of manufacturers' associations. All such methods not covered by these standards require approval of the town before construction begins.

Local permits and approvals not required per PSL §130.

§ 86-14 Storm drainage system.

General.

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

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

B. All catch basin frames shall be set or adjusted to be level with road grades. All grates shall be bicycle safe. All pipe ends daylighted to grade shall have end sections with riprap aprons.

C. Appropriate erosion control methods shall be utilized to avoid siltation of the storm system prior to establishment of lawns.

E. Temporary erosion and sediment control measures shall be constructed prior to beginning any other land disturbances.

F. Except as noted below, stabilization measures shall be initiated as soon as practicable in portions of the site where soil disturbance activities have temporarily or permanently ceased but in no case more than 21 days after soil disturbance activity in that portion of the site has ceased.

G. Where soil disturbance or construction activity will resume on a portion of the site within 21 days from when activities ceased, then stabilization measures do not have to be initiated on that portion of the site until activities will cease for more than 21 days.

H. Water quality controls. Soil disturbance and construction activities shall adhere to the following minimum requirements relative to waterbodies (i.e., surface waters, including rivers, streams and other drainage channels, lakes, reservoirs and wetlands):

(1) There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions.

(2) There shall be no suspended colloidal and settleable solids that will cause deposition or impair the waters for their best usages.

(3) There shall be no residue from oil and floating substances, visible oil film, globules or grease.

§ 86-18 Plain and reinforced concrete.

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

Local permits and approvals not required per PSL §130.

§ 86-19 Cable and conduit.

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

B. Sequence of construction. Installation of cable and conduit shall be subsequent to right-of-way grading but prior to any paving operations. Grading shall be within six inches of proposed final grade.

C. Conduit. Rigid conduit shall be placed under all roadways prior to the installation of the cable. Conduit of appropriate size shall conform to the National Electric Code. Conduit installation is to conform to excavation and backfilling items under Section 206, New York State Department of Transportation Specifications, with the sand backfill to be at least six inches below and six inches above the conduit.

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

E. Documentation. The developer shall indicate all cable and conduit locations on the as-built drawings when submitted to the town.

§ 86-20 General construction.

A. Plain and reinforced concrete. Approved materials are:

Material	Standard
Portland cement	NYSDOT 701-01
Air-entraining admixtures	NYSDOT 711-08
Aggregates	NYSDOT 703
Water	NYSDOT 712-01
Bar reinforcement for cement concrete	NYSDOT 709-01
Welded steel wire fabric for concrete	NYSDOT 709-02
Reinforcement	ASTM A185

B. Guard railing. Approved materials are:

Material	Standard
3-cable railing	NYSDOT 710-22
Posts	NYSDOT 710-22, ASTM 36 and ASTMA123

C. Topsoil and seeding. Approved materials are:

Material	Standard
Topsoil	NYSDOT 713-01
Seed	NYSDOT 713-04

Local permits and approvals not required per PSL §130.

CHAPTER 119 FLOOD DAMAGE PREVENTION

§ 119-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Clifton Park, Community No. 360713 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 0544, 0561, 0562, 0563, 0564, 0566, 0567, 0568, 0569, 0635, 0655, 0660, 0665, 0667, 0670, whose effective date is August 16, 1995.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the office of the Town Clerk.

§ 119-11 Floodplain development permit.

A Floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 119-6 without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 119-18 Certificate of compliance.

A. In areas of special flood hazard, as determined by documents enumerated in § 119-6 it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.

Local permits and approvals not required per PSL §130.

§ 119-20 Construction standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated herein.

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

B. Encroachments.

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

(b) The applicant agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Clifton Park for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Clifton Park for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 119-6 no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

(b) The applicant agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and

reimburses the Town of Clifton Park for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Clifton Park for all costs related to the final map revisions.

§ 119-21 Anchoring of structures.

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

§ 119-22 Construction materials and methods.

A. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

B. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

C. Parking and storage areas.

(1) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

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

(2) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

CHAPTER 124 FRESHWATER WETLANDS AND STREAM PROTECTION

§ 124-5 Activities which require review by the ECC.

A. Stream disturbance.

(1) [N]o person or local public corporation may change or disturb any stream, its bed or banks nor remove from its bed or banks sand, gravel or other material without a permit issued from the Town of Clifton Park.

Local permits and approvals not required per PSL §130.

CHAPTER 145 MACHINERY AND EQUIPMENT, IDLING OF

§ 145-3 Idling and unattended large machinery or equipment prohibited.

A. It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.

B. A law enforcement officer who observes idling machinery or equipment shall direct the operator to turn off the engine. In the event that the idling machinery or equipment is unattended, the officer shall turn off the engine. A private citizen who observes unattended machinery or equipment shall immediately report the circumstances to the police.

CHAPTER 149 NOISE

§ 149-5 Unreasonable noise prohibited.

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction between the hours of 10:00 p.m. and 7:00 a.m. except as otherwise provided herein. The standards to be considered in determining whether an unreasonable noise exists include, but are not limited to, the following:

A. The volume of the noise;

B. The frequency of the noise;

C. The periodicity of the noise;

D. Whether the noise is unusual and incongruous with the surrounding environment;

- E. The volume and frequency of the ambient noise, if any;
- F. The proximity of the noise source to any residential, educational, medical, religious or judicial facility;
- G. The use, nature and character of the zoning district of the immediate area where the noise source exists;
- H. The time of day or night the noise occurs; and
- I. The duration of the noise.

§ 149-6 Specific acts considered to be unreasonable noise.

In addition to the general prohibitions set forth in § 149-5 hereof, any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

D. The creation of any noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., including, but not limited to, shouting, yelling, calling, or hooting so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensibilities.

G. No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. which creates sound in excess of 50 dBA when measured at or within the residential real property line of the receiving property.

H. No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of imminent danger between the hours of 10:00 p.m. and 7:00 a.m. where such sound is plainly audible across a residential property line.

I. No person shall operate or permit to be operated any tools or equipment used in construction, drilling, excavations or demolition work, between the hours of 10:00 p.m. and 7:00 a.m., where such sound is plainly audible across a residential property line, except the provisions of this section shall not apply to emergency work.

§ 149-7 Maximum permissible continuous sound levels.

In addition to the general prohibitions set forth in § 149-5 hereof and those specific prohibitions set forth in § 149-6 hereof, the following general prohibitions regarding continuous sound levels shall apply in determining unreasonable noise:

A. No person shall make, cause, allow, or permit the operation of any source of sound in any public space or right-of-way in such a manner as to create a sound level that exceeds 50 dBA for more than five minutes' duration between the hours of 10:00 p.m. and 7:00 a.m. when measured at or within the real property line of the receiving property, except as provided in Subsection B.

B. When measuring sound within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the receiving room.

§ 149-8 Motor vehicles.

A. Motor vehicle sound level limits and equipment shall be in compliance with the provisions of any state or federal law, including but not limited to §§ 386 and 375 of the New York State Vehicle and Traffic Law.

B. No person shall operate a motor vehicle in such a manner as to cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., such as by, but not limited to, spinning or squealing the tires of such vehicle.

D. From 10:00 p.m. to 7:00 a.m. no sound reproductive device level in or from a motor vehicle shall exceed 50 dBA as measured from the nearest curb or edge of the roadway or be plainly audible more than 25 feet in any direction from the motor vehicle from which the sound emanates.

CHAPTER 208 ZONING

§ 208-7 Definitions and word usage.

PUBLIC UTILITY STRUCTURES

Public utility structures and facilities, such as electric lines and poles, gas mains, water mains and telephone and telegraph lines and poles, not including, however, high-voltage transmission lines and poles therefor.

§ 208-8 Agricultural/Residential 3 Districts (R-3).

[Electric transmission/public utility use is not specifically listed as permitted or

special permitted uses within this zoning district.]

§ 208-16 Conservation Residential Zones.

[Electric transmission/public utility use is not specifically listed as permitted or special permitted uses within this zoning district.]

§ 208-43.2 Permitted uses. [Hamlet Mixed Use]

The following are permitted uses:

[Electric transmission/public utility use is not specifically listed as permitted or special permitted uses within this zoning district.]

§ 208-96 Temporary uses and structures.

Temporary permits may be issued by the Building Inspector for a period not exceeding one year for nonconforming uses incident to housing and construction projects, including such structures and uses as the storage of building materials and machinery, the processing of building materials and a real estate office located on the tract being offered for sale, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit. Such permits may be renewed upon application to the Building Inspector for additional periods not exceeding one year each upon proof that progress on construction projects is continuous and diligent.

Local permits and approvals not required per PSL §130.

§ 208-107 Building permits; powers and duties of Building Inspector.

A. Building permits required.

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

Local permits and approvals not required per PSL §130.

SCHENECTADY COUNTY

CODE OF THE
TOWN OF GLENVILLE

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

Suburban Residential (~10,000 ft)
Research/Development/Technology (~3,000 ft)
General Business (~750 ft)
Multi-Family Residential (~750 ft)
Riverfront Commercial (~2,000 ft)
Land Conservation (~8,000 ft)

CHAPTER 97 BLASTING

§ 97-3 License required.

A. It shall be unlawful to engage in blasting operations or in any other activity in which explosives are used in the Town of Glenville without having secured a license therefor and having fully complied with the provisions of this chapter. It is the intention of this provision that explosives shall not be stored within the Town of Glenville.

Local permits and approvals not required per PSL §130.

CHAPTER 101 BUILDING CONSTRUCTION AND FIRE PREVENTION

§ 101-4 Building permits.

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

Local permits and approvals not required per PSL §130.

§ 101-6 Stop-work orders.

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

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

building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

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

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

CHAPTER 151 FLOOD DAMAGE PREVENTION

§ 151-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map (multiple panels), Index No. 360738 0001-0050, whose effective date is May 4, 1987;

(2) Flood Boundary and Floodway Map (multiple panels), Index. No. 360738-0001-0050, whose effective date is May 4, 1987;

(3) A scientific and engineering report entitled "Flood Insurance Study, Town of Glenville, New York, Schenectady County," dated May 4, 1987;

(4) Letter of Map Revision, Case Number 07-02-0629P, effective May 20, 2008, amending Flood Insurance Rate Map Panel 0041B, Flood Boundary and Floodway Map Panel 0041, and the Flood Insurance Study Repoli, the Floodway Data Table 2 and Profile IIP for the Kromme Kill.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town of Glenville Municipal Center.

Local permits and approvals not required per PSL §130.

§ 151-14 General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 151-6:

A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage.
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage.
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments.

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

- (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

- (b) The Town of Glenville 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 Glenville 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 Glenville 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 § 151-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during the occurrence of the base flood; or

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

§ 151-15 Standards for all structures.

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

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

(2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(3) Enclosed areas.

(a) For enclosed areas below the lowest floor of a structure within Zones A 1 -A30, AE or AH and also Zone A, if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

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

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

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic

entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

C. Utilities.

(1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations.

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

(3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

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

§ 151-17 Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 151-14A, Subdivision proposals, and § 151-14B, Encroachments, and § 151-15, Standards for all structures:

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

A. Within Zones AI-A30, AE and AH and also Zone A, if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

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

(2) Be floodproofed so that the structure is watertight below two feet above the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

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

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

CHAPTER 217 SEWERS

§ 217-3 Use of public sewers; connection required.

B. It shall be unlawful to discharge to any natural outlet within the boundaries of any sewer district, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article or state law.

CHAPTER 232 SOLID WASTE

§ 232-5 Requirements for vehicles.

A. All garbage and rubbish transported, brought and/or carried through the Town of Glenville shall be contained securely and battened down within or upon the vehicles transporting the same.

All commercial vehicles used in the transportation of rubbish shall be equipped with proper tarpaulin or other type of enclosing cover, and all trucks transporting garbage, with or without rubbish, shall have watertight metal containers, which shall be kept clean when not in use. If garbage is not in watertight containers, the body of this vehicle itself must be reasonably tight. Vehicles must be kept in reasonably good mechanical and body condition. They must be kept as sanitary as the nature of the use permits. The vehicles must bear the name of the operator in letters at least six inches high

§ 232-11 Exceptions.

C. The provisions of this article prohibiting the use of any lands within the Town of Glenville, exclusive of the Village of Scotia, as a dump or dumping grounds does not apply to the depositing of clean fill upon land in the Town of Glenville for the purpose of reclaiming land to enable it to be used for construction of buildings or for the construction of septic systems.

CHAPTER 235 STORM SEWERS

§ 235-5 Discharge prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1) through (4). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting

activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 235-10 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

§ 235-12 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice

addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 255 VEHICLES AND TRAFFIC

§ 255-6 Parking, standing and stopping; penalty.

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

§ 255-7 Truck exclusions.

A. General weight exclusions.

(1) All trucks, tractors, tractor-trailers and commercial vehicles with a maximum gross weight of vehicle and load capacity in excess of four tons are hereby excluded from the following highways within this Town:

Name of Street	Location
Alplaus Avenue	Between its intersection with Bruce Drive and the Schenectady County-Saratoga County line
Bruce Drive	Between its intersection with Alplaus Avenue and its intersection with Glenridge Road

(2) The regulations established in this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles and combinations are otherwise excluded.

CHAPTER 270 ZONING

ARTICLE IV Uses Permitted and Dimensional Regulations by District.

§ 270-15 SR Suburban Residential District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

§270-16 RM Multi-Family District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

§270-19 GB General Business District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

§ 270-20 RDT Research, Development and Technology District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

§ 270-21 LC Land Conservation District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

§270-23 RRC Riverfront Recreation/Commercial District

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

ARTICLE VII Intermunicipal Watershed Rules and Regulations.

§ 270-39 Specific regulations by zone.

A. Zone I, Wellhead Protection. Except to the extent that broader prohibitions or more stringent limitations and requirements are set forth in this subsection, all regulations and provisions applicable to Zones II, III and IV shall also apply to Zone I. In addition:

(1) All land uses and development activities, other than those directly connected with the pumping and treatment of public water supplies, are prohibited, except for existing single-family residences and existing transportation corridors, to which the relevant restrictions of these regulations shall apply.

ARTICLE VIII Supplemental Regulations.

§ 270-49 Grading & Site Preparation.

B. Applicability.

(1) The provisions of this section apply to all land alterations, including grading, cutting, filling, removal of trees or removal of any vegetation that is presently stabilizing soil on slopes or along water bodies, and building construction in which one acre or more of land is to be altered.

(2) These provisions are applicable, regardless of whether or not planning or zoning approval is required, or a building permit is necessary.

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

D. General standards.

(1) Cuts, fills, grading, excavation, vegetation disturbance, utility installation, and building construction shall be substantially confined to the designated building envelope, utility easements, and driveway and parking footprint.

(2) Disturbed areas shall be restored as natural-appearing landforms, and shall blend in with the terrain of adjacent undisturbed land. Abrupt, angular transitions and linear slopes shall be avoided.

(3) As necessary, cuts and fills shall be supported by retaining walls, made of stone, wood, or other materials that blend with the natural landscape.

(4) Disturbed areas shall be contoured so that they can be revegetated using native species. No land areas shall be left open or unstabilized.

(5) Development shall preserve existing vegetation that aids the screening of the buildings and structures, softens its appearance, and reduces the potential for erosion and sedimentation from development.

(6) Grading shall not significantly alter natural drainage patterns.

(7) Any properties to be altered must be managed such that stormwater runoff following grading, filling, vegetation removal, etc. does not exceed runoff from predevelopment conditions.

(8) No soil shall be allowed to leave the construction site through surface erosion.

(9) Topsoil stripped from the site shall be stockpiled for future use or revegetation. Stockpiles must be located at least 100 feet from any stream, wetland, surface water body, or drainage ditch.

E. Standards in areas of steep slopes (15% or greater). Land disturbance in areas of steep slopes must comply with the standards outlined above in Subsection D, in addition to the provisions outlined in Subsection E(1) and (2) below:

(1) In areas where slopes fall between 15% and 30%, site disturbance shall not exceed 25% of the total area within this range of slopes.

(2) In areas where slopes exceed 30%, site disturbance is not permitted within this range of slopes.

(3) Any proposed disturbance on slopes that exceed 15% cannot occur until a geologic and engineering analysis has been prepared by an appropriately licensed professional. The analysis must demonstrate the following:

(a) The slope area's ground surface and subsurface are not prone to instability or failure.

(b) The proposed land disturbance will not cause greater instability or increase the potential for slope failure.

(c) The proposed land disturbance will not increase erosion that removes underlying support or surface material.

(d) The proposed land disturbance will not increase the hazard to adjoining properties or structures.

§ 270-63 Temporary/mobile trailers for commercial use.

A. Purpose. The placement and usage of trailers for temporary or permanent retail, office, restaurant, and other commercial uses can and does degrade the visual quality of commercial properties. Further, the haphazard siting of trailers can negatively impact on-site traffic circulation, off-street parking, green space, landscaping, etc. Consequently, the purpose of this section is to ensure that trailers are only used on a temporary basis, and that they are situated and sized so as to minimize aesthetic and site impacts.

B. Duration of use. Only one trailer can be used on any given commercial property, and then only for a maximum of six months in any consecutive five-year period.

C. Size in relation to the principal structure. The trailer's footprint (lot coverage) may not exceed 1/3 the footprint of the principal structure which it serves.

D. Location and setbacks. Trailers may only be located in side or rear yards. Further, the trailer must comply with the side and rear yard setbacks prescribed for the principal building in the zoning district in which it is located.

E. Maintenance of landscaping and trees. Trailers shall be located in such a way as to not necessitate the cutting down or removal of any trees or the removal or relocation of any landscaping vegetation (i.e., shrubs, flowers, hedges, trees, etc.). Trailers should not be located within the dripline of trees over 10 inches in diameter at breast height (D1314).

§ 270-64 Preservation of Mohawk Riverfront.

A. General. The Town of Glenville Comprehensive Plan calls for additional access to and usage of the Mohawk River by the public. It is recognized, however, that the Mohawk Riverfront is a sensitive resource worthy of preservation. And while certain types of development are permitted within some of the zoning districts that abut the Mohawk River, it is important that vegetation along the riverfront be preserved to the extent practicable.

B. Vegetation and tree retention within 100 feet of the top of the riverbank.

(1) No more than 30% of this hundred-foot-deep strip shall be clear-cut on any one property.

(2) In the remaining 70% length of this strip, the only cutting and clearing allowed is for the purpose of removing dead trees and vegetation, or trees that may pose a threat to human health, or for the installation of foot paths or bicycle paths, not to exceed 15 feet in width.

(3) No clear-cut shall be wider than 100 feet.

(4) Clear cutting is not allowed on slopes that exceed 10%.

§ 270-65 Performance standards.

A. Compliance required. All uses of lands or buildings in the Town of Glenville shall comply with the performance standards as described in this section.

D. Certain nuisances prohibited. No use shall be established or operated in a manner so as to create hazards, vibration, glare or air, water or ground pollution, or nuisance elements in excess of the limits established under this section.

E. Determination of nuisance elements. The determination of any nuisance shall be made at:

(1) The interior of the property for fire, explosion and other safety hazards.

(2) The property lines of the use creating noise, vibration, glare, dust, electrical disturbance and safety hazards.

(3) Anywhere in the Town of Glenville for elements involving radioactivity, air, water and ground pollution.

G. Electrical disturbance. No electrical disturbance which adversely affects the operation of any equipment on any other property shall be permitted.

I. Noise. No use shall operate in violation of Article XIV of this chapter.

J. Vibration. No vibration shall be permitted which is detectable without an instrument at the property line.

K. Glare. Glare, whether direct or reflected, whether from floodlights or high-temperature processes such as welding or combustion, shall be confined to the property in which it is generated. Temporary glare customarily associated with motor vehicles is exempt from this provision.

L. Odor. No emission of any malodorous matter shall be permitted so as to be detected outside the property line of the lot on which the facility is located. Any facility which may involve the emission of any odor shall be equipped with a secondary safeguard system, so that control will be maintained if the primary system should fail. Agricultural activities are exempt from this provision, provided such odors are typical of agricultural operations and not unique to any particular farm or agricultural site.

M. Other forms of air pollution. No emission of toxic gases or other forms of air pollution shall be permitted which can cause any damage to human or animal health, vegetation or other properties or which may cause any excessive soiling beyond the property line.

ARTICLE IX Sign Control.

§ 270-67 Permits and exemptions.

[N]o person will erect, alter or relocate any sign without first obtaining a permit from the Town Building Department.

Local permits and approvals not required per PSL §130.

ARTICLE XI Stormwater Management and Erosion Control

§ 270-78 Stormwater pollution prevention plan required; redevelopment projects; alternative practices; exemptions.

[N]o person shall commence or perform any land development activity as defined in § 270-79 herein without the review and approval of a stormwater pollution prevention plan (SWPPP) by the responsible board and/or the Stormwater Management Officer.

Local permits and approvals not required per PSL §130.

§ 270-79 Definitions.

LAND DEVELOPMENT ACTIVITY - Construction activity, including clearing, grading, excavating, soil disturbance, placement of fill, or redevelopment, resulting in land disturbance of equal to or greater than one acre. Also includes activities disturbing less than one acre of total land area that are part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

ARTICLE XIV Noise.

§ 270-90 Nuisance.

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

§ 270-91 Prohibited acts.

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

B. The creation of loud and excessive noises in association with any industrial, warehousing, or mining operation that disturbs the comfort and repose of nearby residents.

E. The discharge into open air of the exhaust of any stationary internal combustion engine, steam engine, or motor vehicle, except through a muffler or other device that will prevent loud or explosive noises thereof.

F. Noise in association with the construction, alteration, repair, or demolition of any building or structure, except between the hours of 7:00 a.m. and 9:00 p.m. Such activities and noises may be allowed between 9:00 p.m. and 7:00 a.m. if they are in the interest of public safety as determined by the Building Inspector or Code Enforcement Officer.

G. Noise in association with any excavation, earth moving, grading, logging, or any other kind of land disturbance or alteration, except between the hours of 7:00 a.m. and 9:00 p.m.

1. The creation of loud or excessive noises in connection with the loading or unloading of any vehicle, or the opening or destruction of boxes, crates, containers, bales, and similar items associated with the movement or storage of materials and freight.

L. The sounding of any horn or alarm on any automobile, motorcycle, or other motor vehicle or device, except if said horn or alarm is being used legitimately to warn or caution individuals or other motorists.

N. The creation of any noise that causes public inconvenience or alarm, or disturbs the public's comfort and repose.

O. The creation of any noise that exceeds 75 dB(A) at the adjoining property line.

§ 270-92 Permitted noises.

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

C. Sounds created by lawnmowers, grass trimmers, rototillers, hedge trimmers, chainsaws, and similar devices used for lawn and property maintenance, provided such devices are operated between the hours of 7:00 a.m. and 9:00 p.m.

D. Sounds created by public utilities in carrying out their operations.

F. Sounds associated with automobile traffic on public streets and highways.

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

M-1 Light Manufacturing/Warehousing
M-2 Manufacturing/Warehousing
C-3 Waterfront Mixed Use
C-4 Downtown

CHAPTER 138 BUILDING PLUMBING AND ELECTRICAL STANDARDS

§ 138-11 Permits required.

No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure or in preparation for construction any excavation which will change the natural drainage courses or watercourses or the removal of any topsoil, trees or groves or the alteration of any similar irreplaceable assets of the proposed site of construction or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature as determined by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 138-23 Stop orders.

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

CHAPTER 148 STORMWATER MANAGEMENT

§ 148-4 Applicability; exempt activities.

A. [N]o person shall commence or perform any land development activity as defined in § 148-5 herein without the review and approval of a stormwater pollution prevention plan (SWPPP) by the responsible board and/or the Stormwater Management Officer.

Local permits and approvals not required per PSL §130.

§ 148-5 Definitions.

LAND DEVELOPMENT ACTIVITY — Construction activity including clearing, grading, excavating, soil disturbance, placement of fill, or redevelopment resulting in land disturbance of equal to or greater than one acre. Also includes activities disturbing less than one acre of total land area that are part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

§ 148-6 Discharge prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1) through (4). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 148-29 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

§ 148-31 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the

actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 151 EXCAVATIONS

§ 151-3 Permit required; application.

Excavations regulated by this article shall not be commenced until a permit therefor has been obtained from the City Engineer. Applications for permits shall be in such form as may be prescribed by the City Engineer and shall be accompanied by a plot plan on which is indicated the location of the plot, the exact location of the proposed excavation and the area and depth of the excavation.

Local permits and approvals not required per PSL §130.

§ 151-8 Permit required.

It shall be unlawful for any person to dig up or into or tunnel under or undermine or cut or in any way destroy the pavement of any public street in the City without first having obtained a written permit from the City Engineer.

Local permits and approvals not required per PSL §130.

§ 152-1 Permits required to possess, use and handle.

No person shall have, keep, sell, use, give away or transport any guncotton, blasting powder, dynamite, nitroglycerine or any substance, composition or mixture of any article having the properties of such a character that, alone or in combination with other substances or compounds, may decompose and generate sufficient heat, gas or pressure, or all of them, to produce rapid flaming combustion or administer a destructive blow to the surrounding persons or things within the limits of the city, except after obtaining a permit from the Mayor.

Local permits and approvals not required per PSL §130.

§ 152-2 Permit required to manufacture or transport.

No guncotton, blasting power, dynamite, nitroglycerine or other dangerous explosive material shall be manufactured within the limits of the city, nor shall any such explosives or explosive materials be transported through the streets of the city except upon obtaining a permit from the Mayor as hereinafter prescribed.

Local permits and approvals not required per PSL §130.

CHAPTER 157 FLOOD HAZARD CONTROL

§ 157-4 Word usage; definitions.

FLOODWAY — The same meaning as "regulatory floodway."

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 157-12B of this chapter.

§ 157-6 Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the City of Schenectady of Schenectady County, New York," dated March 30, 1983, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, which is hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the office of the City Clerk.

§ 157-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 157-6. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 157-12 Powers and duties of local administrator.

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

A. Permit application review. The local administrator shall:

(3) Review all development permit applications to determine if the proposed development adversely affects the areas of special flood hazard. For the purposes of this chapter, "adversely affects" means physical

damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 157-6, Basis for establishing areas of special flood hazard, 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 § 157-13D(4), in order to administer § 157-14, Specific standards, and § 157-15, Floodways.

§ 157-13 General standards.

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

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

A. Anchoring.

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

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

B. Construction materials and methods.

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

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

C. Utilities.

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

D. Subdivision proposals.

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

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the areas of special flood hazard set forth in § 157-12A(3). This may require the submission of additional technical data to assist in the determination.
- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 157-12B or 157-13D(4) and no floodway has

been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 157-12B, the requirements of § 157-15, Floodways, shall apply.

§ 157-14 Specific standards.

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

A.(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

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

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

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

(b) If the structure is to be floodproofed:

[1] A licensed professional engineer or architect shall develop

and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

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

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

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 157-12B or two feet above the highest adjacent grade where no elevation data is available.

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

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

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

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

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

§ 157-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways. (See definition, § 157-4.) The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 157-6 and 157-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

CHAPTER 182 NOISE

§ 182-3 Unnecessary or unreasonable noise.

A. The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited.

B. Said noise shall be prohibited when it is of such character, intensity and duration or of a type or volume that a reasonable person would not tolerate under the circumstances and that is detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm.

§ 182-4 Unnecessary noises enumerated.

It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, unreasonable or unusual noise, or to permit any other so to do, which disturbs the peace or quiet within the geographical boundaries of the City of Schenectady, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness. For the purposes of this chapter, it shall be presumed that the owner, tenant, person or persons in possession or control, and the occupants of the particular premises, are, jointly or severally, permitting such noise. Prohibited noises may arise from the following activities, but the following list shall not be deemed to be exclusive:

§ 182-4.A Horns, signaling devices.

The sounding of any horn or other signal device on any automobile, motorcycle, bus or other vehicle while stationary, except as a danger signal when an approaching vehicle is apparently out of control or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, the creation by means of any such signal device of any unreasonably

loud or harsh sound or the sounding of any such device for an unnecessary period of time.

§ 182-4.B Noisy vehicles. No person shall:

(1) Use an automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud, unnecessary grating, grinding, rattling or other noise;

(2) Operate any vehicle in such a manner as to cause unnecessary noise by spinning or squealing the tires or revving the motor of such vehicle.

§ 182-4.D Discharge of exhaust.

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

§ 182-4.E Construction, demolition, excavation.

The erection, including excavating, demolition, alteration or repair, of any building other than between 6:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest or public safety and then only with a permit from the City Engineer, which permit may be renewed for a period of three days or less while the emergency continues.

§ 182-4.G Loading, unloading.

The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

§ 182-4.M Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property.

The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in loud grinding, hammering, sawing and similar noise shall be prohibited:

(1) Between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise can be heard inside any residence, regardless of whether the windows of such residence are open; or

(2) At any other time if said noise is unnecessary or unreasonable under the circumstances.

§ 182-5 Standards for unreasonable noise.

The standards which may be considered in determining whether a violation of this chapter exists may include, but not be limited to, the following:

A. The level or volume of the noise; it shall be presumed that an eighty-decibel reading on a noise meter is excessive and a violation of this chapter, and § 375-47(a) of the New York State Vehicle and Traffic Law as it applies to automobiles is incorporated by reference into this section.

B. The time of day or night the noise occurs.

C. The duration of the noise.

D. Whether the noise is recurrent, intermittent or constant.

E. Whether the making of noise is reasonably necessary for the protection or preservation of property or of the health, safety and welfare of a person or persons.

F. Whether reasonable methods are available for deadening or muffling the noise.

G. The proximity of the noise to residential property or property customarily used by persons for sleeping.

CHAPTER 201 POLES AND WIRES

§ 201-3 Acceptance of provisions.

No telegraph, telephone or electric line shall be erected or maintained until the owner thereof shall file with the Mayor a written agreement accepting and promising to abide by and perform all the conditions and provisions of this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 220 SEWERS

§ 220-29 Discharge of unpolluted water restricted.

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

§ 220-30 Discharge of sewage to natural outlets.

It shall be unlawful to discharge to any natural outlet within the City of Schenectady or in any area under the jurisdiction of said City any sewage or other polluted waters, except where suitable treatment has been provided....

§ 220-32 Prohibited discharges.

A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the Schenectady POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements.

CHAPTER 223 SIGNS

§ 223-4 Exceptions.

(B) For the purposes of this chapter, the following signs may be erected and maintained without a permit or fee, provided that such signs comply with the general requirements of this chapter:

(12) One sign, not exceeding six square feet in area in the residential districts nor 25 square feet in nonresidential districts, listing the architect, engineer, contractor and/or owner on premises where construction, renovation or repair is in progress. Signs shall be removed immediately upon issuance of a certificate of occupancy or completion of the project, whichever first occurs.

§ 223-7 On-premises signs.

A. In all residential districts, nonresidential uses permitted as of right, or by special use shall be permitted:

(1) Six square feet of signage, except those signs which are specifically regulated by § 223-4B, Exceptions.

(2) A height of six feet.

(3) No internally lit sign.

B. Business and commercial districts. In the zoning districts designated as D, E, EO, F, G, GP and H in Chapter 264, the City of Schenectady Zoning Ordinance,

and mapped pursuant thereto, no signs shall be erected or maintained except as follows:

Local permits and approvals not required per PSL §130.

CHAPTER 228 STREET AND SIDEWALKS

§ 228-24 Plans required to alter sidewalks, curbs or driveways.

A. Prior to the making of or altering or repair or replacement of any sidewalk, curb, driveway or other structure within a street or other public space, the owner or occupant of the abutting land shall submit to the Department of Public Works plans, in duplicate, showing all the work it is desired to do. The plans shall have all details in conformity with the requirements herein and such other requirements as, in the opinion of the Commissioner of Public Works or the Assistant City Engineer, are necessary.

B. When the owner or occupant submitting the plans shall agree to execute all the work according to the requirements and has paid the permit fee of \$50 the Department of Public Works shall issue a permit to proceed, which may be revoked at any time when the work is being carried on not in accordance with the terms of the permit or to the dissatisfaction of the Commissioner of Public Works or the Assistant City Engineer...

Local permits and approvals not required per PSL §130.

CHAPTER 243 TREES AND SHRUBS

§ 243-7 Permit required.

It shall be unlawful and it is hereby prohibited for any person other than the Superintendent of Parks or his duly authorized agent or deputy to cut, trim, prune, spray, brace, plant, move, remove or replace any tree in any public street or public park until a written permit to do so shall have been first obtained from the Superintendent of Parks.

Local permits and approvals not required per PSL §130.

§ 243-9 Public utilities.

Any person doing business as a public utility subject to the jurisdiction of the Public Utilities Commission of the State of New York and any constituted public agency authorized to provide and providing utility service shall be given a permit from the Superintendent, valid for one year from the date of issuance, permitting

such person to trim, brace, remove or perform such other acts with respect to trees growing adjacent to the public streets of the city, or which grow upon private property to the extent that they encroach upon such public streets, as may be necessary to comply with the safety regulations of said Commission and as may be necessary to maintain the safe operation of its business.

Local permits and approvals not required per PSL §130.

CHAPTER 248 VEHICLES AND TRAFFIC

§ 248-85 Exclusions.

All trucks, tractors and tractor trailer combinations in excess of the indicated maximum gross weights are hereby excluded from the streets and highways, or parts thereof, listed below. This section shall not be construed to prevent delivery or pickup of merchandise or other property along the excluded streets.

Name of Street	Weight (tons)	Location
Albany Street	4	From VanZandt Street to the City line
Alexander Street	4	From VonVranken Street to Maxon Road
Bradford Road	4	From Albany Street to McDonald Avenue
Catherine Street	4	From State Street to the dead end
Chestnut Street	4	From State Street to the dead end
Close Street	4	From State Street to the dead end
Consaul Road	4	Entire length
Cora Street	4	From Fairview Avenue to Arthur Street
Cresse Avenue	2	Entire length
Cromer Avenue	4	From State Street to Consaul Road
Dartmouth Street	4	From State Street to Albany Street
Eastholm Road	4	From State Street to Consaul Road
Elliott Avenue	4	From State Street to Consaul Road

Fenwick Avenue	4	Entire length
Gebhart Street	4	From State Street to Albany Street
Gifford Road	4	Entire length
Grand Boulevard	4	From Nott Street to the City line
Grove Place	4	From State Street to the dead end
Hillcrest Avenue	4	From State Street to Balltown Road
Jackson Avenue	4	From State Street to Albany Street
Kailberg Road	4	From Lenox Road to Hillside Avenue
Lawnwood Avenue	4	Entire length
Linda Lane	4	From State Street to Balltown Road
Lorraine Avenue	4	From State Street to Balltown Road
Marriott Avenue	4	From State Street to Consaul Road
Marshall Avenue	4	From State Street to Consaul Road
McDonald Avenue	4	From Kings Road to Bradford Road
Mynderse Street	4	From State Street to the dead end
Myrtle Avenue	4	From State Street to Albany Avenue
Perry Street	4	From Campbell Avenue to Turner Avenue
Pinehurst Place	4	Entire length
Roosevelt Avenue	4	From State Street to Albany Street
Shirley Drive	4	From State Street to Consaul Street
Starr Avenue	4	Entire length
Steers Avenue	4	Entire length
Sycamore Street	2	Entire length
Union Street	4	From Erie Boulevard to Washington Avenue (westbound exclusion only)

VanRensselaer Avenue	4	From Dorwalt Boulevard to the City line
Wagner Avenue	4	Entire length
Washington Avenue	4	Entire length
Wilson Avenue	4	Entire length
Wood Avenue	4	From Van Vranken Avenue to Kallburg Road
Wylie Street	4	From Michigan Avenue to Graig Hill

§ 248-86 Commercial vehicles over five tons prohibited.

All commercial vehicles having a gross weight in excess of five tons are hereby prohibited from the streets listed below. (This section shall not be construed to prevent the delivery or pickup of merchandise or other property along the excluded streets).

**Name of
Street**

Location

State Street Between Brandywine Avenue and
Washington Avenue

CHAPTER 264 ZONING

§ 264-25 Definitions.

UTILITY - An essential service, such as sanitary or storm sewer, water supply, gas, electricity or telephone services, including the transmission of said service, but excluding administrative functions related to this service.

§ 264-25 Exempted uses.

The following utility uses are exempt from the provisions of this chapter: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment, but not including substations located on or above the surface of the ground for the distribution to consumers of telephone, cable television or other communications, electricity or gas.

CODE OF THE
TOWN OF ROTTERDAM

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

I-2 General Industrial
I-1 Light Industrial
Retail Business
Agricultural
Planned Residential Development

CHAPTER 121 EXCAVATIONS AND OPEN WELLS

§121-3 Prohibited Acts.

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

CHAPTER 134 FLOOD DAMAGE PREVENTION

134-4 Word usage and definitions.

FLOODWAY - See "regulatory floodway."

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 134-12B of this chapter.

§ 134-6 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled the "Flood Insurance Study for the Town of Rotterdam of Schenectady County, New York," dated December 15, 1983, with accompanying Flood Insurance Rate Maps index No. 360740 0001-0014 effective June 15, 1984, as amended by LOMR effective March 17, 2003, FEMA case #02-02-027P, revising FIRM panel 0009B, and Flood Boundary and Floodway Maps Index No. 360740 0001-0014 effective June 15, 1984, are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the office of the Town Clerk of the Town of Rotterdam.

§ 134-11 Development permit required.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 134-6.

Local permits and approvals not required per PSL §130.

§ 134-12 Duties of the local administrator shall include, but not be limited to:

A. Permit application review. The local administrator shall:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the application for this purpose.

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 134-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 134-6, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 134-13D(4), in order to administer § 134-14, Specific standards, and § 134-15, Floodway.

§ 134-13 General standards.

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

A. Anchoring:

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

B. Construction materials and methods.

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

C. Utilities.

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

D. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions, greater than either 50 lots or five acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazard set forth in § 134-12A(3). This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 134-6 or Subsection D(4) above and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 134-12B, the requirements of § 134-15, Floodways, shall apply.

§ 134-14 Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 134-6, Basis for establishing areas of special flood hazard, and § 134-12B, Use of other base flood and floodway data, the following standards are required:

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including the basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

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

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

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

(2) If the structure is to be floodproofed:

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

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

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

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including the basement, elevated to or above the base flood elevation as may be determined in § 134-12B or two feet above the highest adjacent grade where no elevation data is available.

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

(2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must

either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

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

§ 134-15 Floodways.

Located within areas of special flood hazard are areas designated as "floodways." (See definition in § 134-4.) The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 134-6 and 134-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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

CHAPTER 154 HOUSING AND BUILDING STANDARDS

§ 154-9 Permits; Applications.

Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any portion thereof, or install a solid fuel-burning heating apparatus, chimney or flue in any dwelling unit without first having obtained a permit from the Building Inspector/Code Enforcement Officer of the Town of Rotterdam.

Local permits and approvals not required per PSL §130.

§ 154-14 Stop-work orders.

A. Whenever a code enforcement officer has reasonable grounds to believe that work on any building or structure is proceeding without permit or is otherwise in violation or the provisions of any applicable law, code, ordinance or regulation or is not in conformity with any of the provisions of the application, plans or specifications on the basis on which a permit was issued or is being conducted in an unsafe and dangerous manner, he shall notify either the owner of the property or the person, firm or corporation performing the work to immediately suspend all work. In such instance, any and all persons shall immediately suspend all related activities until the stop-work order has been duly rescinded.

CHAPTER 188 NOISE

§188-3 Unnecessary or unreasonable noise.

A. The creation of any unreasonably loud, disturbing or unnecessary noise is prohibited.

§ 188-4 Unnecessary Noises Enumerated.

D. Construction, demolition, excavation. The erection (including excavating), demolition, alteration or repair of any building other than between 6:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety and then only with a permit from the Town Building Inspector/Code Enforcement Officer, which permit may be renewed for a period of three days or less while the emergency continues.

I. Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in loud grinding, hammering, sawing and similar noise shall be prohibited:

(1) Between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise can be heard inside any residence, regardless of whether the windows of such residence are open.

(2) At any other time if said noise is unnecessary or unreasonable under the circumstances.

CHAPTER 230 SEWERS

§ 230-28 Discharge of unpolluted waters to sanitary sewer prohibited.

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

CHAPTER 265 PROPERTY MAINTENANCE

§ 265-4 Duty to Maintain Property.

No person owning, leasing, renting, occupying, being in possession of, or having charge of any property in the Town, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other Town ordinance, any of the following conditions:

A. Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

B. Attractive nuisances dangerous to children, including, but not limited to, abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

§ 265-6 Commercial/industrial buildings and property.

A. Commercial buildings and properties shall at all times be maintained in compliance with the provisions of this chapter regarding open spaces, buildings or structures and littering.

B. No outside storage or accumulation of garbage, crates, pallets, rubbish, refuse or debris shall be permitted at any time, and all such garbage, crates, pallets, rubbish, refuse or debris shall be kept inside the building or buildings on the premises, or in a screened enclosure, and shall be collected and removed from the premises on no less than a weekly basis unless prior approval is granted by the Planning Commission. All property owners have until June 1, 2002, to comply with this section and will be subject to site plan review. Fees for site plan review on existing business property will be waived until June 1, 2002, if the intention is to come into compliance with this section.

Local permits and approvals not required per PSL §130.

D. The maintenance of all fences and planting areas installed on the premises shall be the responsibility of the owner of the property. Such maintenance shall

include, but not be limited to, the removal and/or replacement of trees and shrubs which may die and/or otherwise be destroyed and the removal and/or replacement of fences which may fall into disrepair. Additionally, lawns and those grassy areas which are viewed by customers and passing motorists shall be maintained in a neat manner and cut at a height not to exceed four inches.

F. All signage and lighting systems shall be maintained in a completely operable, clean and safe condition.

§ 259-9 Littering; appliances; receptacles.

A. All properties, whether improved or vacant, shall be maintained free of litter; provided, however, that this chapter shall not prohibit the storage of litter in authorized private receptacles for collection.

D. Dumpsters and similar large receptacles shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing to hide the dumpster/receptacle from public view.

§ 265-10 Maintenance of construction sites.

During the development, improvement or construction of any site for any purpose, the owner and applicant, as identified on the building permit application, shall take appropriate measures to ensure the following:

A. Dust, blowing sand, dirt, and sediment shall be controlled so as not to pose a nuisance, health, or safety risk to motorists or neighboring property owners.

B. Erosion and siltation shall be confined to the site being developed. Neighboring properties and roadways shall not be impacted by erosion, blowing sand, dirt, or siltation as a result of construction activities.

C. Construction debris/litter shall be confined on the site so as not to impact neighboring properties and roadways.

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

CHAPTER 266 VEHICLES AND PARKING

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

A. Exclusion of certain vehicles.

(1) All vehicles in excess of the indicated maximum gross weights are hereby excluded from the streets and highways, or parts thereof, described in Schedule X (§ 266-50).

(2) All commercial vehicles in excess of four tons are hereby excluded from the streets and highways or parts thereof described in Schedule XXIII (§ 266-63).

B. Route system for certain vehicles.

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

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

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

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

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

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

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

§266-63 *Schedule XXIII*

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

Name of Street	Location
Earl Street	At its intersection with Draper Avenue
Earl Street	At its intersection with Vischer Avenue
Stanton Street	At its intersection with Draper Avenue

Name of Street	Location
Stanton Street	At its intersection with Vischer Avenue

CHAPTER 270 ZONING

§ 270-9 Compliance required.

A. Generally. No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, for any purpose or in any manner except in conformity with this chapter and particularly with the specific regulations for the district in which such building or land is located. Any use not specifically permitted by this chapter is prohibited.

Local permits and approvals not required per PSL §130.

§ 270-14 Public Utilities.

This chapter is not intended to restrict the construction or use of underground or overhead lines or of other structures used for public utility purposes by corporations organized under the laws of the State of New York and subject to the jurisdiction of the Public Service Commission of the State of New York; however, the establishment of public utility buildings or substations in residential districts shall require a special permit and shall be subject to such conditions as the Planning Board may impose in order to preserve and protect the character of the district.

Local permits and approvals not required per PSL §130.

§ 270-159 Temporary construction sheds and trailers.

After building permits for basic construction have been granted in accordance with the provisions of this chapter, a temporary construction shed or trailer may be erected on the lot at which primary construction is to be undertaken. Prior to the issuance of a certificate of occupancy, such temporary shed or trailer shall be immediately removed. Under no circumstances shall any such shed or trailer be used for residential purposes.

Local permits and approvals not required per PSL §130.

Article XXVI Erosion and Sediment Control

§ 270-15.3 Erosion and sediment control.

All land development activity must comply with Article XXVI (§ 270-215).

§ 270-215 Requirements and regulations.

D. Applicability. [N]o person, corporation, or other legal entity shall engage in land clearing activity or grading in the Town without having received a site development permit from the Town of Rotterdam Department of Public Works (DPW). Depending upon the project, this permit may also require approval of a stormwater pollution prevention plan (SWPPP).

Local permits and approvals not required per PSL §130.

(2) Applicants must also obtain all other permits required by state, federal, and local laws. Whenever the particular circumstances of a proposed land development activity require compliance with special use, site plan, or subdivision procedures of the Town of Rotterdam, the Planning Commission should make every effort possible to integrate the requirements prescribed herein as appropriate and determine the adequacy of the SWPPP.

F. Stormwater Pollution Prevention Plan contents.

(1) The SWPPP shall include the following:

(a) A written narrative identifying the project's scope, including the location, type and size of the project.

(b) A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of stormwater discharge(s). The specific location(s), size(s), and length(s) of each erosion and sediment control practice shall also be shown. The site map should be at a scale no smaller than one inch equals 100 feet.

(c) A natural resources map identifying existing vegetation; on-site and adjacent off-site surface water(s), wetlands, and drainage patterns that could be affected by the construction activity; and existing and final slopes.

(d) A description of soil(s) present at the site along with any existing data that describes the stormwater runoff characteristics at the site.

(e) A construction phasing plan describing the intended sequence of construction activities including clearing, excavation and grading; utility and infrastructure installation, and any other activity at the site that results in soil disturbance. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation. Consistent with the New York Standards and Specifications for Urban Erosion and Sediment Control, most current version or its successor, there shall not be more than five acres of disturbed soil at any one time without prior written approval from the Department of Environmental Conservation.

(f) A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges.

(g) A description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.

(h) A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

(i) The dimensions, material specifications (e.g., seeding mixtures and rates, types of sod, kind and quantity of mulching) and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.

(j) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place.

(k) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practices, including estimates of the cost of maintenance.

(l) A delineation of SWPPP implementation responsibilities for each part of the site.

(m) A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.

J. Design and performance standards.

(1) In general, wetlands, watercourses and natural drainage channels should not be filled, graded or altered. When protection of wetlands, trees, steep slopes or other environmentally sensitive area is required, the location shall be shown on the erosion control plan and the method of protection during construction identified (e.g., silt fence, construction fence, stakes, etc.).

(a) A vegetative buffer (25 feet minimum) shall be maintained between disturbed areas and protected federal designated wetlands. The twenty-five foot buffer shall not be disturbed without special use permit approval as provided by Article XIX of this chapter.

Local permits and approvals not required per PSL §130.

(b) A vegetative buffer (100 feet minimum) shall be maintained between disturbed areas and protected state designated wetlands. The one-hundred-foot adjacent area shall not be disturbed without special use permit approval as provided by Article XIX of this chapter and any applicable approvals/permits as required by the NYS Department of Environmental Conservation.

(c) A watercourse buffer shall not be disturbed without special use permit approval as provided by Article XIX of this chapter.

(2) Grading, erosion, and sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the New York Standards and Specifications for Erosion and Sediment Control published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of post-construction structures, the technical standards are currently detailed in the publication "New York

State Storm water Management Design Manual, published by the Department of Environmental Conservation.

(3) Cut-and-fill slopes shall be no greater than 2:1, except where retaining walls, structural stabilization or other methods acceptable to the Department of Public Works and/or Town Designated Engineer are used. Disturbed areas shall be restored as natural appearing landforms, and shall blend in with the terrain of adjacent undisturbed land. Abrupt, angular transitions shall be avoided.

(4) Clearing and grading shall be substantially confined to designated building envelopes, utility easements, driveways, and parking footprint. Clearing and grading techniques that retain natural vegetation and drainage patterns, as described in the most recent version of Standards and Specifications for Erosion and Sediment Control referenced above shall be used to the satisfaction of the responsible board. No clearing or grading shall take place within the established fifty-foot watercourse buffer area except to provide road crossings where permitted.

(5) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

(6) Phasing shall be required on all sites disturbing greater than 20 acres, with the size of each phase to be established at plan review and as approved by the Town Planning Commission (if applicable), the Stormwater Management Officer, and/or his or her designee. There shall not be more than five acres of disturbed soil at any one time without prior written approval from the Department of Environmental Conservation.

(7) The permittee shall initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:

(a) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable;

(b) Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed

within 21 days, temporary stabilization measures need not be initiated on that portion of the site.

(8) The mere parking and moving of construction vehicles around the site does not constitute construction or earth-disturbing activity. If the permittee is not diligently pursuing the project toward completion as determined by the Stormwater Management Officer or designated agent, he/she may issue a notice of violation and stipulate that the stabilization measures as outlined above shall be undertaken to prevent site erosion.

(9) If seeding or another vegetative erosion control method is used, it shall become established within 14 days or the applicant may be required to reseed the site or use a nonvegetative option.

(10) Special techniques that meet the design criteria outlined in the most recent version of Standards and Specifications for Erosion and Sediment Control shall be used to ensure stabilization on steep slopes or in drainageways.

(11) Soil stockpiles must be stabilized or covered at the end of each workday.

(12) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(13) Techniques that divert upland runoff past disturbed slopes shall be employed.

(14) Adjacent properties shall be protected by the use of a vegetated buffer strip in combination with sediment controls.

(15) Stabilization shall be adequate to prevent erosion located at the outlets of all pipes and paved/rip-rap channels.

(16) Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

(17) Development should relate to site conditions and disturbance of steep slopes avoided. Grading should be minimized by utilizing the existing topography whenever possible. Roads and driveways shall follow the natural topography to the greatest extent possible.

(18) In areas of severe slopes (exceeding 25%), land-disturbing activities are not permitted unless approved by a licensed professional civil engineer. A twenty-five-foot buffer must be maintained between any

disturbed area and the top of slopes 25% and greater unless approved by a licensed professional Civil Engineer

K. Water quality standard. Any land development activity shall not result in:

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

Article XXIX Illicit Discharges, Activities and Connections to Separate Storm
Sewer System.

§ 270-230 Discharge prohibitions; exceptions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the Town of Rotterdam has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, de-chlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may

deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 270-235 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 270-237 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

ALBANY COUNTY

CODE OF THE
TOWN OF GUILDERLAND

Note that the Project as proposed will be located within the following type of district:

Rural-3

CHAPTER 140 BUILDING PERMITS

§140-1 When required.

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

Local permits and approvals not required per PSL §130.

CHAPTER 177 FLOOD DAMAGE PREVENTION

§ 177-4 Word usage and definitions.

FLOODWAY - The same meaning as "regulatory floodway."

REGULATORY FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 177-12B of this chapter.

§ 177-6 Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the Town of Guilderland, of Albany County, New York," dated July 6, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file at the Town Clerk's Office, Guilderland Town Hall.

§177-11 Establishment of development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 177-6. Application for a development permit shall be made on forms furnished by the

local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 177-12 Duties and responsibilities of local administrator.

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

A. Permit application review. The local administrator shall:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 177-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 177-6, Basis for establishing areas of special flood hazard, 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 § 177-13D(4), in order to administer § 177-14, Specific standards, and § 177-15, Floodways.

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

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

A. Anchoring.

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

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

B. Construction materials and methods.

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

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

C. Utilities.

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

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

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

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

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazard set forth in § 177-12A(3), Permit review. This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 177-12B or 177-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 177-12B the requirements of § 177-15, Floodways, shall apply.

§177-14 Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 177-6, Basis for establishing areas of special flood hazard, and § 177-12B, Use of other base flood and floodway data, the following standards are required:

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

B. Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

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

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

(2) If the structure is to be floodproofed:

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

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

C. Construction standards for areas of special flood hazard without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 177-12B or two feet above the highest adjacent grade where no elevation data is available.

- (1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor (including basement) elevated to at least two feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for

the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
(b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

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

§ 177-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 177-4). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 177-6 and 177-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Local permits and approvals not required per PSL §130.

CHAPTER 181 FRESHWATER WETLANDS

§181-4 Permit required; exceptions.

A. [N]o person shall conduct a regulated activity on any freshwater wetland or adjacent area unless such person has first obtained a permit pursuant to this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 205 NOISE

§205-5 Unreasonable noise prohibited.

No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction except as otherwise provided herein. The standards to

be considered in determining whether an unreasonable noise exists include, but are not limited to, the following:

- A. The volume of the noise;
- B. The frequency of the noise;
- C. Whether the noise is unusual and incongruous with the surrounding environment;
- D. The volume and frequency of the ambient noise, if any;
- E. The proximity of the noise source to any residential, educational, medical, religious or judicial facility;
- F. The use, nature and character of the zoning district of the immediate area where the noise source exists;
- G. The time of day or night the noise occurs; and
- H. The duration of the noise.

§205-6 Specific acts considered to be unreasonable noise.

In addition to the general prohibition set forth in § 205-5 hereof, any of the following acts and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

- D. Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, bales, cans, drums, refuse or similar objects or the pumped loading or unloading of materials in liquid, gaseous, powder or pellet form between the hours of 10:00 p.m and 7:00 a.m. the following day when the sound therefrom creates a noise disturbance across a residential real property line.
- E. Motor vehicles:

- (1) Operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period of longer than five minutes in any sixty-minute period while the vehicle is stationary for reasons other than traffic congestion or emergency work on a public right-of-way or public space within 150 feet of a residential area;

(2) Operating or permitting the operation of any motor vehicle so out of repair or in such a condition as to create a noise disturbance or that is otherwise not in compliance with the provisions of any state or federal law, including but not limited to §§ 375 and 386 of the New York State Vehicle and Traffic Law;

(3) Spinning or squealing the tires of any motor vehicle; or

(4) Allowing noise from a motor vehicle alarm to continue in excess of 15 minutes' duration after it has been activated.

F. Construction, repair and demolition: operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 6:00 p.m. and 7:00 a.m. the following day or at any time on weekends or legal holidays. Such operation does not constitute a violation if the tool or equipment is used in an emergency situation or if the tool or equipment is equipped with a functioning muffler or if the operator is issued a variance pursuant to Article VI of this chapter.

G. Sound devices on public transportation: operating, playing or permitting the operation or playing of any radio, phonograph, tape player, compact disc player, television receiver or similar device on or in any method of public transportation in such a manner that the sound from such device is audible to any other person.

H. Miscellaneous sound producers: creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, yell, shout, bell, musical instrument, tool, engine, etc.

CHAPTER 225 SEWERS

§ 225-3 Unlawful discharges and uses.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town of Guilderland or in any area under the jurisdiction of said Town any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Town of Guilderland or in any area under the jurisdiction of said Town any sewage or other polluted wastes except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 225-23 Industrial discharges; permit required.

A. It shall be unlawful for any person to discharge directly or indirectly into public sewers or into any private sewer sewage combined with industrial wastes or other wastes, industrial wastes or other wastes the characteristics of which, at the point of discharge, exceed the concentration limits prescribed for normal sewage under Article I herein, or fall within the categories prohibited under Article V herein, except under the issuance of a permit therefor by the Superintendent and upon such terms and conditions as may be established by the Superintendent in the issuance of such a permit.

Local permits and approvals not required per PSL §130.

§ 241-11 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

CHAPTER 236 SOLID WASTE

§ 236-4 Accumulation and storage.

No rubbish or garbage shall be accumulated or stored on any premises within the Town, other than premises established or provided as public dumping grounds under this article.

§ 236-5 Manner of collecting and disposing of refuse.

A. Rubbish and garbage shall be collected in vehicles properly and adequately equipped to contain and carry the materials collected without effluent therefrom spilling into public streets, highways or other places.

B. No rubbish or garbage collected within the Town shall be delivered, dumped or offered for disposal on any land or at any location, site or area in the Town or on any land or at any location, site or area outside of the Town except upon premises established, operated or maintained by the Town as a public dump, subject to all rules, regulations and restrictions governing the use of such premises as are herein prescribed, and upon premises the use of which has been authorized for sanitary landfill dumping under this article.

F. Trees; sewage. No person shall deposit or cause to be deposited upon Town sanitary landfill premises any trees or logs having a diameter in excess of four inches unless the trees or logs shall be cut into lengths of not more than four feet, nor shall any person deposit or cause to be deposited upon such premises the contents of any sewage disposal facility or the contents of any septic tank or any septic tank effluence.

CHAPTER 241 STORMWATER MANAGEMENT

§ 241-2 Definitions.

ILLICIT DISCHARGE

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 241-5 of this article.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards: the condition that applies where the Town has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the Town must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d)-listed waters: the condition in the Town's MS4 permit that applies where the MS4 discharges to a surface water listed in Section 303(d) of the Clean Water Act as amended by the Water Quality Act of 1987, Public Law 100-4. Under this condition the stormwater management program must ensure no increase of the listed pollutants of concern to the 303(d)-listed water.

C. Total maximum daily load (TMDL) strategy:

(1) The condition in the Town's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a water body or watershed into which the MS4 discharges.

(2) The condition in the Town's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed into which an MS4 discharges. Under this condition the Town must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the Town must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

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

§ 241-5 Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1) below. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this article, unless the DEC or the Town has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the DEC, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§ 241-9 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

§ 241-11 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Town in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 241-22 Applicability.

A. This article shall be applicable to all real property within the Town.

B. All land development activities subject to subdivision, site plan review and/or special use permits shall be reviewed subject to the standards contained in this article. In this instance, the SWPPP shall be submitted along with the subdivision, site plan application and or special use permit.

Local permits and approvals not required per PSL §130.

C. All land development activities not subject to subdivision, site plan review and/or a special use permit shall be required to submit an SWPPP to the SMO, who shall review the SWPPP for compliance with the requirements of this article.

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

§ 241-24 Stormwater pollution prevention plans.

A. SWPPP requirement. No approval of a land development activity shall be issued until an SWPPP has been accepted in accordance with the specifications in this article. A grading permit shall be issued along with the approved SWPPP.

Local permits and approvals not required per PSL §130.

C. Postconstruction stormwater runoff control.

(1) In addition to the SWPPP described above, land development activities meeting any of the three conditions below shall also be required to provide a report as to water quantity and water quality controls (postconstruction stormwater runoff controls):

(a) Stormwater runoff from project activity disturbing between one and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties; or

(b) Stormwater runoff from land development activities disturbing five or more acres at one time; or

(c) Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the DEC's list of impaired waters as set forth in Section 303(d) of the Clean Water Act, as amended by the Water Quality Act of 1987, Public Law 100-4, or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

(2) The additional report to be provided for postconstruction stormwater controls shall be provided with the SWPPP application and shall include:

(a) Description of each postconstruction SMP.

- (b) Site map/construction drawing(s) showing the specific location(s) and size(s) of each postconstruction SMP.
- (c) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms.
- (d) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions.
- (e) Dimensions, material specifications and installation details for each postconstruction SMP.
- (f) Maintenance schedule to ensure continuous and effective operation of each postconstruction SMP.
- (g) Maintenance easements to ensure access to all SMPs at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
- (h) An inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures....
- (i) If the land development activity meets either of the conditions described in § 241-24C(1)(b) or (c) above (activity disturbs five acres or more or runoff discharges a pollutant of concern to either an impaired water or a TMDL-designated watershed), then the SWPPP shall be prepared by a landscape architect, certified professional in erosion and sediment control (CPESC), soil scientist or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all SMPs meet the requirements in this article.

Local permits and approvals not required per PSL §130.

§ 241-25 Performance and design criteria.

Every soil disturbance shall meet the criteria set forth in the New York Standards for Erosion and Sediment Control, and all land development activities shall be subject to all of the following performance and design criteria:

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

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

(1) The Erosion Control Manual;

(2) The Design Manual; and

(3) The Town Standard Format for Stormwater Management Plans and Reports, a copy of which is annexed hereto as Appendix C. Editor's Note: Appendix C is on file in the Town offices.

B. Equivalence to technical standards. Where SMPs are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in the Design Manual [see Subsection A(2) above], and the SWPPP shall be prepared by a landscape architect, CPESC, soil scientist or professional engineer.

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

D. Permitting process; additional standards.

(1) Applications shall be made on forms prescribed by the Town, which shall be accompanied by the required fee, if any, established by the Town Board.

(2) The SMO or other Town designee shall review the application and act to approve, approve with modification, or deny the requested SWPPP.

(3) In the event that the submittal is denied, the applicant may have the decision reviewed by the Town Planning Board.

(4) The smallest practical area of land shall be exposed at any one time during the project.

(5) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(6) To protect areas in excess of one acre exposed for a period over two weeks during development, the following controls shall be applied:

(a) Temporary vegetation, mulch, geotextiles, and/or emulsion shall be provided as needed to prevent soil erosion. Application of these materials shall be by approved equipment;

(b) On areas that will be exposed for short periods of time (daily) where weather conditions are conducive to airborne soil particles, a construction fence shall be installed, as directed by the SMO; and

(c) On areas such as temporary roadways, when dry conditions prevail, the contractor shall be required to apply water or take other measures as required to prevent dust during daily construction activities.

(7) Sediment basins, debris basins, silting basins, silt fencing, or silt traps shall be installed and maintained to remove sediment from runoff waters on lands undergoing development.

(8) Permanent final vegetation and structures shall be installed as soon as practical in the development.

(9) The development plan should be fitted to the type of topography and soils so as to create the least erosion potentials.

(10) Wherever feasible, natural vegetation should be retained and protected.

(11) In areas of proposed fill, all existing vegetation and other organic material, including the root mat, shall be removed prior to placement of fill. The material shall be disposed of in an appropriate off-site facility or processed for reuse on site in a manner that will not be conducive to adverse effects of decomposition, such as the production of odors or of concentrations of noxious or explosive gases or the creation of unstable subsurface conditions. The proposed method of on-site processing and reuse shall be specified in the permit application and may require certification by a licensed professional engineer as a safe and effective means of disposal.

(12) No vegetation or other waste materials shall be buried on the site unless otherwise approved by the Town in accordance with Chapter 236 of the Town Code.

(13) All fill placed on the site shall be as free of organic material as is practicable.

CHAPTER 243 STREETS

§ 243-33 Utilities.

Telephone, gas, CATV and power cable conduits shall be installed as shown on the typical street cross-section detail and as approved by the Town Superintendent of Highways after consultation with the Superintendent of Water and Wastewater. The installation of these utilities shall be in accordance with specifications approved by the agencies governing these utilities and at no expense to the Town of Guilderland.

Local permits and approvals not required per PSL §130.

CHAPTER 280 ZONING

§ 280-4 Word usage.

UTILITY -- All facilities and equipment related to provide water, electric, gas, sanitary, drainage, telephone or any other services to the public.

§ 280-24.1 Rural 3 District.

C. Permitted uses.

[Electric transmission/public utility use is not specifically listed as a permitted use in this zoning district.]

D. Special uses.

(l) Excavation of sand, gravel, stone, loam, dirt and other earth products subject to the provisions of § 280-35, Excavations and topsoil removal.

(n) Public and private utility substations and uses, excluding power plants or repair yards, maintenance or storage facilities or uses of a similar nature.

Local permits and approvals not required per PSL §130.

§ 280-26 Signs.

Procedures for sign permits.

(1) After the effective date of this chapter and except as otherwise herein provided, no person shall erect, enlarge, change colors, cover or structurally alter any sign without first obtaining a permit therefor from the Zoning Board of Appeals.

Local permits and approvals not required per PSL §130.

§ 280-35 Excavations and topsoil removal.

A. Conformance required. All excavation and appurtenant activities commenced henceforth shall be in conformity with the provisions of this chapter and shall be located only within areas specifically permitted according to the provisions of this section.

B. Application procedure and requirements. Before any excavation or appurtenant activities are commenced, the owner, agent or the owner or lessee of the premises shall file with the Zoning Board of Appeals an application for permit and a filing fee required by the Town in a resolution establishing such fees.

Local permits and approvals not required per PSL §130.

F. Dimensional and safeguard requirements.

(2) The active excavation area (area from which overburden has been removed or is stored) shall not exceed 25% of the total contiguous lands owned by the applicant or not more than 20 acres, whichever is less. The reclamation process shall occur on an ongoing basis.

(3) No excavation shall be conducted closer than:

(a) Five hundred feet from an adjoining property line containing a habitable structure.

(b) Forty feet from an adjoining property line not containing a habitable structure.

(c) Seventy feet from the center line of a public right-of-way, provided that the angle of repose is no more than 33%. Grading may be conducted within such limits in order to provide adequate access to the premises. The setback area shall not be used for any use in conjunction with the excavation and appurtenant activities

except for one public notice sign for identifying use, buffer effect and those conditions stated in Subsection F(8) of this section pertaining to top- and subsoil preservation.

(4) All equipment structures and other operation facilities including sedimentation ponds shall not be closer than 600 feet from the right-of-way of the public highway or from an adjoining property line except when the applicant demonstrates that the topography necessitates the location of a sedimentation pond elsewhere and also demonstrates that sufficient safeguards will be constructed or provided for the protection of neighboring residents. Screening from public view will be provided as required in this chapter and as may additionally be required by the Town.

(5) Each tract of land to be granted a permit for excavation shall use only direct access to a dedicated roadway or roadways to major highways and have proof of legal right to that access.

(6) All access roads shall be constructed to include a curve so as to screen the operation from public view; provided, however, that the junction of the access and the public road must be at an angle of not more than 10° deviation from a right angle (90°).

(7) Fencing shall be required on all sides of an excavation area that abuts a residential zone, unless the depth of excavation (vertical face) is less than 10 feet. Fencing shall be erected no closer than 30 feet from a public right-of-way or an adjoining property line....

(8) Topsoil preservation. All topsoil shall be stripped from the active excavation area and stockpiled and seeded for use in accordance with the restoration plan. Such stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams or adjacent property. This provision applies to all operations except that of topsoil removal.

(9) Landscape. Existing hills, trees and ground cover fronting along public roads or adjacent property shall be preserved, maintained and supplemented by selective cutting, transplanting and addition of new trees, shrubs and other ground cover for the purpose of screening and noise reduction. If, however, the existing topography and natural vegetation does not lend itself to an economically feasible supplemental plan, the operation can, if properly landscaped with grass, trees and shrubs, grade back overburden around the perimeter of the excavation site to create a berm for the purpose of screening and noise reduction. No berm shall be constructed within 25 feet of property boundaries. The type and design of screening shall be approved by the Zoning Board of Appeals after referring the proposal to the Albany County Soil and Water Conservation

District and the Albany County Department of Planning. Adequate maintenance approval of the landscape by the Town Engineer or designated engineer shall be required for all permit renewals.

(10) Lateral support. All operations shall be conducted in a safe manner with respect to the likelihood of hazard to persons, physical damage to adjacent land or improvements, or damage to any street by reason of slides, sinking or collapse.

(11) Hours of operation. The hours of operation shall be only between 7:00 a.m. and 7:00 p.m. local time. No operations will be allowed on Sundays.

(12) Dust and dirt control. All haulageways leading to public highways shall be dust- and mud-free. All precautions shall be taken to prevent dust and dirt from being blown from the premises. Also, the first 200 feet of access from public roads shall be paved.

(13) Noise. Operations shall not be detrimental to adjacent property nor unduly interfere with the quiet enjoyment of adjacent property.

(14) Drainage system. An adequate and comprehensive drainage system shall be provided to convey the stormwater runoff originating on and crossing the premises in accordance with the natural direction of runoff for the total watershed area. No excavation shall be allowed closer than 100 feet from a natural stream. Sediment control measures must be installed to keep all sediment damage on the applicant's property. The Town Engineer or designated engineer shall determine whether or not the system and control measures are adequate before approval of the original or renewal permit.

(15) Flood and erosion control. The applicant shall include a plan for control of soil erosion and excessive groundwater seepage to public roads, streams or adjacent property. The Town Engineer or designated engineer shall determine whether or not the controls are adequate before approval of the original or renewal permit.

(16) No rock crushing, cement plant or other crushing, grinding, polishing or cutting machinery or other physical or chemical process for treating the product of such excavation shall be permitted.

G. Restoration and revegetation requirements.

(1) Slope. No slope shall be left with a grade steeper than one foot on three feet; provided, however, that for quarry operations, the Town Engineer or

designated engineer shall certify the face of the quarry wall as safe and acceptable and may require any means necessary to reinforce unsafe faces.

(2) All man-made debris shall be removed from the site and disposed of.

(3) Timing. Restoration shall be a continuous operation subject to field review and approval at each annual inspection and at the end of the permit period by the Town Engineer or designated engineer and anyone else designated by the Zoning Board of Appeals. Grading of topsoil or cover material and planting of the area designated for restoration during the permit period shall have been completed before a permit renewal can be granted. Plans for reuse of a quarry which do not call for restoration shall be reviewed and approved by the Zoning Board of Appeals and Town Engineer or designated engineer.

(4) Topsoil and fertilizing. Subsoil and topsoil shall be respread over the excavation area to a minimum depth of one foot (six-inch topsoil and six-inch subsoil). This soil shall be treated with lime and fertilizer and seeded with a grass or legume mixture or other commercial vegetal crop cover prescribed by the Town Engineer or designated engineer after conferring with the Albany County Soil and Water Conservation District. Trees or shrubs shall be planted in order to provide screening, natural beauty and to reduce erosion. The planted area shall be protected from erosion during the establishment period using approved conservation practices.

(5) During and upon completion of the excavation operation within six months after completion of the excavation operation, the land shall be left so that natural storm drainage leaves the property at the original drainage points. Also, the volume of drainage to any one point shall not be increased.

(6) Within six months after termination of the excavation operation, all equipment, building and structures associated with the soil mining operation shall be removed from the premises and all restoration and reclamation shall have been completed.

Local permits and approvals not required per PSL §130.

§ 280-43 Building permit required; expiration and extensions.

No structure shall be erected, altered, placed, moved or demolished, nor shall an excavation be made or footing or foundation be constructed therefor until a permit has been issued by the Chief Building Inspector and Zoning Coordinator, and such permit is prominently displayed upon the premises. This requirement applies equally to the construction or installation of underground structures, including

sewage disposal systems. Such permit shall expire 180 days after the issuance thereof unless construction shall have been commenced within said period, and it shall expire 12 months after date of issue. The Building Department may, for good cause, grant up to two six-month extensions of the above time period.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF NEW SCOTLAND

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

Industrial
Commercial
Medium Density Residential
Residential Agricultural A

CHAPTER 89 DUMPS AND DUMPING

§ 89-5 Private landfilling; restrictions on use.

No person shall deposit or cause to be deposited on premises any clean fill, obtained from on or off the site, in excess of 100 cubic yards prior to the issuance of a special use permit by the Town of New Scotland Planning Board, except as required by other authorities having jurisdiction in regard to fill needed for the construction of sanitary waste or stormwater management facilities.

Local permits and approvals not required per PSL §130.

CHAPTER 155 SEWERS

§ 155-13 Permit required to connect existing sewer main or sewer service lateral.

A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public lines thereof without a written permit from the Town. Failure to obtain a permit may result in a penalty as specified under §§ 155-16 and 155-17 of this chapter. Permits expire one year from date of issue.

Local permits and approvals not required per PSL §130.

§ 155-16 Penalties for offenses.

Any conviction under this chapter shall be deemed a violation, and every conviction of a violation of any provision of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment of not more than 15 days, or both such fine and imprisonment. For the purpose of conferring jurisdiction upon courts and judicial officers generally, charges under this chapter shall be deemed violations.

§ 155-17 Assessment in addition to penalty.

In addition, a penalty may be assessed, not exceeding \$500 for each violation, to be used for and recovered in a civil action brought in the name and for the benefit

of the sewer district within the Town of New Scotland where the violation occurred.

§ 155-21 Drainage easements.

A. Drainage easements or rights-of-way shall be provided for all drainageways and structures within the development and, when required, downstream of the development.

Local permits and approvals not required per PSL §130.

CHAPTER 164 SUBDIVISION OF LAND

§ 164-41 Stormwater management plan.

A stormwater management plan must be submitted prior to the Planning Board taking any action on any major subdivision and/or development of land specified elsewhere in the regulations and laws of the Town of New Scotland, New York. Said plan is to comply with the requirements outlined in Appendix A of this chapter, not attached; draft question as modeled after NYSDEC Division of Water, Technical and Operations Guidance Series 95.1.8. Said plan must address the following issues:

A. Flood control:

- (1) Peak flow attenuation;
- (2) One-hundred-year flood plans;
- (3) Runoff conveyance systems.

B. Water quality management:

- (1) Control of "first flush";
- (2) Control of thermal discharges;
- (3) Hierarchy for managing stormwater quality.

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

CHAPTER 182 WATER USE

§ 182-4 Right of entry for purposes of inspection and testing.

The Superintendent of Highways, the Water Inspector, water meter reader and other duly authorized officials of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing. Where a user has security measures in force, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay. Denial of entry by the Town may result in termination of the water service.

§ 182-6 Entry on private property to observe compliance of facilities.

The Superintendent of Highways, the Water Inspector or other duly authorized officials of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of but not limited to inspections, observation, measurement, sampling, repair, and maintenance of any portion of the water service facilities lying within an easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 182-14 Classes of water permits; application fees; tapping fees; testing fees.

A. Three types of water permits will be issued. These will be for residential, nonresidential, and repair/reconnection. The owner or his agent shall make application on a special form furnished by the water district. The permit shall be supplemented by any plans, specifications and other information considered pertinent in the judgment of the Superintendent of Highways, the Town Engineer, the Water Inspector or other duly authorized officials of the Town.

Local permits and approvals not required per PSL §130.

CHAPTER 190 ZONING

§ 190-12 RA Residential Agricultural.

D. Special uses:

(4) Essential service structures.

§ 190-13. MDR Medium Density Residential.

D. Special uses:

(3) Essential service structures.

§ 190-17 COM Commercial.

E. Special Uses:

(3) Essential services structures

§ 190-18 IND Industrial.

E. Special Uses:

(8) Essential services structures

§ 190-19 Additional requirements and standards.

The following additional requirements and standards shall apply to all commercial and industrial uses, except in the Commercial Hamlet Zones.

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

A. Additional requirements:

(1) Maximum building coverage ratio: 0.50.

(2) Maximum impervious surface ratio: 0.75.

(3) Maximum building height: 35 feet.

(4) Minimum usable open space ratio: 0.25.

(5) Minimum distance between principal buildings on the same site: 15 feet.

B. Additional standards.

(1) Any principal building may contain more than one principal use and/or organization provided that the total building coverage of the combined activities does not exceed the maximum building coverage ratio for the district.

(2) All building walls facing any street or residential district line are to be suitably finished for aesthetic purposes as determined by the Planning Board. All buildings in small shopping or office plaza clusters are to be compatibly designed whether constructed all at one time or in stages over a period of time.

(3) All areas not utilized for buildings, parking, loading, access and driveways, or pedestrian walkways are to be maintained in good condition and suitable landscaped with trees, shrubs, ground covers, lawns, or simple plantings.

(4) Parking is not allowed in the area between the principal building front face and the pavement edge of any street or road unless a fifty-five-foot setback is provided for any structure, and a five-foot landscaped strip is maintained between any parking meters and any property line abutting any street or road. This applies for commuter lots with two street faces. Parking is encouraged to locate within side yards where practical.

(5) Front, side and rear setbacks m-e to be landscaped as may be required by the Planning board.

(6) A minimum buffer area of 30 feet in width is to be maintained between any commercial structure and a residential district or an existing dwelling in use.

(7) Parking lots and service areas are to be paved in accordance with the pavement requirements of this chapter.

(8) Existing lots of record having 180 feet or less of frontage on a street will be limited to one point of vehicular access to the street to service all development on the lot including the division of the lot into additional lots.

(9) Existing lots of record having more than 180 feet but less than 500 feet of frontage on a street will be limited to two points of vehicular access to the street to service all development on the lot.

(10) Existing lots of record having 500 feet or more of frontage on a street will be limited to two points of vehicular access to the street for up to 1,000 feet of frontage, plus one additional point of access to the street for each additional 500 feet of frontage on the street or point thereof. These points of access shall service all development on the lot.

(11) Prior to the division of all or any portion of any existing lot of record having a gross lot area of five acres or more or 500 or more feet of street

frontage, the owner is required to file a master development plan (plan) with the Planning Board. The Planning Board will review the plan and determine its acceptability .

(a) A plan is to be prepared in accordance with Article V of this chapter.

(b) A plan should be conceptual in nature. It must identify major development opportunities and constraints associated with the site.

(c) In addition to the requirements contained in Article V of this chapter, a plan shall show, in conceptual manner, natural drainage features, environmentally sensitive means, prime development means, and other significant man-made and natural features.

§ 190-21 Open space requirement.

Open space shall be required for any subdivision in compliance with Chapter 164, Subdivision of Land, of the Code of the Town of New Scotland. At least 10% of the area of any commercial or industrial development in either the COM or IND Zone may be required to be retained in usable open space for common usage with appropriate landscaping. Open space shall not include parking areas or roadways .

§ 190-23 Off-street parking.

Off-street parking spaces shall be provided in accordance with the specifications III this section in any district whenever any new use is established or existing use is enlarged.

§ 190-24 Use of parking areas.

A. Parking areas are to be used for vehicle parking only with no sales, dead storage, repair work, dismantling or service of any kind. The required parking areas are to be permanently available for the use by patrons and employees of establishments providing such spaces.

B. Public, off-street parking in lieu of on-site parking may be utilized to fulfill parking requirements as approved by the Planning Board.

C. Handicap parking spaces are to be supplied in accordance with the Building Code of New York State.

§ 190-26 Off-street loading for all commercial and industrial uses.

Off-street loading shall be spaced logically, conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, and shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space.

§ 190-28 Pavement requirements.

The following pavement design standards shall apply. Off-street parking areas and loading areas including access aisles, driveways and fire lanes are to be paved as outlined below. Alternate pavement methods of an equivalent quality may be permitted subject to approval by the Town Engineer:

A. Areas of ingress and egress, loading and unloading areas, major interior driveways or access aisles and other areas likely to experience similar heavy traffic are to be paved not less than six inches of suitable subbase material in compliance with NYSDOT Standard Specification Type 4 equivalent gravel.

(1) Areas with poor soil conditions may require additional subbase material per Town Engineer's recommendation. Under extremely soft soil conditions, a soil stabilization fabric may also be deemed necessary and required after review by the Town Engineer.

(2) All areas of heavy duty pavement will be surfaced with a bituminous material unless an equivalent is approved by the Town Engineer. Bituminous surfacing is to consist of one inch of compacted Type 7 or 7F NYSDOT equivalent top course and a three-inch compacted Type 1 NYSDOT equivalent base course for a total bituminous material thickness of at least four inches. Should unsuitable subsurface soil conditions exist, additional bituminous base course may be required as per Town Engineer's recommendation.

B. Parking stall areas likely to experience similar light traffic are to be paved not less than six inches of NYSDOT Type 4 equivalent gravel.

(1) Bituminous surfacing is to be used unless an equivalent is approved by the Town Engineer. Bituminous surfacing is to consist of one inch of compacted Type 7 or 7F NYSDOT equivalent top course and a two inch compacted Type 3 or Type 1 NYSDOT equivalent binder or base course for a total compacted bituminous material thickness of at least three inches. Should unsuitable subsurface soil conditions exist, additional bituminous binder or base course may be required as per Town Engineer's recommendation.

C. All parking areas, regardless of size and location, shall be suitably drained and maintained with slopes on paved surfaces established between 2% and 8% in parking stall areas and with driveway grades no greater than 12% grade.

D. All off-street parking lots are to be adequately demarcated with painted lines or other markings to indicate traffic flow and parking spaces.

E. Granite, concrete and/or precast concrete curbing is to be installed, as required, to adequately control stormwater runoff and to delineate and protect other site features including but not limited to sidewalks, ingress and egress locations, landscaped islands and planting beds, parking and loading areas, and at intersections with Town, county or state roads. The appropriateness of curbing shall be reviewed and approved by the Town Planning Board and/or its consultant.

(1) All concrete curbing will have a twenty-eight-day compressive strength of 4,000 psi. Expansion joints are to be provided at intervals not to exceed 20 feet and to be sealed. Curb vertical face exposure is to be at least six inches above the pavement surface.

(2) Granite curbing is to be constructed to show a vertical face above the pavement surface of at least six inches.

§ 190-29 Yard and height regulations.

A. Coverage. In all districts, structures may not cover more than 30% of the lot except in COM or CH Districts, where commercial uses shall not cover more than 50% of the lot. All planned development projects and projects where clustering is applied, although individual lots may exceed this requirement, the overall project may not.

B. Height regulations.

(1) In the case of single-family dwelling, no building shall exceed two stories, with a maximum height of 35 feet.

(2) In the case of a building other than a single-family dwelling, including commercial and industrial buildings, and/or structures, no part thereof shall exceed three stories with a maximum height of 45 feet, except church spires or belfries, windmills, solar panels, silos and smoke stacks. No such structure shall hinder solar access of any adjacent parcel of land.

C. Front yard setback. Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than fifty-foot right-of-way or where the

right-of-way line is not known, the front yard requirement shall be measured from a point 25 feet from the center line of the existing roadway. Accessory structures.

Maximum permitted height for unattached structure shall be 20 feet, except that the maximum permitted height may be increased up to 35 feet if lot size is three or more acres and front, side and rear setbacks are each at least 50 feet.

(1) Maximum yard regulations.

(a) Unattached accessory structures in all districts. Accessory structures unattached to a principal structure may be erected provided such structures are not located within the front setback, or within five feet of any other property line.

(b) Attached accessory structures in all districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building.

(c) Nonresidential accessory structures. Nonresidential accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than 10 feet.

§ 190-31 Temporary construction structures.

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress.

Permits for temporary structures shall be issued for six-month periods by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 190-32 Signs.

Signs may be erected and maintained only when in compliance with the provisions of this and any and all other laws and regulations relating to the erection, alteration or maintenance of signs and similar devices. Flashing signs are prohibited in all districts.

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

§ 190-33 Exterior lighting.

Exterior lighting of buildings or grounds is permitted in all commercial and industrial districts only, provided such lighting be from shaded sources and be so located that beams are not directed toward any residential property or public highway.

§ 190-52 Site plan review.

The purpose of site plan review is to provide for the review and approval of development plans to ensure that land development occurs in harmony with surrounding uses, without causing adverse impacts to neighboring parcels, property values, public facilities, infrastructure or the natural environment.

A. Applicability.

(1) Prior to approval of a building permit for any project to which this section applies, a site plan must be approved by the Planning Board and filed with the Town Clerk.

Local permits and approvals not required per PSL §130.

CODE OF THE
VILLAGE OF VOORHEESVILLE

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

Industrial
Business B
Residential C-1
Residential C-2

ZONING LAW OF THE VILLAGE OF VOORHEESVILLE

Article IV Permitted Uses

Section 2 General Standards: In all districts uses are not permitted and shall be deemed to be objectionable if they can be distinguished beyond the limits of the property in which they are created in the following degree of intensity:

- Dust settles from the air, or floats through the air and can be distinctly seen;
- Smoke is carried so as to obstruct clear vision of the sky or carries along the ground where it may be breathed by persons or animals;
- Noxious fumes that can be plainly smelled or their presence detected by proper scientific apparatus;
- Vibration can be distinctly felt;
- Lighting or signs which create glare which could impair the vision of a driver of any motor vehicle;
- Cause a fire, explosion or safety hazard;
- Cause harmful wastes to be discharged into the sewer system, streams or other bodies of water including an aquifer. Effluent disposal shall comply with the local and state sewer health standards.

Permitted Uses: No building or land shall be used and no building or structure shall be erected or structurally altered, which is arranged, intended or designed to be used for other than one or more of the following uses with the provision that additional dwellings and accessory buildings may be erected on the same lot provided that no other requirements of this ordinance are violated.

Residential “C” Districts:
Essential Services

Commercial Districts:
Essential Services

Industrial Districts:

No permitted uses. All development by special permit use only.

Special Permit Uses: No building or land shall be used and no building shall be structurally altered which is arranged, intended or designed to be used for any of the following purposes, except on special permit as provided in Article XIX:

Industrial Districts:

In Industrial Districts no building or land shall be used and no building or structure shall be erected or structurally altered except on special permit as provided in Article XIX.

Special permit use in Industrial Districts shall be confined to heavy commercial and light industrial uses whose activities do not, in their normal use, constitute a fire hazard or emit smoke, glare, noise, odor or dust or impact negatively on the aquifer or on the environment in general or impact in any other ways which constitute a nuisance or detriment to neighboring properties and to public health, safety or the general welfare.

Essential Services - The construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection herewith, but not including essential service buildings unless granted by special permit and reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare.

Local permits and approvals not required per PSL §130.

Section 4 Regulation of Wetlands

Restrictions: All proposals and/or applications for subdivision, site development, building permits, alterations in usage and variances or any other change which takes place within or has direct impact on the designated wetland areas shall be referred by the building inspector in the first instance to the Conservation Advisory Council (CAC). The CAC shall review all such proposals and coordinate review by ENCON or the Corp. of Engineers, as applicable.

Notwithstanding the jurisdiction of ENCON or the Corp. of Engineers, the CAO shall, where it deems it appropriate, make it's own comments or

recommendations for any proposal in any designed wetland or environmentally sensitive area in the Village.

Upon request by the Building Inspector, an applicant must, at applicant's expense, provide a determination and delineation of any lands considered wetlands by either ENCON or the Corp. of Engineers.

Local permits and approvals not required per PSL §130.

Article IV Soil Mining

Section 6: Soil mining shall be prohibited on any lot in any zone, except for excavation pursuant to a valid building permit issued for the same lot.

Local permits and approvals not required per PSL §130.

Article X Signs

General: Signs may be erected and maintained as an accessory use when in compliance with the provisions of this Article and any and all other laws, ordinances and regulations relating to the erection, alteration or maintenance of signs and similar devices.

Signs in Residential Districts: Dwellings, accessory home occupations and professions shall be allowed one name place not over two (2) feet in length and one-half foot high.

Exceptions: In addition to any signs authorized by the foregoing sections, one (1) temporary, unlighted sign not over six (6) square feet in area may be placed at least 15 feet from any street line in connection with the sale, renting, construction or improvement of the property, if placed by authorization of the owner.

No sign permitted by this section shall extend above a peak roof line or a parapet wall, whichever is the higher.

Signs in Business and Industrial Districts: Not more than three signs, not to exceed a total combined area of fifty (50) feet, securely attached flat against the wall of the building, advertising the name of the firm or firms or the goods or services available or produced on the premises. No sign shall project above a peak roof line or a parapet wall, whichever is higher. No sign shall be installed or placed without first obtaining a permit therefore from the Codes Enforcement Officer.

Total Sign Area: The total sign area of all permitted signs on premises for permitted uses shall not exceed seventy-five (75) square feet.

Temporary Signage: Vegetable stands, garage, yard or porch sales or other temporary business activities shall not utilize more than two temporary signs with a maximum area of 9 s.f. each. Such signs shall be removed immediately upon the cessation of such business activity.

Local permits and approvals not required per PSL §130.

Article XVIII Storage of Mobile Homes, Boats, and Trailers

No mobile home, motor home, boat, trailer or truck shall be stored in the front yard in any district. In addition, when such vehicles or boats are stored on the premises, they shall meet the requirements of an accessory use.

Article XIX Special Use Permits

General: The special use for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

Local permits and approvals not required per PSL §130.

Article XX Special Regulations

Section 1 Site Plan Review.

The following types of land use proposals or developments require site plan approval.

- All development and building proposals for non-residential uses

Local permits and approvals not required per PSL §130.

Article XXIII Building Permit

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

Local permits and approvals not required per PSL §130.

GENERAL LOCAL LAWS

SOLID WASTE CONTROL

Section 4 Restrictions.

A. No person shall discard or cause to be discarded or deposited any solid waste in or upon any public highway or any public or private lands within the Village of Voorheesville.

C. Solid waste must be disposed of according to the regulations duly enacted from time to time by the Village Board. Solid waste remaining on owners premises contrary to Village regulations shall be prima facie evidence that the owner is in violation of this Local Law.

D. All recyclables as designated from time to time by the Village Board, shall be disposed of in accordance with the regulations enacted by said Board.

SEWER USE LAW

Section 305 Limitation on use of public sewers.

The use of the public sewers shall be strictly limited and restricted...to receive and accept the discharge of sewage and other wastes, excluding industrial wastes, generated on, or discharged from, real property within the bounds of the Service Area of the POTW.

Section 801 Industrial and Commercial Users Prohibited:

No industrial user shall be permitted to discharge into the POTW. No business user shall be permitted to discharge non-conventional pollutants into the POTW.

RESTRICTING WEIGHT LIMIT ON PINE STREET AND PROSPECT STREET

No vehicle or combination of vehicles exceeding five tons in gross weight shall be operated on Pine Street or Prospect Street in the Village of Voorheesville.

FLOOD DAMAGE PREVENTION

4.2 Development Permit.

4.2-1 Permit needed: A floodplain development permit is needed for all construction of structures or other development in areas of special flood hazard in this community.

Local permits and approvals not required per PSL §130.

5.2 Standards for all Structures.

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

5.2-1 Anchoring

(1) New structures are 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 Material 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.

NOISE CONTROL LAW

SECTION 4 PROHIBITED ACTS

1. Motor Vehicles: Shall comply with the applicable maximum noise levels for the operation of motor vehicles.

4. Construction: The erection, including excavation, demolition, alteration of any building other than between 7.00 am and 9.00 pm, shall be prohibited except in cases of public safety or emergency.

STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL

SECTION 2 STORMWATER POLLUTION PREVENTION PLANS

2.1 Stormwater Pollution Prevention Plan Requirement:

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

Local permits and approvals not required per PSL §130.

CODE OF THE
TOWN OF BETHLEHEM

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

I, Heavy Industrial; and
RLI, Rural Light Industrial.

CHAPTER 53 BUILDING CONSTRUCTION AND FIRE PREVENTION ADMINISTRATION

§ 53-4 Application for building permit.

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

Local permits and approvals not required per PSL §130.

CHAPTER 69 FLOOD DAMAGE PREVENTION

§ 69-4 Definitions and word usage.

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

FLOODWAY

The same meaning as "regulatory floodway."

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 69-12B of this chapter.

§ 69-6 Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Town of Bethlehem, Albany County, New York," dated April 17, 1984, with Flood Insurance Rate Maps enumerated on Map Index No. 361540 0001-0025, dated April 17, 1984, and with accompanying Flood Boundary and Floodway Maps enumerated on Map Index No. 361540 0001-0025, dated April 17, 1984.

B. The above documents are hereby adopted and declared to be a part of this chapter and are filed at the office of the Building Inspector, 445 Delaware Avenue, Delmar, New York 12054.

§69-11 Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 69-6. Application for a development permit shall be made on forms furnished by the Building Inspector and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 69-12 Duties of a building inspector.

Duties of the Building Inspector shall include but not be limited to:

A. Permit application review. The Building Inspector shall:

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 69-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 69-6, Basis for establishing areas of

special flood hazard, the Building Inspector 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 § 69-13D(4), in order to administer § 69-14, Specific provisions for flood hazard reduction, and § 69-15, Floodways.

§69-13 General provisions for flood hazard reduction.

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

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

A. Anchoring.

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

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

B. Construction materials and methods.

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

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

C. Utilities.

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

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

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

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

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments, including proposals for manufactured home parks and subdivisions, greater than either 50 lots or five acres.

E. Encroachments.

(1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazard set forth in § 69-12A(3). This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 69-12B or 69-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-foot at any point.

(3) In all areas of special flood hazard where floodway data is provided or available pursuant to § 69-12B, the requirements of § 69-15, Floodways, shall apply.

§69-14 Specific provisions for flood hazard reduction.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 69-6. Basis for establishing areas of special flood hazard, and § 69-12B, Use of other base flood and floodway data, the following standards are required:

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

B. Nonresidential construction.

(1) New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar elevated to one-foot above the base flood elevation or be floodproofed so that the structure is watertight below the base flood level, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

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

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

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

(b) If the structure is to be floodproofed:

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

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

(2) The Building Inspector shall maintain on record a copy of all such certificates noted in this section.

§69-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 69-4B). The floodway is an extremely hazardous area due to high-velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 69-6 and 69-12B, all encroachments, including fill, new construction, substantial improvements and other development, are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

CHAPTER 72 FRESHWATER WETLANDS

§72-3 Scope of regulations.

Within an officially designated wetland, any person proposing to conduct or cause to be conducted any of the activities specified below in Subsections A through E shall be required to file an application for a permit with the Town Clerk. These activities are subject to regulation whether or not they occur upon the wetland itself, if they impinge upon or otherwise affect the wetlands; provided, however, that no regulation shall apply to any area situated more than 100 feet from the boundary of such wetland or any such greater or lesser distance therefrom as determined by the Planning Board.

A. Erecting any structures, roads, the driving of pilings or placing of any other obstructions whether or not changing the ebb and flow of the water.

B. Any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquid wastes into or so as to drain into a freshwater wetland.

C. Any form of draining, dredging, excavation or removal of soil, mud, sand, shells, gravel or other aggregate.

D. Any form of dumping, filing or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly.

E. Any other activity which impairs any of the several functions served by freshwater wetlands or the benefits derived therefrom which are set forth in § 24-0105 of the Environmental Conservation Law.

Local permits and approvals not required per PSL §130.

§ 72-5 Application for permit.

A. No person shall conduct a regulated activity upon a freshwater wetland without first obtaining a valid permit pursuant to the provisions of this chapter.

Local permits and approvals not required per PSL §130.

CHAPTER 91 SEWERS

§ 91-2 Deposit of waste on public or private property prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited upon public or private property within the district, or in any area under the jurisdiction of said district, any human or animal excrement, garbage or other objectionable waste.

§ 91-3 Untreated discharges to natural outlets prohibited.

It shall be unlawful to discharge to any natural outlet, either directly or through any storm drain, within the district, or in any area under the jurisdiction of the district, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. The use of separate storm drains and sanitary sewers is mandatory. The construction of new facilities on streets not presently served by sewers shall be separate storm and sanitary systems. No combined sewers shall be allowed.

CHAPTER 97 SOLID WASTE

§97-2.1 Waste excavation material.

Waste excavation material of any kind shall not be discharged, disposed of, deposited or buried within the Town of Bethlehem unless said material is clean and uncontaminated by any hazardous or toxic substance and does not include solid waste or construction and demolition materials or debris. The discharge, disposal, depositing or burial of such waste excavation material within the Town shall require a permit and be performed in accordance with Chapter 98 of the Code of the Town of Bethlehem.

CHAPTER 98 STORMWATER MANAGEMENT

PART 1 Illicit Discharges, Activities and Connections to Separate Storm Sewer System.

§ 98-2 Definitions.

ILLICIT DISCHARGE

Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 98-7 of this Part 1.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy. The condition in the municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

ARTICLE II PROHIBITED ACTIVITIES

§ 98-7 Discharge and connection prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this Part 1, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, (water line flushing of superchlorinated water used to disinfect water mains shall be dechlorinated), landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this Part 1.

(3) Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

§98-11 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§98-13 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an onsite written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

PART 2 STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

§98-24 Applicability.

A. This Part 2 shall be applicable to all land development activities as defined in this Part 2, Article VI, § 98-26.

Local permits and approvals not required per PSL §130.

§ 98-26 Definitions.

LAND DEVELOPMENT ACTIVITY

Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in:

A. Land disturbance of equal to or greater than one acre.

B. Activities disturbing less than one acre of total land area that are part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

§98-27 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be approved until the appropriate board has accepted a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this Part 2.

B. Contents of stormwater pollution prevention plans.

(1) All SWPPPs shall provide the following background information and erosion and sediment controls:

(a) Background information about the scope of the project, including location, type and size of project;

(b) Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); the site map shall be at a scale as determined by the SMO;

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

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

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

(f) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices, to minimize exposure of the materials to stormwater, and spill prevention and response;

(g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;

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

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

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

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

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

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

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

(o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

(p) Any existing data that describes the stormwater runoff at the site.

(2) Land development activities as defined in § 98-26 of this article and meeting Condition A, B or C below shall also include water quantity and water quality controls (postconstruction stormwater runoff controls) as set forth in Subsection B(3) below as applicable:

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

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

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

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

CHAPTER 119 VEHICLES AND TRAFFIC.

§ 119-12 Vehicles over certain weights excluded.

Trucks, commercial vehicles, tractors and tractor-trailer combinations in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule IX (§ 119-35), except for the pickup and delivery of materials on such streets.

§ 119-35 Schedule IX: Vehicles Over Certain Weights Excluded.

In accordance with the provisions of § 119-12, trucks, commercial vehicles, tractors and tractor-trailer combinations in excess of the weights indicated are hereby excluded from the following streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Weight Limit (tons)	Location
Beaver Dam Road	3	Entire length
Bedell Avenue	3	Entire length
Booth Road	3	Entire length
Ellsworth Avenue	3	Entire length

Name of Street	Weight Limit (tons)	Location
Elm Avenue	3	Between County Route 55 and County Road 52
Elm Avenue east	3	Between Jericho Road and Elm Avenue
Kenwood Avenue	3	Between Delmar Bypass and Delaware Avenue
Lincoln Avenue	3	Entire length
Murray Avenue	3	Entire length
Plymouth Avenue	3	Entire length
Snowden Avenue	3	Entire length
Tierney Drive	3	Between Elm Avenue and Village Drive
Village Drive	3	Between Tierney Drive and Delaware Avenue
Winne Road	3	Between Delaware Avenue and Adams Place

CHAPTER 128 ZONING

§128-49 Grading, erosion and sediment control.

C. Regulated activities. The following activities shall require a grading, erosion and sediment control permit pursuant to this section:

(1) Land disturbance of 0.25 acre but less than one acre of land within the designated MS4 Phase II stormwater areas of the Town.

(2) Land disturbance of one acre or more shall comply with this section and Chapter 98 of the Code of the Town of Bethlehem.

(3) Land disturbance within 100 feet of the of the bank of the following streams or within the one-hundred-year flood zone of said streams:

(a) Normans Kill Creek.

(b) Vloman Kill Creek.

(c) Onesquethawa Creek.

(d) Phillipin Kill Creek.

(e) Dowers Kill Creek south of Route 32.

(f) As used herein "bank" refers to the location of the mean high water level.

(4) Excavation or filling which exceeds a total of 200 cubic yards of material per acre within any parcel or any contiguous parcels in any twelve-month period.

Local permits and approvals not required per PSL §130.

§128-52 Lighting.

A. General requirements.

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

(1) No artificial lighting shall shine directly upon any neighboring residential property located in a residential district or be so established that it shall shine directly upon any residential property or shall shine directly on or into any room or rooms, porches or patios of any residential property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring residential properties or as to interfere with the physical comfort of the occupants of residential properties.

(3) Exterior lighting shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas, as determined by the Planning Board.

(4) Security lighting should use the lowest possible illumination to effectively allow surveillance.

D. Exterior lighting plan review.

(1) Where required by the Planning Board, an application for site plan approval shall include an exterior lighting plan depicting the number,

location, mounting height, and type of proposed lighting fixture and level of illumination on the site.

Local permits and approvals not required per PSL §130.

§128-56 Off-street parking and loading.

F. In the General Commercial, Heavy Industrial and Rural Light Industrial Districts, off-street parking shall not be permitted within 10 feet of any property line providing highway frontage to the property. Such setback area shall be considered as a minimum; however, additional setback area may be required if determined to be necessary by the Planning Board and in accordance with § 128-71 of this chapter. In addition, such setback area shall be suitably landscaped in accordance with the requirements of § 128-71 of this chapter.

G. Except as otherwise provided, off-street parking areas as required for any use within the General Commercial, Heavy Industrial and Rural Light Industrial Districts shall be located no closer than 15 feet to any side or rear property line, except as may be approved by the Planning Board for the purpose of providing adjacent properties joint driveway access from the street, off-street access between properties and shared parking areas. Where such setback is reduced, the Board may require that a comparable amount of site area be added to other setback areas on the same site.

Local permits and approvals not required per PSL §130.

§128-59 Signs.

B. General regulations.

(1) No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without first obtaining a permit issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

§128-62 Temporary shelters.

A. Vehicle, trailer or vessel serving as building. Any movable vehicle, trailer or dockside vessel that is used or occupied for the purpose of providing shelter to persons, animals or property shall be subject to the regulations contained in this chapter applicable to its particular use.

(2) Commercial use. Any construction office trailer shall be identified in the applicable building permit issued by the Building Inspector and shall be removed from the premises prior to the issuance of a certificate of occupancy. Such trailer may have electric and heating capable of temporary connection to site utilities. Each construction office trailer shall be subject to the fee set forth in the current fee schedule adopted by the Town Board, which shall be due and payable at the time that an application for a certificate of occupancy is made.

Local permits and approvals not required per PSL §130.

(3) Temporary storage.

(a) Commercial trailers may be placed on any lot for the purpose of storage, accessory to any permitted commercial use, provided that a permit is first obtained from the Building Inspector.

Local permits and approvals not required per PSL §130.

(4) Permanent storage. Commercial trailers may be placed on any lot in the Rural, Heavy Industrial and Rural Light Industrial Districts for the purpose of permanent (i.e., greater than nine months) storage, accessory to any permitted nonresidential, nonagricultural use, provided that a permit is first obtained from the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 128-69 Special use permit review and approval.

A. Reviewing agency. Pursuant to Town Law § 274-b, Subdivision 2, the Planning Board is hereby empowered to review and approve, approve with modifications and/or conditions, or disapprove special use permit applications as provided in this chapter.

Local permits and approvals not required per PSL §130.

§128-71 Site plan review and approval.

A. Site plan application. An application for site plan approval shall be submitted to the Planning Board on forms provided by the Board for such purpose.

Local permits and approvals not required per PSL §130.

§ 128-82 Building permits and certificates of occupancy.

A. Building permits. Building permits shall be required and issued pursuant to Chapter 53, Building Construction and Fire Prevention Administration, of the Town Code. No person shall alter or add to any existing structure, or construct a new structure or part thereof, nor change the use of any building, without a valid zoning and building permit as required by Chapter 53 and issued by the Building Inspector.

Local permits and approvals not required per PSL §130.

§ 128-99 Schedule of Uses.

A. Refer to chart at end of chapter.

§ 128 Attachment 1: Schedule of Uses

Heavy Industrial

[Public Utilities are a specially permitted use requiring site plan approval.]

Rural Light Industrial

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

CODE OF THE
TOWN OF COEYMANS

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

I-3P Planned Industrial (~3,000 ft)
R-1 Single Family Residential (~2,500 ft)

CHAPTER 71 BUILDING CONSTRUCTION AND FIRE PREVENTION

§ 71-4 Building permits.

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

Local permits and approvals not required per PSL §130.

§ 71-6 Stop-work orders.

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

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

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

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

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.

CHAPTER 93 FLOOD DAMAGE PREVENTION

§ 93-4 Definitions.

FLOODWAY

The same meaning as "regulatory floodway."

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 93-12B of this chapter.

§ 93-6 Basis for establishing areas of special flood hazard.

The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Town of Coeymans, New York, Albany County," dated August 3, 1989, with Flood Insurance Rate Maps enumerated on Map Index No. 3600050001-0018 dated August 3, 1989. The above documents are hereby adopted and declared to be a part of this chapter and are filed at the Town Clerk's office, Russell Avenue, Ravena, New York 12143.

§ 93-11 Establishment of development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 93-6. Application for a development permit shall be made on forms furnished by the local administrator and may include, but not be limited to, plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§93-12 Duties and responsibilities of local administrator.

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

A. Permit application review.

(1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.

(2) Review all development permit applications to determine that all necessary

permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. A hydraulic engineering study may be required of the applicant for this purpose:

(a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.

(b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

(4) Review all development permits for compliance with the provisions of § 93-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 93-6, Basis for establishing areas of special flood hazard, 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 § 93-13D (4) in order to administer § 93-14, Specific standards, and § 93-15, Floodways.

§ 93-13 General standards.

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

A. Anchoring.

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

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

B. Construction materials and methods.

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

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

C. Utilities.

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

D. Subdivision proposals.

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

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood-carrying capacity of the area of special flood hazards set forth in § 93-12A(3), regarding permit review. This may require the submission of additional technical data to assist in the determination.

(2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 93-12B or 93-13D(4) and no floodway has been determined, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

(3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 93-12B, the requirements of § 93-15, Floodways, shall apply.

§ 93-14 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 93-6, Basis for establishing areas of special flood hazard, and § 93-12B, Use of other base flood data, the following standards are required:

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

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

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

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

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

(2) If the structure is to be floodproofed:

(a) A licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the

construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to make the structure watertight with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(b) A licensed professional engineer or licensed land surveyor shall certify the specific elevation (in relation to mean sea level) to which the structure is floodproofed.

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

C. Construction standards for area of special flood hazards without base flood elevation.

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

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

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

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

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

§ 93-15 Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 93-4). The floodway is an extremely hazardous area due to high velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by §§ 93-6 and 93-12B, all encroachments including fill, new construction,

substantial improvements and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

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

CHAPTER 138 SOLID WASTE

§ 138-4 Preparation of waste; general procedures.

A. All residential, nonresidential and commercial waste generators in the Town of Coeymans shall contract for waste removal services with a private waste collector registered and permitted by the town or shall demonstrate to the Recycling Coordinator an appropriate, legal, alternative method of disposal. These waste removal services shall include the separation of recyclables according to instructions issued by the Town Recycling Coordinator. This list of instructions will be approved by the Town Board by resolution and will take effect 30 days after the approval of the resolution unless otherwise specified in the resolution.

Local permits and approvals not required per PSL §130.

CHAPTER 96 FRESHWATER WETLANDS

§ 96-1 Regulatory authority

Pursuant to § 24-0501 of the New York State Freshwater Wetlands Act (Article 24 of the New York Environmental Conservation Law), the Town of Coeymans shall fully undertake and exercise its regulatory authority with regard to activities subject to regulation under the Act in freshwater wetlands, as shown on the Freshwater Wetlands Map, as such map may from time to time be amended, filed by the Department of Environmental Conservation pursuant to the Act, and in all areas adjacent to any such freshwater wetland up to 100 feet from the boundary of such wetland. Such regulatory authority shall be undertaken and exercised in accordance with all of the procedures, concepts and definitions set forth in Article 24 of the New York Environmental Conservation Law and Title 23 of Article 71 of such law relating to the enforcement of Article 24, as such law may from time to time be amended, with the following exceptions, additions and modifications.

CHAPTER 102 GARBAGE AND GARBAGE RECEPTACLES

§ 102-5 Storage of garbage outside buildings.

No person shall place or deposit or permit or cause to be placed or deposited any garbage outside any building within the identified zones within the Town of

Coeymans unless the garbage is properly and carefully contained within a covered metal, wooden or molded plastic receptacle or placed in an adequate solid enclosure, which receptacle or enclosure shall be capable of holding the contents thereof within the confines of said receptacle or enclosure so as to prevent the same from falling out, being blown about or in any way removed from said receptacle or enclosure, except for transmittal to a proper place of disposal

CHAPTER 156 VEHICLES AND TRAFFIC

§ 156-10 Local traffic only.

Effective upon the adoption of this article, Second Street shall be restricted to local traffic only; nonlocal through traffic is prohibited.

CHAPTER 165 ZONING

§ 165-10 Supplementary Regulations

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

Q. Signs and Billboards

1) Signs in residence districts. Signs in residence districts shall be limited to one nonilluminated nameplate, not exceeding 11/2 square feet in area, except for signs or bulletin boards of churches or educational institutions and signs advertising the premises for sale or rent which shall not exceed six square feet in area. Advertising signs shall be prohibited in all residence districts.

(2) Signs in nonresidence districts.

(c) Freestanding signs. Not more than one freestanding sign, with the area of one side of such sign not to exceed 150 square feet, shall be erected on any lot for each 10 acres of area and/or each 400 feet of street frontage, or fraction thereof, of such lot; hereinafter, no such signs shall encroach on any required front yard. Gasoline filling stations may erect not more than one standard sign within the required front yard for purposes of identification.

(d) Sign illumination. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.

(e) Moving or flashing signs. Moving or flashing signs or advertising devices shall be prohibited.

(f) Temporary signs. No temporary signs made of paper, cardboard, canvas or similar nonpermanent material, other than a sign advertising the sale or rental of the premises on which the same is situated, will be permitted on the outside of any building or on any lands.

(g) Directional signs. Nothing contained herein shall restrict the installation and placement of any fixed directional signs with an area not exceeding 10 square feet for the guidance of visitors.

(i) An application fee of \$25 shall be part of the application for a sign permit in nonresidence districts.

S. Excavations for construction.

(1) Excavation in connection with the construction of a building for which a building permit has been issued shall be permitted in any district.

(2) Any excavation must, at all times, be marked, covered or fenced to sufficiently protect public safety at all times during the operation.

(5) All blasting within areas of excavation will be in accordance with modern methods which will protect adjacent property from damage, both from overhead damage and subsurface vibration.

§ 165 Attachment 5 Schedule of District Zoning Regulations

I-3P Planned Industrial

[Public utility facilities require special use permit and site plan approval.]

R-1 Single Family Residence

[Electric transmission/public utility uses are not specifically listed as permitted uses within this zoning district.]

WESTCHESTER COUNTY

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CHAPTER 712 COUNTY-OWNED PROPERTY, USE OF

§ 712.21 Territorial scope.

These ordinances, rules and regulations shall apply to all parts or portions of any County-owned property as hereinbefore defined and shall govern the use of, parking on and traffic in and through the same by all persons.

§ 712.121 Construction work.

No person shall perform construction work of any kind or work incidental thereto without a permit.

Local permits and approvals not required per PSL §130.

§ 712.475 Operation of motor vehicle; idling of engine restricted.

1. No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law (State of New York), standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device.

§ 712.511 Obstructing traffic.

No person shall cause or permit a vehicle to obstruct traffic on any drive or to stop such vehicle thereon except in compliance with traffic direction signs or traffic control signals or the directions of a Westchester County parkway policeman, special Westchester County parkway policeman or when traffic makes such stopping necessary. No person shall drive a vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic except when such reduced speed is necessary for safe operation, mechanical breakdown, or in compliance with directions of a parkway policeman or special parkway policeman.

§ 712.531 Parking, stopping or standing of vehicles on traffic lanes.

No vehicle on County-owned property shall be parked, stopped or allowed to stand on any drive, bridge, structure, access drive or at any other place where posted to the contrary. Parking, standing or stopping on the shoulders of any drive shall be permitted only in an emergency, or when authorized by the County, and then only on the shoulder to the right of the traffic lane facing in the direction of travel and only on condition that all wheels and projecting parts of the vehicle

shall be completely clear of the travel lane. The provisions of this paragraph shall not apply to police, maintenance or official County vehicles.

CHAPTER 803 BUILDINGS AND STRUCTURES, CONSTRUCTION OF

§ 239–k Regulations for control of development.

No building permit shall be issued or approved by any municipality when such proposed building shall have frontage on, access to, or be otherwise directly related to any existing county road or drainage system, or county road or drainage right-of-way proposed by the county official map, if any, except in accord with the following procedures. Upon receipt of application for such building permit, the municipal building inspector or other authorized municipal official shall so notify the county superintendent of highways or commissioner of public works. Within ten days of receipt of such notification, the county superintendent or commissioner shall report to the municipality on his approval or disapproval, or on his approval subject to stated conditions, of the application for a building permit insofar as such building, including curb cuts or other means of access, may be related to any existing or proposed county road or drainage system.

Local permits and approvals not required per PSL §130.

CHAPTER 813 ROAD CONSTRUCTION SPECIFICATIONS

§ 813.21 Permit required.

No person, firm, corporation, improvement district or municipality shall construct any works in or upon any County road or construct any overhead, surface or underground crossing thereof or construct, maintain, alter or repair any drainage, sewer, water pipe, conduit or other structure thereon or thereunder without first obtaining a written permit therefor from the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

§ 813.81 Regulations pertaining to the operation of equipment.

The following rules and regulations regulating the operation of heavy construction equipment, including tractors, power shovels, rollers, trailers, graders and other machinery which does not operate on pneumatic tires. No construction equipment, excepting trucks, shall operate on or be hauled over any County road unless same shall be equipped with pneumatic tires or mounted upon a pneumatic-tired trailer unless a permit therefor shall have been first obtained from the Commissioner of Public Works. Said permit shall not be construed as a waiver of the provisions of the Vehicle and Traffic Law or of any local ordinance relative thereto.

Local permits and approvals not required per PSL §130.

§ 813.91 Care of shade trees.

No person, firm or corporation shall plant, remove, trim, damage or otherwise alter any shade tree or planting on any County road outside of cities or villages without first obtaining approval thereof in writing from the Commissioner of Public Works.

Local permits and approvals not required per PSL §130.

CHAPTER 873 SANITARY CODE

§ 873.1317 Air quality; emissions from diesel engines; and motor vehicle engines; limitations.

1. As used in this section, the following terms shall have the meanings indicated:

a. Motor vehicle. Any vehicle that is self-propelled by an engine, including but not limited to, automobiles, vans, motorcycles and construction vehicles;

2. No person shall operate, allow or permit the operation of a diesel engine or vehicle propelled by a diesel engine in such a manner as to emit exhaust emissions equal to or greater than 20 percent opacity for a continuous period of more than five seconds as determined by a trained certified observer.

3. No person shall allow or permit the engine of a motor vehicle to idle for more than three consecutive minutes when the motor vehicle is not in motion, except that this provision shall not apply when:

a. A motor vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control;

b. Regulations adopted by a federal, state or local agency having jurisdiction require the maintenance of a specific temperature for passenger comfort, in which case the idling time may be increased to the extent necessary to comply with such regulations;

c. An engine is being used to provide power for an essential auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming operations; or when operation of the engine is required for the purpose of maintenance;

d. Trucks and heavy-duty construction equipment propelled by diesel engines, owned and operated by persons engaged in mining and quarrying, are used within the confines of such person's property;

e. A hybrid-electric vehicle is idling for the purpose of providing energy for the battery or other form of energy storage recharging;

f. The motor vehicle is an electric vehicle; and

g. The motor vehicle is not powered by a diesel engine and the ambient air temperature is 32 degrees Fahrenheit (0 degrees Celsius) or less.

4. This section shall apply to any person who owns, operates, leases, supervises or who otherwise has charge, supervision or control of such vehicle and to any person who owns leases or occupies land and has actual or apparent domain or control over such vehicle or engine which is present on such land.

§ 873.2206 Water pollution control; spills.

1. The voluntary or involuntary discharge or spillage of any industrial waste, offensive material or other waste to the surface of the ground, roadway or waters within the county must be immediately reported to the commissioner.

2. No person shall allow the voluntary or involuntary discharge or spillage of any liquid that may affect or may reasonably be expected to affect the waters within the county.

3. All necessary preventative action must be taken by the responsible person to minimize the damage to the public and the environment as a result of a voluntary or involuntary discharge or spillage of any liquid to the surface of the ground, roadway or waters within the county.

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

I District: Industrial, residences excluded

CHAPTER 43 ZONING

Zoning Districts: Table 43-1

Utility Substations are allowed in the following districts, with a Special Use Permit:

I District: industry, residences excluded

While Utility Substations are listed as permitted uses, Public Utilities and electric transmission lines are not listed as a permitted use in the I District.

§ 43-8 Definition of terms.

PUBLIC OR PRIVATE UTILITY -- Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection or other similar services.

UTILITY SUBSTATION -- Any substation owned or operated by a public or private utility for the transmission and/or distribution of electricity, gas, heat, steam, telephone and water.

§ 43-28 Prohibited uses

No land, building or structures shall be used for the following purposes:

- Electric bulk power substations
- Trailers, except temporary construction or classroom trailers

§43-43 Supplemental regulations for certain accessory nonresidential uses and structures.

L. Outdoor storage.

(1) No flammable or explosive liquids, solids or gases shall be stored aboveground. Tanks or drums of fuel directly connected to heating devices or appliances located on the same premises as the tanks or drums of fuel may be permitted, provided that they meet the requirements of the NFPA and the Fire Commissioner of the City of Yonkers. No more fuel than is necessarily required for the principal use shall be stored on the premises.

(2) All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and shall meet all required setbacks for the district in which they are located. This provision shall not apply to outdoor storage of new cars or other vehicles on the premises of the automobile sales or automobile rental establishments.

O. Refuse collection, storage and recycling.

(1) An enclosed area shall be provided for the temporary outdoor storage of trash or recycling materials and other refuse. Trash receptacles shall be covered. The enclosed area shall be on a durable, paved surface and located, designed and screened by landscaping or an attractive, solid architectural fence, so that the trash and refuse will not be seen by the general public or from adjoining properties.

(4) Any commercial or industrial use generating wastes that are attractive to rodents or insects, or which may be borne by wind or rain, shall provide completely sealable containers for waste storage and collection.

Q. Signs.

(1) Signs shall be permitted in all nonresidential districts subject to the regulations contained in Chapter 47, Outdoor Signs, of the City Code, except as provided below....

(2) Notwithstanding the provisions of Chapter 47, Outdoor Signs, of the City Code, business signs in the OL, CM and IP Districts shall be subject to the following provisions:

(d) All signs, except as hereinafter specifically excluded, shall be the subject of a sign permit issued prior to erection. All signs required to have permits shall at all times prominently and permanently display the permit number on the face of the sign. Failure to display the permit number shall constitute cause for revocation of the sign permit by the Commissioner of the Department of Housing and Buildings in addition to any other penalties or remedies prescribed in this chapter.

(e) Temporary signs, or signs directing automobile drivers to off-street parking lots, having an area of four square feet or less shall not be required to have a sign permit.

Local permits and approvals not required per PSL §130.

§ 43-50 Special use permit required.

Special uses for which conformance to additional requirements is mandated by this chapter shall be permitted in their respective districts, subject to the satisfaction of the conditions and standards set forth in this section in addition to all other requirements of this chapter. All such special uses are declared to possess characteristics of such unique and special form that each specific special use shall be considered as an individual case. All uses for which a special use permit is required shall also be subject to site plan review as set forth in Article IX of this chapter.

Local permits and approvals not required per PSL §130.

§ 43-74 Special use permit requirements for certain business, commercial and office uses.

A. Business or commercial or office or motor vehicle uses open between 12:00 midnight and 6:00 a.m.

(1) Any business or commercial or motor vehicle use which is open to the general public between 12:00 midnight and 6:00 a.m. shall be required to obtain a special use permit as provided for herein.

(2) Any such establishment which was in operation prior to the enactment of this section shall within one year of the date at which this chapter becomes effective, apply to the Planning Board for a special use permit to allow the continuation of operating at such hours.

(3) In all cases, including that described in § 43-74A(2) hereof, the owner, operator or general manager of a business or commercial or motor vehicle use may apply to the approving board for an extension of the hours of operation, as said board deems reasonable. The board, in making its determination, may consider any and all factors it deems necessary to render a fair determination, including but not limited to:

(a) The location or proximity of the establishment within or to the residential area.

(b) The methods used by the owner, operator or general manager to mitigate the adverse effect of noise, litter, lighting and traffic upon the residential area.

(c) The security measures use by the establishment to prevent or discourage robberies, vandalism and loitering.

(d) Such other factors that, in the discretion of the Board, are necessary to protect the general health, safety and welfare.

§ 43-94 Site plan approval required.

A. No building permit shall be issued for a building or structure and no building, structure or use shall be established other than a detached single-family dwelling or a two-family residential dwelling unless it is in conformity with a site plan approved in accordance with this article (Article IX).

B. No certificate of occupancy or use permit for a use, building or structure shall be issued until all the requirements of such approval and any conditions attached thereto have been met...

Local permits and approvals not required per PSL §130.

§ 43-127 Off-street parking and loading spaces required.

[A]ll uses of land, buildings and structures shall be required to meet the off-street parking and loading spaces regulations and standards as required herein. No certificate of occupancy shall be issued for any use, building or structure, whether for a new, enlarged, otherwise altered building or structure or for a change of use of land, building or structure, until such off-street parking and loading spaces have been established in accordance with the requirements of this chapter...

Local permits and approvals not required per PSL §130.

Table 43-4 Schedule of Parking Requirements.

Utility substations	1 for 400 square feet of gross floor area devoted to office use and 1 per 750 square feet of gross floor area for other uses, but not less than 1 space
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§ 43-130 New buildings or structures exempt from providing off-street parking and loading.

New buildings or structures or enlarged or otherwise altered buildings or structures in the CB, DW and GC Districts shall be exempt from providing new or additional off-street parking or loading spaces until October 6, 2006, provided that no existing off-street parking or loading spaces provided on the property shall be eliminated or reduced in number, and except that the location, size or layout of such existing spaces may be changed in conjunction with the site plan review.

§ 43-151 Building permits.

A. No structure or building shall be erected or structurally altered or repaired until there has been filed with the Commissioner of the Department of Housing and Buildings a plan, in duplicate, drawn to scale, showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location of the structure, building or buildings and accessory buildings to be erected, altered or repaired, together with such information as may be necessary to determine and provide for the enforcement of this chapter and to issue a permit therefore by said Commissioner of the Department of Housing and Buildings.

Local permits and approvals not required per PSL §130.

§ 43-152 Certificate of Occupancy and Use Permit.

B. Use permit for a structure other than a building and for the use of a lot or land.

(1) A use permit shall be issued by the Commissioner of the Department of Housing and Buildings to the owner or agent of any structure, other than a building, which is erected or structurally altered, enlarged or rebuilt after the passage of this chapter, and to the owner or agent of any lot or land which is put into use after the passage of this chapter, upon completion of such structure or upon the putting into use of such lot or land in compliance with all the provisions of this chapter and of all other ordinances of the City of Yonkers that pertain to the construction and use of such structure or to the use of such lot or land.

Local permits and approvals not required per PSL §130.

§ 43-216 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this article and Article XVI of Chapter 56, Building and Electrical Code.

Local permits and approvals not required per PSL §130.

CHAPTER 47 OUTDOOR SIGNS

§ 47-3 General provisions for Signage.

A. Erection. No sign shall be erected or maintained in the City of Yonkers except in conformity with the provisions of this chapter.

B. Permit required. It shall be unlawful for any person other than a licensed sign erector to erect, alter, relocate or remove any display within the City of Yonkers or any sign or other advertising device as defined in this chapter without first obtaining a permit from the Bureau of Housing and Buildings and paying the fees as required by this chapter.

Local permits and approvals not required per PSL §130.

§47-5 Permit Required; fees.

A. No sign shall be erected or structurally altered, painted, repaired or maintained by any person except as prescribed in this chapter and by a sign erector licensed hereunder and until a permit therefor shall have been issued by the Commissioner. No permit shall be granted until after an application, on forms prescribed and furnished by the Commissioner (showing the plans and specifications thereof, including dimensions, materials and details of construction or structural alterations or repair of the proposed sign), shall have been filed with and approved by the Commissioner, nor until the prescribed fee for each such permit shall have been paid to the Comptroller as follows. All permit fees are fixed and shall be paid on a per-sign basis.

Local permits and approvals not required per PSL §130.

§ 47-6 Exemptions.

A. The provisions and regulations of this chapter shall not apply to the following signs...:

- (1) Temporary signs, not permanently attached to a building or other inherently permanent structure and not permanently affixed to the ground, provided that such signs shall be displayed for no more than 90 days and shall not exceed 16 square feet in area.

§ 47-10 Prohibited districts and locations.

A. It shall be unlawful for any person to tack, place, post, paint, print or nail any handbill, poster, advertisement or sign of any description upon any curb, sidewalk, gutter, street, highway or public place or upon any hydrant, lamppost, tree, telephone

pole, public utility pole, fence, bench, traffic signal stanchion, public building or any other item or structure in any street, or to direct or suffer or permit any servant, agent, employee or other person under his or her control to engage in such activity; provided, however, that this section will not apply to any sign or advertisement posted under the direction of the City Council or any city department or pursuant to a franchise, concession or revocable consent.

B. There shall be a rebuttable presumption that the person whose name, telephone number or other identifying information appearing on any handbill, poster, advertisement or sign on any item or structure described in Subsection A of this section violated this section by either tacking, placing, pasting, posting, painting, printing or nailing such illegal sign or directing, suffering or permitting a servant, agent, employee or other individuals under such person's control to engage in such activity.

C. No sign of any description shall be installed, erected, constructed or maintained in such a manner as to obstruct any fire escape, window or door of a building or structure, nor shall any sign be attached in any manner to a fire escape.

D. Any existing sign in the City of Yonkers that is subject to a lease or other agreement permitting such sign to remain on city property shall be permitted to remain only until the expiration of such agreement. Such lease or agreement shall be terminated immediately pursuant to this chapter if termination is authorized by the terms of such lease or agreement.

§ 47-14 Noncommercial images or messages.

Notwithstanding any other provision of this chapter, any sign otherwise permitted by this chapter may contain noncommercial images or messages in lieu of any other images or messages, regardless of whether such noncommercial images or messages relate to activity conducted upon the premises.

CHAPTER 56 BUILDING AND ELECTRICAL CODE

§ 56-3 Conformance required.

No wall, structure, building or part thereof shall hereafter be constructed, repaired, reconstructed or altered; no solid-fuel-burning heating apparatus, chimney or flue shall be installed; no asbestos project shall be undertaken; and no equipment of any building, structure or premises shall be constructed, repaired, reconstructed or altered, except in conformity with the provisions of the New York Uniform Code, this chapter, the rules and regulations of the Bureau and the provisions of Article 30 of the Labor Law. No building already erected or hereafter to be built shall be altered in any manner that would be in violation of any of the provisions of the New York Uniform Code, this chapter, any rule or approval of the Bureau or the provisions of Article 30

of the Labor Law. Nothing in this chapter shall prohibit the raising or lowering of any building to meet a change of grade in the street on which it is located, provided that the building is not otherwise altered.

Local permits and approvals not required per PSL §130.

§ 56-15 Building permits.

A. Except as hereinafter provided, no person, owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or any of their agents or employees shall commence the construction, enlargement, alteration, improvement, removal or demolition of any building or structure or any portion thereof or install a solid-fuel-burning heating apparatus, chimney or flue in any dwelling unit without first having obtained a permit from the Bureau.

Local permits and approvals not required per PSL §130.

§ 56-17 Preapplication and application for building permit.

B. Before commencement of any construction, alteration, repair, installation, work or activity which requires issuance of a building permit pursuant to the New York Uniform Code or this chapter, the owner or lessee or agent of either or the architect, engineer or builder employed by such owner or lessee shall apply to the Bureau for a building permit.

Local permits and approvals not required per PSL §130.

§ 56-21 Authorization of owner.

If any construction, alteration, repair, installation, work or activity which requires issuance of a building permit pursuant to the New York Uniform Code or this chapter is to be undertaken by any person other than the owner in fee of the land, such person intending to undertake such activity shall submit to the Department, in addition to the building permit application, a statement, in writing, under oath, giving the full name and residence of each of the owners of the land, building or proposed building, structure or proposed structure, premises, wall, platform, staging or flooring and reciting that he is duly authorized by the owner to perform such work. Such statement authorizing the work shall be signed by the owner under oath and shall be notarized.

Local permits and approvals not required per PSL §130.

§ 56-32 Inspection required.

All work for which permits are issued under the provisions of the New York Uniform Code and this chapter shall be inspected at various intervals during the progress of the work involved. Inspections are mandatory and shall be made as set forth in this article.

A. Inspections shall occur prior to enclosing or covering the work to be inspected and shall occur at the completion of each stage of construction, including but not limited to the following stages:

(1)Excavation and site preparation.

(2)Footings and foundation inspection, to be made after footing trenches are excavated and the necessary forms erected.

(3)Frame, superstructure and masonry inspection, to be made prior to the lathing or installation of dry walls.

(4)Mechanical installation, to be made before enclosing walls and ceilings and after all electrical, plumbing, heating and air conditioning are in place.

(5)Final inspection, to be made after the structure is completed.

§ 56-40 Certificate of occupancy.

A. No building erected subject to the New York Uniform Code or the Yonkers Fire and Building Code shall be occupied or used, in whole or in part, for any purpose whatever until a certificate of occupancy is issued by the Department in accordance with its class and kind under the provisions of the New York Uniform Code and the Yonkers Fire and Building Code.

B. Each certificate of occupancy shall state the purpose for which the building may be used in its several parts, the maximum permissible live loads on the several floors, the number of persons that may be accommodated in the several stories in case such number is limited by any provision of the New York Uniform Code, this chapter, other ordinances or laws of the City of Yonkers or the approved specifications and special stipulations of the building permit, if any.

Local permits and approvals not required per PSL §130.

§ 56-52 Permit to excavate or fill.

Before any excavation or filling operation which exceeds 60 cubic yards or where found necessary by the Commissioner is commenced for any purpose, other than for the construction of a wall, driveway, sidewalk, building or part thereof, or before any topsoil, sand, gravel, rock or earth is removed from any plot or premises in the city, the owner or lessee, or agent of either, or the architect or builder employed by such owners or lessee in connection with the proposed excavation or removal or filling shall obtain a written permit therefor from the Department.

Local permits and approvals not required per PSL §130.

§ 56-111 Electrician's license required.

It shall be unlawful for any person, or a person representing a firm or corporation, to engage in the business of an electrical contractor in the manner herein set forth without being registered and licensed as a master electrician with the Westchester County Electrical Licensing Board.

§ 56-113 Permit required; exceptions.

A. No wiring, devices or equipment for the transmission, distribution or utilization of electrical energy for light, power or heat shall be installed within or on any structure nor shall any alteration or addition be made in any such existing wiring, devices or equipment, without first securing a permit therefor, except as follows:

(1) For minor repair work or for the replacement of lamps, ballasts or fuses or the connection of portable devices to suitable permanently wired receptacles.

(2) For maintenance and repair work on premises where one or more electricians who hold a special license are regularly employed for the purpose.

(3) For installers of low-voltage systems (fire alarm and burglar alarms) which do not involve the modification or addition to any existing electrical system.

Local permits and approvals not required per PSL §130.

§ 56-115 Requirements for multiple dwellings and nonresidential buildings.

The Commissioner shall require the following:

B. Other buildings (nonresidential): The Commissioner shall require the submission of plans and specifications drawn by and signed and sealed by an electrical engineer licensed and registered in the State of New York prior to the issuance of the building construction permit.

Local permits and approvals not required per PSL §130.

§ 56-117 Permits issued to licensed contractors only.

No permit for the installation or alteration of any electric wiring, devices or equipment shall be issued to any person, or a person representing a firm or corporation, unless such person, firm or corporation has been registered as an electrical contractor and holds a license to work within the City of Yonkers limits.

§ 56-119 Inspections.

A. Upon completion of an electrical installation which has been authorized by permit, the electrical contractor shall notify the Commissioner, who shall inspect the installation. If it is found to be fully in compliance with the provisions of the New York State Uniform Fire Prevention and Building Code and with the provisions of this article, he shall issue a certificate of approval or he may endorse his approval upon the certificate of approval issued by the New York Board of Fire Underwriters or the New York Electrical Inspection Services, Inc., for the same work. Such certificate, when so endorsed, shall be issued to the electrical contractor to whom the permit for the work was issued and shall constitute authorization for connection to the electrical service and the use of the installation.

B. Electrical inspections shall be made when, in the judgment of the Commissioner, electrical defects exist which constitute a hazard to persons and property. There shall be no inspection fees charged for such inspections unless determined otherwise by the Commissioner.

§ 56-124 Conformance with regulations required.

No certificate of approval shall be issued unless the electric light, power or heating installation is in strict conformity with the New York State Uniform Fire Prevention and Building Code, the provisions of the Yonkers Fire and Building Code, the laws of the State of New York and rules and regulations issued in accordance therewith and unless they are in conformity with approved methods of construction for safety to life and property.

§ 56-145 Definitions.

FLOODWAY -- Has the same meaning as "regulatory floodway."

REGULATORY FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies....

§ 56-146 Applicability; establishment of flood hazard areas; interpretation of provisions; penalties.

A. Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the City of Yonkers, Westchester County.

B. Basis for establishing areas of special flood hazard.

(1)The areas of special flood hazard for the City of Yonkers, Community Number 360936, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(a)Flood Insurance Rate Map Panel Numbers 36119C0307F, 36119C0309F, 36119C0316F, 36119C0317F, 36119C0326F, 36119C0327F, 36119C0328F, 36119C0329F, 36119C0331F, 36119C0336F, 36119C0337F, 36119C0338F, whose effective date is September 28, 2007, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(b)A scientific and engineering report entitled "Flood Insurance Study, Westchester County, New York, All Jurisdictions," dated September 28, 2007.

(2)The above documents are hereby adopted and declared to be a part of this article. The Flood Insurance Study and/or maps are on file at:

§ 56-147 Local administrator; permit requirements.

B. Floodplain development permit. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 56-146 B(1)(a), 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, and drainage facilities, and the location of the foregoing.

Local permits and approvals not required per PSL §130.

§ 56-148 Construction standards.

A. 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 § 56-146B(1).

B. 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.

C. Encroachments.

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

(b) The City of Yonkers 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 City of Yonkers for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Yonkers 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 § 56-146B(1), no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or

(b)The City of Yonkers 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 City of Yonkers for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Yonkers for all costs related to the final map revisions.

D. Standards for all structures.

(1) Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(2) Construction materials and methods.

(a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

(b)New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(c) Enclosed areas.

[1] For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

[a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

[b] The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

[2]Openings may be equipped with louvers, valves, screens or other coverings or devices, provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

E. Utilities.

(1)New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

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

(3)New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and

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

§ 56-185 Stormwater pollution prevention plans.

The SWPPP shall meet the performance and design criteria and standards in this article and Article XVII of Chapter 43, Zoning. The approved erosion control permit shall be consistent with the provisions of this article and Article XVII of Chapter 43, Zoning.

CHAPTER 57 PLUMBING AND DRAINAGE CODE

§ 57-2 Conformance required.

No plumbing, drainage, gas appliance or equipment or any other apparatus or device regulated by this chapter or the New York Uniform Code shall be constructed, repaired, reconstructed or altered except in conformity with the provisions of the New York Uniform Code, this chapter and the rules and regulations of the Bureau.

§ 57-10 Permits; plan approval.

A. no construction, reconstruction, extension, alteration or repair of any plumbing, drainage, gas appliance or equipment or any other apparatus or device regulated by this chapter or the New York Uniform Code shall be commenced unless the work has been approved by the Director pursuant to an application and such plans and drawings as may be required by the Director.

Local permits and approvals not required per PSL §130.

CHAPTER 59 FIRE CODE

§ 59-18(A) Permits.

A permit shall constitute permission to maintain, store or handle materials or to conduct processes which produce conditions hazardous to life or property or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall not be transferable, and any change in use of occupancy of premises shall require a new permit

Local permits and approvals not required per PSL §130.

CHAPTER 66 NOISE

§ 66-3 Noise disturbance prohibited.

It shall be unlawful for any person to make, continue, cause, permit or allow, verbally or mechanically, any noise disturbance.

§ 66-4 Enumeration of prohibited noises.

The following acts are declared to be a violation of § 66-3. Said enumeration shall not be deemed to be exclusive:

D. Loading and unloading: loading, unloading, opening, closing or other handling of boxes, crates, containers, bales, cans, drums, refuse or similar objects or the pumped loading or unloading of materials in liquid, gaseous, powder or pellet form between the hours of 10:00 p.m. and 7:00 a.m. the following day when the sound therefrom creates a noise disturbance across a residential real property line.

E. Motor vehicles: operating or permitting the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period of longer than five minutes in any sixty-minute period while the vehicle is stationary for reasons other than traffic congestion or emergency work on a public right-of-way or public space

within 150 feet of a residential area or operating or permitting the operation of any motor vehicle so out of repair or in such a condition as to create a noise disturbance.

F. Construction, repair and demolition: operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 6:00 p.m. and 7:00 a.m. the following day or at any time on weekends or legal holidays.

G. Noncommercial or nonindustrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 9:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 9:00 p.m. and 9:00 a.m. on weekends or legal holidays, unless such activities can meet the applicable limits set forth in Table I. Notwithstanding the limits set forth in Table I, between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 9:00 p.m. on weekends or legal holidays, the sound levels from these power tools may not exceed 70 dBA when measured at or within the property line of an affected person, for a duration exceeding 15 minutes continuously or thirty minutes intermittently in any single day.

H. Commercial or industrial power tools used for landscaping and yard maintenance, excluding emergency work, shall not be operated within 200 feet of a residential property line between the hours of 7:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends or legal holidays, unless such activities can meet the limits set forth in Table I. The limits set forth in Table I notwithstanding, the sound levels from these power tools may not exceed 70 dBA when measured at or within the property line of an affected person, for a duration exceeding 15 minutes continuously or thirty minutes intermittently in any single day, between the hours of 8:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 9:00 p.m. on weekends or legal holidays.

J. Miscellaneous sound producers: creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, yell, shout, bell, musical instrument, tool, engine, etc.

§ 66-17 Permit required.

No person shall operate, use or permit operation of any sound-producing device on or in front of any public right-of-way or public space without a permit from the Police Commissioner of the City of Yonkers Police Department. Such permit shall be issued at the discretion of the Commissioner and in accordance with such rules and conditions as he may describe.

Local permits and approvals not required per PSL §130.

CHAPTER 96 SEWERAGE

§ 96-7 Permit required.

No connection shall be made with any public sewer without a permit from the Commissioner of the Department of Public Works. Prior approval by the City Council must also be obtained for any connection other than a connection made to a sewer in the street immediately in front of and contiguous to the lot to be serviced.

Local permits and approvals not required per PSL §130.

§ 96-49 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.

Local permits and approvals not required per PSL §130.

CHAPTER 109 VEHICLES AND TRAFFIC

§ 109-8 Permits for loading and unloading.

The Traffic Engineer is hereby authorized to issue to any owner of a vehicle used to transport merchandise or materials a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the driver of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb if such privilege is reasonably necessary in the conduct of the owner's business and will not significantly interfere with safe and smooth flow of traffic.

Local permits and approvals not required per PSL §130.

§ 109-88 Idling of engine.

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device.

CHAPTER 103: STREETS AND SIDEWALKS

§ 103-26 Permit required.

No removal of the pavement or disturbance of the surface of any street for the purpose of making sewer connections or repairing sewers or pipes or laying down gas or water pipes, steam pipes or electric conduits, cables or ducts or introducing the same into buildings or placing building materials, tar kettles, compressors, sidewalk fences or sidewalk bridges or crossing the sidewalk other than usual use, or for any purpose whatever, shall be made until a permit is first had from the City Engineer.

Local permits and approvals not required per PSL §130.

§ 103-27 Use of power equipment.

In excavating cross trenches where conditions warrant it, excavation by power equipment may be performed but only with special permission by the City Engineer.

Local permits and approvals not required per PSL §130.

§ 103-28 Excavations.

A. Width of trench. Where trench excavation is made for pipes or conduits, the width of the trench shall not exceed the outside diameter of the pipe plus two feet. "Width of trench" shall mean the greatest distance between trench walls, measured at any level of the trench from the surface of the pavement down to the bottom of the trench and measured at right angles to the direction of the pipe or conduit. Trench walls may be vertical or sloped outward not to exceed one foot horizontal to four feet vertical, except where sheeting is required (as outlined elsewhere herein), in which case trench walls and sheeting shall be vertical.

B. Excavated materials

(1) In residential or semiresidential areas, all excavated materials shall be laid compactly at the sides of the trench and shall be kept trimmed up so as to give the least possible inconvenience to vehicular and pedestrian travel and to owners or tenants of adjoining property. A clear footway not less than four feet shall be reserved and kept open in sidewalk areas, and, if necessary, boards shall be put up to prevent the earth from running over into the reserved space. Where trenches fall within street crossings and private ways, they shall be steel-plated in such manner as the City Engineer may direct in order that the traffic of intersecting streets may not be stopped and in order that entrance may be made to houses, stores, factories, garages and other buildings and grounds along the work. Where the scope of the work requires the opening of more than one-half (1/2) the width of the street paving, such opening shall be performed in sections, one section to be completely backfilled or covered with

a steel plate before another section is opened so as to provide for continuous passage of vehicular and/or pedestrian traffic over at least one-half (1/2) of the pavement width. In this respect, sections shall be laid out for opening in accordance with directions of the City Engineer prior to the start of the work.

(2) In business or major thoroughfare areas, all excavated materials shall be completely removed from the site, and the work of excavation is to be commenced as outlined in Subsection B(1) above.

(a) In order to clarify somewhat the approximate areas where this provision shall apply, the following is a list of locations hereby deemed to be of major significance and for which this provision shall be strictly enforced:

Ashburton Avenue
Bronx River Road
Central Park Avenue
Cook Avenue
Crisfield Street
Elm Street
Kimball Avenue
Lockwood Avenue
Ludlow Street
Main Street
McLean Avenue
Midland Avenue
Mile Square Road
Nepperhan Avenue
New Main Street
North Broadway
Odell Avenue
Old Nepperhan Avenue
Palisade Avenue
Palmer Road
Park Avenue
Park Hill Avenue
Riverdale Avenue
Robert Avenue
Rumsey Road
Saw Mill River Road
South Broadway

Van Cortlandt Park Avenue
Walnut Street
Warburton Avenue
Yonkers Avenue

(b)The City Engineer may from time to time add to or delete from the above list when he feels the occasion directs it.

(4) Blasting and explosives

(a) Blasting will not be permitted except at points more than 20 feet distant from existing drains, sewers or other structures, and then only under such regulations as may be established by the Engineer.

Local permits and approvals not required per PSL §130.

§ 103-29 Backfill.

A. As soon as practicable after sections of the various conduits, pipes and structures have been completed and have developed the required strength and durability, the trenches and other excavations in which they have been constructed shall be carefully backfilled under, around and over the pipes and structures with approved and selected materials from the excavations or with borrowed backfill materials, and the excavations shall be completely filled up to the existing surface.

B. The backfill material to be used between the bottom of the trench and an elevation of two feet over the top of the pipe, conduit or other structure shall be a selected material of a clayey loam, sandy loam or sand, gravel and clay mixture free from clods, frozen lumps, particles of stone, rock or gravel exceeding one inch in its longest dimension, and other deleterious matter. Such material, when placed, shall be damp and shall be spread in thin layers not exceeding six inches in thickness and brought up at the same rate on both sides of the pipe, conduit or structure. Each layer shall be thoroughly compacted by mechanical or approved hand tampers for the full width of the layer before the next layer is placed. When hand-tamping is permitted, it shall be done with a tamper of approved weight and design and shall be done in such a manner as to produce compaction of the backfill equal to the compaction produced by mechanical tampers. Special care shall be exercised in compacting the backfill below the horizontal diameter of pipes and conduits in order to secure complete compacting without dislodging the pipe or conduit. Backfill material shall not be dropped directly on the pipe or conduit nor over the area occupied by the pipe or conduit between the horizontal diameter and two feet above the top of the pipe or conduit.

C. Material for the backfilling of the balance of the trench or excavation from an elevation of two feet over the top of the pipe, conduit or other structure to the existing

surface shall be selected material from the excavations of the same quality as described above or borrowed backfill materials containing no stone, rock or gravel exceeding 12 inches in its longest dimension. The total volume of such stones, rock or gravel shall not exceed 30% of the volume of the backfill material. Segregation of the larger particles into pockets shall be prevented.

D. The backfill to the top of the trench or other excavation shall be made in layers not more than one foot in thickness after compaction. The backfill material, when placed, shall be damp and shall be deposited with its surface approximately horizontal, with a small crown along the center line of the trench, and shall be thoroughly and completely compacted with mechanical or approved hand tampers before the succeeding layer is placed. From an elevation of nine feet over the top of the pipe or conduit, compaction of wide excavations may be made with a tamping roller which shall traverse the entire surface of the backfill until there is no further decrease in the penetration of the tamping feet of the roller. The top surface of the backfill shall be mounded slightly and shall conform to the adjacent existing surface. The permittee shall maintain the backfilled trench or other excavation in a safe condition for traffic and the public until the date on which the city or the permittee commences the pavement restoration.

E. In making excavations, all materials removed which comply with the specifications for backfill materials shall be selected and segregated from the other unsuitable excavated materials and separately stored, apart from other materials. Such selected materials shall not be allowed to become mixed with other materials unsuitable for backfill. Failure to comply with this requirement may result, as determined by the City Engineer, in the rejection of all the selected backfill materials, and the permittee thereupon shall furnish from other approved sources, at his own expense, the amount of approved materials which has been rendered unsatisfactory by admixture with other materials.

§ 103-30(A) Sheeting, shoring and bracing.

The permittee shall be solely responsible for supporting and maintaining excavations required hereunder and shall install sheeting, shoring, bracing or other supports at the sides, ends, top and bottom of excavations more than six feet deep with timber, steel or other adequate and satisfactory materials. If, in the opinion of the City Engineer, the sheeting, braces, shores, stringers, waling timbers or other supports are not properly placed or are insufficient, the permittee shall provide additional or stronger supports. The requirement of sheeting and shoring or of the addition of supports shall not relieve the permittee of his responsibility for their sufficiency or for any damage that may occur.

Local permits and approvals not required per PSL §130.

§ 103-31 Protection of structures and property.

A. All existing pavements, walks, curbs, pipes, conduits, poles, wires, fences, property line markers, walls, buildings, railroad tracks and other structures which do not, in the opinion of the City Engineer, require to be changed in location shall be carefully supported and protected from injury by the permittee; and in case of injury, they shall be restored by him to as good condition as that in which they were found.

B. Trees, tree roots and branches shall not be mutilated, nor shall they be cut except by permission of the City Engineer. Power-driven excavating or other machinery, if used, shall be handled with care to prevent damage to shade trees, particularly to overhanging branches and to other landscaping, materials or structures.

C. When ordered by the City Engineer, the permittee shall dig up, handle, protect and properly reset hedges, small trees and shrubbery along the line of or adjacent to the work, and all reasonable care shall be exercised in the performance of such work. Sod and topsoil shall be stripped and stored until the completion of the work, when they shall be replaced in the same condition as before removal.

§ 103-32 Temporary restoration.

After the trench has been backfilled as outlined elsewhere herein, the trench shall be covered with a two-inch-thick temporary pavement of bituminous material approved by the City Engineer, and it shall be continuously maintained by the permittee until such time as permanent pavement has been restored. However, no permanent pavement shall be restored between December 1 and April 1.

§ 103-33 Cutting and restoring pavement.

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

A. Prior to the excavating, all pavement shall be line-cut to the dimensions as outlined in § 103-28A herein. After completion of the work and when final pavement as outlined elsewhere herein is to be restored, the existing pavement base shall be cut back a minimum of 12 inches outside the edge of the cut, and the pavement top course shall be cut back an additional minimum distance of six inches from the edge of the pavement base cutback. (The edges of both the base as well as the top course shall be trimmed to regular lines to a uniform width before any restoration takes place.)

C. Restoration of pavement on county road. On all Westchester County parkways, pavement restoration shall be in accordance with the terms of the permit issued by both the County of Westchester and the City of Yonkers.

Local permits and approvals not required per PSL §130.

D. Restoration on all other streets. On all streets other than those with trolley tracks, the subgrade of the pavement to be installed shall be compacted and leveled off even with the subgrade of existing pavement or to a depth of eight inches below the finished pavement, whichever is greater. If the resultant opening is too small to permit efficient compaction by a standard ten-ton roller or an approved vibratory compactor, pavement restoration shall consist of at least six inches of portland cement concrete (3,000 per square inch) reinforced with No. 6 gauge wire mesh and two inches of asphaltic concrete wearing course, or a thickness matching the existing top course, whichever is greater.

E. If the resultant opening is large enough to permit efficient use of ten-ton roller, approved asphaltic concrete base course shall be placed at least six inches in thickness and rolled in two three-inch layers. Top course shall be as specified above.

§ 103-40 Barriers and lighting around excavations.

Any person who shall make or cause to be made any excavation of any of the streets or public places of the city shall, during every night that the place shall continue open, cause such excavation to be surrounded by a good and substantial barrier and shall cause a sufficient light or lights to be maintained near such excavation for the protection of travelers and passengers from damage or injury by reason of such excavation.

§ 103-41 Protection of asphalt pavement.

No building materials, stone, brick, iron or other heavy substance or equipment shall be dumped, piled, placed or moved on any asphalt pavement unless the pavement has been protected by a platform or plank or timbers.

§ 103-42 Laying of gas mains or conduits.

No permit shall be granted for the opening or excavating of any street, sidewalk or public place for the purpose of laying gas mains or running conduits exceeding 100 feet in length through and along such street, sidewalk or public place until the City Council shall have, by ordinance, permitted the laying of said mains or conduits.

Local permits and approvals not required per PSL §130.

§ 103-43 Special conditions.

A. Steel plating. Notwithstanding anything to the contrary as contained herein, no trench will be allowed to be left open while no work is being carried on in those streets outlined in § 103-28B(2), but they shall be steel-plated for their entire length and width until such time as work is resumed....

B. Permits. No permits will be given for street openings on those streets outlined in § 103-28B(2) between December 1 and March 1....

Local permits and approvals not required per PSL §130.

NEW YORK COUNTY

NEW YORK CITY

The following laws, policies, and regulation were reviewed:

1. The New York City Administrative Code
2. The New York City Charter
3. The Rules of the City of New York
4. The City of New York Zoning Resolution

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

M-3 Heavy Manufacturing (new residences excluded)

THE NEW YORK CITY ADMINISTRATIVE CODE

CHAPTER 1 STREETS AND SIDEWALKS

§ 19-102 Unlawful use or opening of street

Persons removing, opening, disturbing the pavement of, or excavating in, a public street, or otherwise obstructing travel on same, are required to obtain a permit from the Commissioner of Transportation and conduct any such activity in compliance with the code.

Local permits and approvals not required per PSL §130.

§ 19-107 Temporary closing of streets.

Prohibits the partial or entire closure of a street to pedestrian or vehicular traffic unless a permit is obtained from the commissioner.

Local permits and approvals not required per PSL §130.

§ 19-109 Work site protections.

Any party who opens or otherwise disturbs the pavement of or excavates in a public street, or uses any part of same in a manner that obstructs travel, shall provide barriers, shoring, lighting, warning signs or other protective measures in accordance with the rules of the department, and these protective measures shall be maintained according to the rules until the work is completed or the danger removed. Legible signs indicating the names of the permittee, the person for whom the work is being done, and any contractors must be displayed. These protective measures cannot be removed without written consent from either the commissioner or the person superintending the protected work or materials.

Local permits and approvals not required per PSL §130.

§ 19-121 Construction and excavation sites; storage of materials and equipment on street.

Before any portion of a street may be obstructed with construction materials or equipment, a permit is required. Notwithstanding the permit, sidewalks, gutters, crosswalks and driveways must be kept clear and unobstructed at all times, although the commissioner may authorize the obstruction of a sidewalk with equipment or material such that the safe passage of pedestrians is not interrupted.

§ 19-137 Land Contour Work.

Land contour work, including clearing, grubbing, grading, filling or excavating vacant lots and other land areas requires a permit.

Local permits and approvals not required per PSL §130.

§ 19-144 Issuance of permit to open street within five years after completion of city capital construction project requiring resurfacing or reconstruction of such street.

Any person proposing to install facilities in, on or over any street must review the City's capital budget, capital plan and capital commitment plan. No permit to use or open any street will be issued within a five year period after the completion of a capital project relating to such street requiring resurfacing or reconstruction unless the person demonstrates that the need for the work could not have reasonably been anticipated prior to or during such construction.

Local permits and approvals not required per PSL §130.

§ 19-146 Permit required for disturbances of street surface.

Any person seeking to fill in or raise, or causing to be filled in or raised, any street or any part thereof, any asphalt or asphalt blocks, concrete, flagstones, turf, stone, gravel, sand, clay or earth from any street, must obtain a permit to do so.

Local permits and approvals not required per PSL §130.

§ 19-147 Replacement of pavement and maintenance of street hardware.

Requires any person who takes up any pavement, sidewalk, curb or gutter in any street to restore such pavement, sidewalk, curb or gutter to its proper condition to the satisfaction of the commissioner of transportation. Not more than one-third of the total excavation of any excavated rock must be refilled with broken stone in pieces not exceeding six inches in their largest dimension, mingled with clean earth and sand, and restored so as to insure the thorough and compact filling of all spaces. Also, all manhole covers, castings, and other street hardware must be maintained flush with the existing surrounding grade.

SUBCHAPTER 3 PEDESTRIAN RIGHTS AND SAFETY

§ 19-178 Truck Weight and Length Limitations.

The commissioner shall post a sign at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York that states the limits of truck weight and truck length within the city.

SUBCHAPTER 1 WATERFRONT PROPERTY

§ 22-116 Improvement of waterfront property; permit required.

A permit is required for any construction or obstacle of any kind that is to be placed or maintained on waterfront property owned by the City and under the charge and control of the Department of Ports and Trade.

Local permits and approvals not required per PSL §130.

TITLE 24 ENVIRONMENTAL PROTECTION AND UTILITIES

§ 24-120 Installation and alteration; permit required.

No person shall cause or permit the installation or alteration of equipment or apparatus, without first obtaining a permit from the commissioner, and such other licenses or permits as may be required by other governmental agencies and departments.

Local permits and approvals not required per PSL §130.

§ 24-122 Operating certificates and renewal of operating certificates; when required.

No person shall cause or permit the use or operation of equipment or apparatus for which an installation or alteration permit is required, except for the purpose of testing the equipment or apparatus or for the purpose of testing an experimental installation or alteration for a reasonable period of time, not exceeding thirty days, without first obtaining an operating certificate from the commissioner. The provisions of this subdivision concerning an experimental installation or alteration shall not apply to an installation or alteration for the purpose of obtaining a sulfur exemption certificate.

Local permits and approvals not required per PSL §130.

§ 24-143 Emission of air contaminant from internal or external combustion engine; visibility standard.

No person shall cause or permit the emission of a visible air contaminant from the internal or external combustion engine of:

(a) A motor vehicle while the vehicle is stationary for longer than ten consecutive seconds; or

(b) A motor vehicle after the vehicle has moved more than ninety yards from a place where the vehicle was stationary.

§ 24-163 Operation of motor vehicle; idling of engine restricted.

No person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes while parking, standing, or stopping, unless the engine is used to operate a loading, unloading or processing device.

CHAPTER 2 NOISE CONTROL

§ 24-218 General prohibitions.

Prohibits a person from making, continuing or causing to permit to be made or continued any unreasonable noise. This section provides an exemption for sound attributable to construction devices and activities.

§ 24-220 Noise mitigation Plan.

Prior to commencement of construction, each person, corporation or other business entity performing construction work in the city shall adopt and implement a noise mitigation plan for each construction site in accordance with the provisions of this subchapter

§ 24-221 Alternative plan for noise mitigation.

If construction work noise mitigation plan does not strictly comply with the Department's rules for construction devices and activities, an alternate plan may be submitted for approval by the Commissioner.

Local permits and approvals not required per PSL §130.

§ 24-222 Afterhours and weekend limits on construction activities.

Except as provided in section 24-223, it shall be unlawful to engage in or to cause or permit any person to engage in construction work other than on weekdays between the hours of 7 a.m. and 6 p.m.

§ 24-223 After hours work authorization.

Notwithstanding section 24-222, an agency authorized to issue permits for construction work may, along with such permit, issue an after hours work authorization for the work site. Such after hours authorization may permit construction work to be performed at the site before 7 a.m. or after 6 p.m. on weekdays and/or on Saturdays and/or Sundays.

Local permits and approvals not required per PSL §130.

§ 24-228 Exhausts.

No person shall operate or use or cause to be operated or used a construction device or combination of devices in such a way as to create an unreasonable noise. Unreasonable noise includes, but is not limited to:

(1) Sound, other than impulsive sound, attributable to the source or sources, that exceeds 85 dB(A) as measured 50 or more feet from the source or sources at a point outside the property line where the source or sources are located or as measured 50 or more feet from the source or sources on a public right-of-way.

(2) Impulsive sound, attributable to the source, that is 15 dB(A) or more above the ambient sound level as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.

(3) Where a particular sound source or device is subject to decibel level limits and requirements specifically prescribed for such source or device elsewhere in this code, such specific decibel limits shall apply to such device or source. However, if aggregate sound levels from a construction site exceed the limits set forth in this section, compliance with such specific decibel limits shall not be a defense in any proceeding relating to a violation of this section.

§ 24-228.1 Exhausts.

No person shall cause or permit discharge into the open air of the exhaust of any device, including but not limited to any steam engine, diesel engine, internal combustion engine, power tools, compressors or turbine engine, so as to create an unreasonable noise. For the purposes of this section, unreasonable noise includes, but is not limited to, sound that exceeds the levels in section 24-228.

§ 24-229 Containers and construction material.

The handling or transportation of any container or construction material on any public right-of-way in such a manner as to create an unreasonable noise is prohibited.

§ 24-230 Paving breakers.

Paving breaker equipment that is not operated hydraulically or electrically requires the use of a pneumatic discharge muffler.

§ 24-236 Motor vehicles.

No person shall cause or permit any motor vehicle, other than a motorcycle, with a maximum gross weight of 10,000 lbs. or less to operate on public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 150 feet or more from the motor vehicle.

CHAPTER 4 GAS AND ELECTRIC LINES

§ 24-404 Permits; excavations in street; gas distribution lines; electrical conductors.

Written permission from the commissioner of transportation is required to take up the pavement of any street, or to excavate for the purpose of laying any electrical conductors underground.. The commissioner of transportation shall determine whether any extension of the existing electrical conductors of any person shall be by means of overhead or underground conductors.

Local permits and approvals not required per PSL §130.

§ 24-405 Electrical conduits; permit required.

A written permit from the commissioner of transportation is required to lay or install conduits for use and transmission of electricity.

Local permits and approvals not required per PSL §130.

§ 24-415 Permit conditions for electrical conduit construction; security.

The Commissioner of Transportation will grant a permit for conduit construction only if there is an existing demand for the construction, its occupation is reasonably assured, and public interests require its construction.

Local permits and approvals not required per PSL §130.

§ 25-106 Public utility corporations; filing of maps of real property.

Every public utility corporation, within ninety days after its acquisition of any real property within the city, shall file in the office of the president of the borough in which such property is situated, a map or survey drawn to a scale and accurately indicating the location and boundaries of such property with reference to the streets, avenues, bridges, tunnels, bulkhead or pierhead lines, parks or other public places shown on the city map. Every such corporation shall within the same period of time file a copy of each such map or survey in the office of the department of city planning and in the office of the commissioner of transportation.

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

TITLE 27 CONSTRUCTION AND MAINTENANCE

Title 27, which includes, *inter alia*, the New York City Building Code and Electrical Code, applies to excavation operations and construction of all types of buildings and appurtenant structures. CHPEI anticipates that the Project will comply with the substantive requirements of this Title, with the exception that local permits and approvals are not required per PSL § 130.

TITLE 28 NEW YORK CITY CONSTRUCTION CODES

Title 28 applies to construction of all types of buildings and appurtenant structures in New York City. CHPEI anticipates that the Project will comply with the substantive requirements of this Title, with the exception that local permits and approvals are not required per PSL § 130.

THE NEW YORK CITY CHARTER

CHAPTER 14 FRANCHISES, REVOCABLE CONSENTS AND CONCESSIONS

§ 364 Revocable consents.

Provides the department of transportation the right to grant revocable consents with respect to property under its jurisdiction or by such other agency as may be authorized by law to grant revocable consents.

Local permits and approvals not required per PSL §130.

CHAPTER 26 DEPARTMENT OF BUILDINGS

§ 646 Conduct of investigations.

The commissioner shall have the power and duty to conduct such inquiries as may assist him in the performance of the functions of the department where the public safety is involved.

CHAPTER 71 DEPARTMENT OF TRANSPORTATION

§ 2903 Powers and duties of the commissioner.

This section gives New York City Department of Transportation control over the regulation of the use and transmission of electricity in, upon, across, over and under all street, roads, parks, and public places.

§ 2905 Right of entry.

Provides the commissioner or his agent to enter upon public or private property for the purpose of making surveys, borings or other investigations necessary for the exercise of the powers or the performance of the duties of the department.

THE RULES OF THE CITY OF NEW YORK

TITLE 1 DEPARTMENT OF BUILDINGS

§ 1-01 Material and Equipment Application Procedures.

A party must obtain approval from the Commissioner of the Department of Buildings for any materials whose use is regulated by the Building Code.

Local permits and approvals not required per PSL §130.

TITLE 15 DEPARTMENT OF ENVIRONMENTAL PROTECTION

§ 11-03 Notification.

In the event of any release of any hazardous substance listed in under this title in an amount which equals or exceeds the reportable quantity of such substance, the Commissioner must be immediately notified, followed by notification in writing.

§ 18-37 Sewerage Systems, Service Connections and Discharges to Sewerage.

Establishes permit conditions to construct a new sewer service connection; any design and construction plan for a new sewerage system must be reviewed and approved by the Department of Environmental Protection.

Local permits and approvals not required per PSL §130.

§ 20-01 et seq. Use and Supply of Water.

Establishes permit conditions for installing and/or using taps and plugs; new water meters; and use of electrical tap indicators.

Local permits and approvals not required per PSL §130.

CHAPTER 34 DEPARTMENT OF TRANSPORTATION

§ 2-02 Permits required.

Permits must be obtained for construction work in, on and under City streets.

Local permits and approvals not required per PSL §130.

§ 2-05 Permit for Construction Activity.

A permit is required for: placing construction material on street during working hours; placing construction equipment other than cranes or derricks on the street during working hours; temporarily closing sidewalk; constructing temporary pedestrian walk in roadway; temporarily closing roadway; placing shanty or trailer on street; crossing a sidewalk; placing crane or derrick on street during working hours; storing construction material on the street during non-working hours; storing construction equipment on the street during non-working hours.

Local permits and approvals not required per PSL §130.

§ 2-06 Permit for Land Contour Work.

A permit is required to perform land contour work, including the clearing, grubbing, grading, filling or excavation of vacant lots and other specified land parcels. This provision also requires the drainage of an excavation until the excavation is finished. Also sets conditions on drainage generally, fill material, and sodding or planting.

Local permits and approvals not required per PSL §130.

§ 2-07(b), (c) Restrictions on Work Performed Involving Underground Street Access Covers, Transformer Vault Covers and Gratings.

Restricts the hours during which subsurface work requiring cover and grating openings may be performed in critical roadways, including 49th Street from FDR Drive to Joe DiMaggio Highway.

Local permits and approvals not required per PSL §130.

§ 2-11 Street Openings and Excavations.

This provision requires that permittees and owners of underground facilities comply with State of New York Industrial Code Rule 53 relating to Construction, Excavation and Demolition Operations at or near Underground Facilities. It also covers: protection of pipes, mains, conduits, and other appurtenances; notification to the Police Department and the Communications Centers of the Fire Department and the Department of Transportation; pavement removal requirements; sheeting and bracing of open excavations five feet or more in depth; diversion of traffic; regulation of worksite maintenance, storage of materials, backfill and compaction, plating and decking, and a quality control program requirement for roadways.

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

§ 2-13 Licensing and Permitting for Vaults.

A license is required prior to either the construction of a new vault or the enlargement of an existing vault. If the vault is to extend beyond the sidewalk or curbstone of any street, a revocable consent must be obtained. A street opening permit must also be obtained from the Department before any vault is constructed, altered or repaired.

Local permits and approvals not required per PSL §130.

TITLE 66 DEPARTMENT OF BUSINESS SERVICES

§ 2-03 Improvement and Alteration of Property and Marginal Streets.

Requires a permit prior to any construction or obstacle of any kind on or about any wharf property or marginal street. A permit must also be obtained prior to placing any fill or making any removal, dredging or demolitions of any kind on or about any waterfront property or marginal street.

Local permits and approvals not required per PSL §130.

NEW YORK CITY ZONING RESOLUTION

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

M-3 Heavy Manufacturing (new residences excluded)

ARTICLE 1 GENERAL PROVISIONS

CHAPTER 1 TITLE, ESTABLISHMENT OF CONTROLS AND INTERPRETATION OF REGULATIONS

§ 11-111 For new uses.

In all districts, after December 15, 1961, any new building or other structure or any tract of land shall be used, constructed or developed only in accordance with the use, bulk and all other applicable regulations of this Resolution.

Local permits and approvals not required per PSL §130.

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

CHAPTER 1 STATEMENT OF LEGISLATIVE INTENT

§41-13 M3 Heavy Manufacturing Districts (Low Performance).

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences or community facilities are permitted.

CHAPTER 2 USE REGULATIONS

§42-20 Performance Standards.

In all Manufacturing Districts, after December 15, 1961, any use thereafter established or changed to a use listed in Use Group 11A, 16, 17, or 18, and every building or other structure or tract of land thereafter developed, constructed, or used for any use listed in Use Group 11A, 16, 17, or 18, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat, or glare applicable to the district in which such use, building or other structure, or tract of land is located.

§ 42-21 Performance Standards Regulating Noise.

This section establishes maximum permissible sound pressure levels in a Manufacturing District. The limit is reduced whenever a Manufacturing District adjoins a Residence District.

§ 42-213 Maximum permitted decibel levels.

In all Manufacturing Districts, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any lot line, the maximum permitted decibel levels for the designated octave band asset, excluding sounds produced by the operation of motor vehicles or other transportation facilities.

§42-214 Special provisions applying along district boundaries.

Whenever a Manufacturing District adjoins a Residence District, at any point at the district boundary or within the Residence District, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in Section 42-213.

§42-223 Maximum permitted steady state vibration displacement.

In all Manufacturing Districts, no activity shall cause or create a steady state vibration at any point on any lot line, with a displacement in excess of the permitted steady state vibration displacement for the frequencies as set forth in the following table for the district indicated.

§42-224 Maximum permitted impact vibration displacement.

In all Manufacturing Districts, no activity shall cause or create an impact vibration, at any point on any lot line, with a displacement in excess of the permitted impact vibration displacement for the frequencies as set forth in the following table for the district indicated.

§42-225 Special provisions applying along district boundaries.

Whenever an M2 or M3 District adjoins a Residence District, the steady state and impact vibration displacement, measured at the district boundary, shall not exceed the maximum permitted for an M1 District for the frequencies as set forth in the tables in Section 42-223 (Maximum permitted steady state vibration displacement) or Section 42-224 (Maximum permitted impact vibration displacement).

§42-232 Maximum permitted emission of smoke.

In all Manufacturing Districts, the density of emission of smoke during normal operations shall not exceed Standard Smoke Chart number 2, and the quantity of smoke shall not exceed a maximum of 30 such units in M3 Districts.

§42-233 Maximum permitted emission of dust.

In M3 Districts, the maximum permitted emission for such minimum-size plants shall be 0.70 in M3 Districts, and for such maximum-size plants shall 0.18 in M3 Districts.

§42-242 In M3 Districts.

In M3 Districts, the emission of odorous matter in such quantities as to produce a public nuisance or hazard at or beyond lot lines is prohibited.

§42-252 Regulation of toxic or noxious matter.

In all Manufacturing Districts, the emission of toxic or noxious matter into the atmosphere shall be in accordance with limits established by the Department of Environmental Protection. In addition to such emission limits, the emission of such matter shall be so controlled that no concentration at or beyond lot lines shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.

§42-283 Regulation applying to M3 Districts.

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at or beyond the district boundary.

§42-52 Permitted Signs.

In all M3 districts signs are permitted subject to certain provisions.

CHAPTER 3 BULK REGULATIONS

§ 43-12 Maximum Floor Area Ratio.

The maximum floor area ratio permitting in the M3 district is 2.0.

§ 43-24 Measurement of Yard Width or Depth.

In all Manufacturing Districts, the width or depth of a yard or rear yard equivalent shall be measured perpendicular to lot lines.

§ 43-25 Minimum Required Side Yards.

No side yards are required in M3 district.

§ 43-26 Minimum Required Rear Yards.

In M3 district, a rear yard with a depth of not less than 20 feet is required at every rear lot line, subject to exceptions.

§§ 43-43, 43-44 Maximum Height of Front Wall and Required Front Setbacks.

In M3 district, buildings on a narrow street within 20 feet of a street shall not exceed 60 feet or four stories in height. If a minimum of 15 feet of open area is provided along the full length of the front lot line, the required maximum height of front wall and required setbacks will not apply.

CHAPTER 4 ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS OFF-STREET PARKING REGULATIONS

§ 43-21 Required Accessory Off-Street Parking.

No parking is required for Use Group 17C in the M3 district.

Tables: Local Laws and Ordinances - Waiver Requests²

7.1 APPLICABLE LOCAL ORDINANCES: WASHINGTON COUNTY

<p style="text-align: center;">Table 7.1-1 Washington County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Village of Whitehall			
Noise Law – Definition §1.3	Unnecessary Noise: Any excessive or unusually loud sound or noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a person or which causes injury to animal life or damages to property or business.	Existing Technology	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "excessive" and "unusually loud", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes excessive or unusually loud noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment</p>

² The construction plan that will be set out in the Environmental Management and Construction Plan (EM&CP) may require CHPEI to later request that the Commission allow CHPEI to waive additional local law provisions to the extent necessary to accommodate certain features of the construction design.

<p style="text-align: center;">Table 7.1-1 Washington County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
Noise Law Unnecessary Noise §1.5	No person shall make, continue or cause or permit to be made any continued or unnecessary noise.	Existing Technology	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EIM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs the subjective term "unnecessary noise", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes excessive or unusually loud noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in</p>

<p style="text-align: center;">Table 7.1-1 Washington County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			duration so as to minimize impacts to nearby properties and minimize transmission downtime.
<i>Zoning – Permitted Use</i> §4.4	Electric transmission/public utility uses are not specifically listed as permitted uses within the following zoning districts: Residential District Class B; Commercial District; Light Industrial District; and Recreational Park	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.
Town of Whitehall – No Waivers Requested			
Town of Hartford - No Waivers Requested			
Town of Fort Ann			
<i>Vehicle Restriction – Ordinance Temporarily Excluding the Operation of Certain Vehicles on any Town Highway in the Town of Fort Ann</i> § 2	The operation of any vehicle with a gross weight of eight (8) or more tons may be excluded from all highways.	Existing technology	Waiver requested during Project construction in regard to exclusion of vehicles weighing 8 or more tons from Town highways. While efforts will be made to utilize rail-mounted equipment as much as possible to install the cable, it is inevitable that the Project will require staging and transport of construction materials and earthen fill in various locations along the railroad ROW to support that installation. Dump trucks, loaders and heavy hauling trailers will be required to handle the excavated soils and fill material and transport cable spools and related equipment to installation areas. It is not practical for these vehicles to avoid all Town highways if the installation takes place within Town boundaries. To the extent that highways must be reinforced to handle heavy loads or repaired once construction is completed, CHPEI will address such situations in the Project EM&CP. The Project will comply during the operational period, except in the event of an emergency cable repair.
Town of Kingsbury			
<i>Zoning – Provisions Applicable in All Districts</i> §80-19(A)	Authorized uses. The uses of land and/or buildings shall be permitted in the various districts as specified by the provisions of this chapter, but any use which produces, beyond the confines of its own premises, an unusual noise intensity, dust, noxious or toxic fumes, smoke, danger from fire or explosion, vibration,	Existing technology	Waiver requested during Project construction in regard to noise, dust, noxious or toxic fumes, smoke or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that

**Table 7.1-1
Washington County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
	public health hazard, danger from dissemination of radioactive materials or damage resulting from pollution or reduction in the supply of surface or ground waters shall be excluded from all districts.		<p>construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise, dust and emissions levels measured in the field to fixed numerical maximums stated within its text, the law employs subjective terms such as "unusual noise intensity" or "noxious or toxic fumes" or "smoke", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unusual or dangerous or noxious impacts will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether this law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with this law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to these issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with this law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
Town of Fort Edward			
Zoning – Permitted Use §108-12	Electric transmission/public utility uses are not specifically listed as permitted uses within the M-1 district.	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p>

<p>Table 7.1-1 Washington County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Village of Fort Edward			
<p><i>Zoning – Permitted Use</i> §100-32</p>	<p>Trailers shall not be allowed within the village limits of the Village of Fort Edward, either resting upon their own wheels and supports or resting upon concrete blocks or any other material with the intent to make the trailer a permanent dwelling place or place of business or a temporary dwelling place or place of business.</p>	<p>Factors of cost and economics</p>	<p>Waiver requested during Project construction with regard to prohibition on use of temporary trailers for business purposes. The project will require office space at various points along the railroad ROW, so that Project workers and supervisors have a place to meet and review plans, orders and scheduling. This is most often accomplished by means of temporary work trailers set up on or near the jobsite. The Village's prohibition of such trailers is an unusual and unreasonable burden upon CHPEI, especially when the placement of such trailers will be temporary in nature in accordance with the linear, progressive nature of the cable installation along the railroad ROW. The Project will comply during the operational period, except in the event of an emergency cable repair.</p>

7.2 APPLICABLE LOCAL ORDINANCES: SARATOGA COUNTY

Table 7.2-1 Saratoga County Local Law and Ordinance Waiver Requests			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Moreau			
Noise § 100-5	Noise during building construction: operating or permitting the operation of any tool or equipment used in construction, drilling or demolition work, including the excavation, alteration, construction or repair of any building, between the hours of 11:00 p.m. and 7:00 a.m. shall be prohibited, except in the case of an emergency or the interests of the public safety and then only with the permit of the Building Inspector.	Existing technology	<p>Waivers requested during Project construction with regard to overnight noise level limits. Construction activities may result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 11:00 p.m. and 7:00 a.m. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the Project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
Zoning – permitted use 149 Attachment 5: Agriculture, One- and Two-Family Residential Districts (R-5). 149 Attachment 12: General Manufacturing and Industrial Districts	Electric transmission/public utility use not a permitted use within zoning district R-5. Public Utility Use is only allowed as a permitted accessory use within zoning district M-1. CHPEI will not be an accessory use in this zoning district.	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
(M-1)			necessary for both the construction and operational phases.
Town of Northumberland			
<i>Supplemental Regulations – General Performance Standards</i> <i>Article XI-A</i>	The following supplemental regulations are applicable to all zoning districts: Noise, Atmospheric Emissions; Glare or Heat; Industrial Commercial Wastes; Radioactivity or Electromagnetic Disturbance; Fire and Explosion Hazards; Maintenance of Developed Lots.	Existing Technology	Waiver requested during Project construction in regard to local imposition of subjective performance standards for smoke, noise, atmospheric emissions, glare or heat or other listed examples of disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise, dust and emissions levels measured in the field to fixed numerical maximums stated within its text, the law allows local officials overly broad latitude to impose their own subjective “performance standards” criteria to noise, emissions, glare and related phenomena typically associated with construction, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes a violation of broadly worded performance standards will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether this law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer’s determination to local officials, whose own opinions on compliance could differ because the so-called performance standards are so subjective. Consequently, CHPEI’s onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with these performance standards at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to these issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.
<i>Local Law No. 2 of 2005</i>	Noise and Nuisance		During the operational period, the Project will comply with this law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Zoning – permitted use</i> Article VI: Schedule A	Electric transmission/public utility uses are not specifically listed as permitted uses within the following districts: Agricultural Protection District; and Hamlet.	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.
Town of Wilton			
<i>Noise & Nuisances, Unlawful Acts</i> § 79-3	<p>The following acts and the causing thereof are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:</p> <ul style="list-style-type: none"> Construction, demolition and excavation: the erection, including excavating; demolition; alteration; or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety. Noise in the conduct of any business: the creation of unreasonable or unnecessary noise in the operation, conduct and/or maintenance of any business, factory, plant yard or manufacturing establishment, except as otherwise provided in this chapter, including but not limited to excavating, blasting, grinding, breaking, crushing or processing of any substance (where permitted). 	Existing technology	<p>Waivers requested during Project construction with regard to noise level limits and limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "loud", "disturbing", "unreasonable" and "unnecessary", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes loud, disturbing, unreasonable and unnecessary noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>Construction activities will result in transient and temporary increases in ambient noise</p>

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			<p>levels along the linear Project route at times other than between 7:00 a.m. and 9:00 p.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the Project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<i>Zoning – permitted use</i> § 129-115.	Use and construction requirements for PUD District. The site for a PUD shall not be less than five acres for an industrial development.	Factors of cost and economics	<p>Waiver requested for Project construction and operation from acreage limits in a PUD District. The Project will be located in an existing railroad ROW that may be less than five acres in total areal size; in the event that it is treated as an industrial development, it will not comply with the law's minimum size requirement for such districts. Absent a waiver of this zoning district size requirement, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p>
<i>Outdoor storage and parking</i> § 129-66(B)(1)	Storage or parking of a commercial vehicle in a residential zone is prohibited.	Factors of cost and economics	<p>Waiver requested during Project construction in regard to storage or parking of commercial vehicles in a residential zone. The existing railroad ROW to be utilized by the Project unavoidably crosses some residential districts, and the temporary storage or parking of some construction vehicles along that ROW during the construction process may not comply with this ordinance. Such storage or parking will be limited to an area as small as possible in and around the construction ROW and will be temporary due to the linear nature</p>

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Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Greenfield			
Contractor storage yard standards § 105-127(A), (C), and (D)	<p>A contractor storage yard may only be permitted in connection with a principal permitted use, except in the IM Zone.</p> <p>Storage of building materials, supplies, parts, etc., must be indoors unless approved by special use permit.</p> <p>No more than eight vehicles propelled by their own power (i.e., not including trailers) with a gross vehicle weight of 26,000 pounds or more may be stored at a large contractor storage yard.</p>	Factors of cost and economics	<p>Waiver requested during Project construction in regard to storage restrictions and vehicular storage. The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p> <p>The existing railroad ROW to be utilized by the Project unavoidably crosses multiple zoning districts, and the temporary storage or parking of some construction vehicles along that ROW during the construction process will be outside and thus will not comply with this ordinance. The Project's scope may require temporary storage of more than eight large vehicles in excess of the stated weight limit. Such storage or parking will be limited to an area as small as possible in and around the construction ROW and will be temporary due to the linear nature of the cable installation; as construction moves along the ROW and out of any particular residential zone, the storage and parking areas will no longer be needed in that zone. The Project will comply with storage restrictions during the operational period, except in the event of an emergency cable repair, in which case storage and parking will last only as long as its required to effect repairs to return the cable to service.</p>
Zoning – Performance Standards §105-138	Imposes restrictions upon uses in order to minimize noise, vibration, glare, odor, dust, and other nuisance factors. The scope of the restriction varies upon the type and intensity of the use.	Existing technology	<p>Waiver requested during Project construction in regard to local imposition of subjective performance standards for smoke, noise, atmospheric emissions, glare or heat or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can</p>

<p style="text-align: center;">Table 7.2-1 Saratoga County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise, dust and emissions levels measured in the field to fixed numerical maximums stated within its text, the law allows local officials overly broad latitude to impose their own subjective "performance standards" criteria to noise, emissions, glare and related phenomena typically associated with construction, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes a violation of broadly worded performance standards will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether this law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ because the so-called performance standards are so subjective. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with these performance standards at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to these issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with this law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime</p>
<i>Zoning – permitted use</i> <i>105 Attachment 4: Table 1, Use Regulations</i>	Electric transmission/public utility uses are not specifically listed as permitted uses within any of the following zoning districts: Office Residential ; and Agricultural/Residential 4	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p>

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Chapter	Description	Statutory Basis	Justification for Waiver Request
City of Saratoga Springs			
<p>Noise</p> <p>§§ 148-2, 148-3, 183-4</p>	<p>Any unreasonable noise within the boundaries of the City of Saratoga Springs shall be prohibited. "Unreasonable noise" shall mean any noise which is of such character that a reasonable person of normal sensitivities would not tolerate it under the circumstances, or is detrimental to the life or welfare of any individual, or causes a risk of public inconvenience or alarm including but not limited to the conducting of any building or construction operations between the hours of 10:00 p.m. and 7:00 a.m.</p>	<p>Existing Technology</p>	<p>Waivers requested during Project construction with regard to noise level limits and limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs the subjective term "unreasonable noise", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise, even when using the law's vague definition, will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 10:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that</p>

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Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<i>Zoning – permitted use Ch. 240, Table 1</i>	Electric transmission/public utility uses are not specifically listed as permitted uses within the following zoning districts: Rural Residential 1; Suburban Residential 1; Urban Residential 2; Suburban Residential 2; and Office/Medical Business District.	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.
Town of Milton			
<i>Prohibition of Vehicles § 169-8, 169-10</i>	It shall be unlawful for any person or entity to cause or to permit any locomotive, tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.	Factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Noise § 180.24.A</i>	No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category stated in this ordinance when measured at or within the property boundary of the receiving land use. For	Existing Technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential

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Chapter	Description	Statutory Basis	Justification for Waiver Request
	any source of sound which emits a pure tone, a discrete tone or an impulsive sound, the maximum sound limits set forth above shall be reduced by five dBA.		<p>areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because: a) the threshold is an extremely low level that is exceeded by even small machines such as lawnmowers, much less the heavy construction equipment required for this Project; and b) the railroad ROW which will host the cable installation is narrow in width, depriving CHPEI of common mitigative opportunities such as screening or rerouting to increase distance between the construction noise sources and receptors. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<i>Zoning - Atmospheric Effluence</i> § 180.24.B	No dust, dirt, smoke, odor or noxious gases that would not normally be associated with a residential or agricultural premise shall be disseminated beyond the boundaries or the lot where such use is located.	Existing technology	Waiver requested during Project construction in regard to smoke, noise, atmospheric emissions, glare or heat or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Glare and Heat</i> § 180.24.C	No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated. Special efforts shall be required, such as the planting of vegetation and the installation of light shields, to alleviate the impact of objectionable or offensive light and glare produced by exterior sources on neighboring residential properties or public thoroughfares.	Existing technology	Waiver requested during Project construction in regard to glare or heat along the Project route. For example, excavation equipment will cause temporary glare or heat that will likely exceed this local ordinance. Although CHPEI and its contractors will employ limited mitigative measures, it is not possible to ensure that temporary situations of glare will not occur so as to exceed the parameters set forth within this ordinance. Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular glare law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual glare levels measured in the field to fixed numerical maximums stated within its text, the law employs subjective terms such as "unreasonable", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable glare or heat will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the

<p align="center">Table 7.2-1 Saratoga County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to glare or heat issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>The Project will comply during the operational period, except in the event of an emergency cable repair. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p>
<i>Zoning - Commercial vehicles</i> § 180.24.H	<p>(1) Vehicles exceeding 9,000 pounds loaded or unloaded shall not be kept in any residential district unless the vehicle is stored in a fully enclosed building which meets the other provisions of this chapter.</p> <p>(2) Vehicles designed for the transport or storage of flammable materials, explosive materials or pesticides, including chemical fertilizers, shall not be kept on residential lots longer than necessary for the delivery or application of the commercial service.</p>	Factors of cost and economics	<p>Waiver requested during Project construction in regard to storage of vehicles in excess of 9,000 pounds. The existing railroad right-of-way that is being utilized by the Project crosses some residential districts, it will be necessary to keep some construction vehicles along that right-of-way during the construction process that may not comply with this ordinance. The storage of vehicles will be maintained within the construction right-of-way of the Project and only for the duration of construction activities. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers. The Project will comply during the operational period, except in the event of an emergency cable repair.</p>
<i>Zoning – permitted use</i> § 180-87	<p>Electric transmission/public utility uses are not specifically listed as permitted uses within the Residential (R-1) district.</p>	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p>

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Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Ballston			
<i>Machinery and Equipment</i> § 80-3	The Town restricts and proscribes the circumstances in which large machinery, equipment and vehicles may be left idling and unattended, including a prohibition on any locomotive, tractor-trailer truck or earth mover to idle for more than two hours or to remain idling and unattended for more than 1/2 hour.	Factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Vibration</i> §138-42	No vibration shall be discernible at the lot lines or beyond.	Existing Technology	<p>Waivers requested during Project construction with regard to vibration level limits. Construction activities will result in transient and temporary increases in vibration levels along the linear Project route. For example, normal operation of heavy excavation equipment will generate vibration that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are unreasonably burdensome and inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual vibration levels measured in the field to fixed numerical maximums stated within its text, the law employs the subjective term “discernible”, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes discernible vibration will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer’s determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI’s onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to vibration issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>

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Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Zoning – Smoke, dust, fly ash</i> §136-43, 138-45	No emission of visible gray smoke of a shade equal to or darker than Number 2 on the Ringelmann Chart, measured at the point of emission, shall be permitted.	Existing Technology	Waiver requested during Project construction in regard to smoke or dust released at the construction site. Construction activities can result in transient and temporary emissions of smoke or dust along the Project route. Although mitigative measures such as employing proper engine exhaust mufflers, keeping engines properly tuned and limiting idling times will be employed and will be addressed in the Project EM&CP, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this local ordinance. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Zoning - Odors</i> §138-44	No offensive odor shall be noticeable at the lot line or beyond.	Existing Technology	<p>Waivers requested during Project construction with regard to odor prohibition. Construction activities will result in transient and temporary increases in ambient odors along the linear Project route. For example, normal operation of heavy construction equipment will generate emissions that will likely be perceived beyond the narrow railroad ROW and fail to comply with this law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust controls and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular odor law, because its parameters are inherently subjective in nature. The use of terms "offensive" and "noticeable" leave the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes offensive or noticeable odors will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the odor law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the odor law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to odor issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the odor law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<i>Zoning - Glare</i>	No direct or sky-reflected glare shall be visible at	Factors of cost	Waivers requested during Project construction with regard to glare restrictions.

<p>Table 7.2-1 Saratoga County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
§136-46	the lot line or beyond.	and economics	<p>Construction activities may result in transient and temporary increases in levels of glare along the linear Project route. CHPEI and its contractors will employ mitigative measures if glare conditions are detected and will address these methods in the Project EM&CP. Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are inherently subjective in nature. Because the law offers no objective standards offered with respect to acceptable or unacceptable levels of glare, the determination of whether a violation has occurred is left to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes glare will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site throughout every day of construction in order to give his/her instant opinion as to whether the glare law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the glare law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to glare issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the glare law except possibly during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>

Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Zoning - Noise</i> § 138-49	No continuous hum, intermittent noise or noise with any noticeable shrillness of a volume of more than 50 decibels, measured at lot lines, shall be permitted.	Existing Technology	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because: a) the 50 dBA threshold is an extremely low level that is exceeded by even small machines such as lawnmowers, much less the heavy construction equipment required for this Project; and b) the railroad ROW which will host the cable installation is narrow in width, depriving CHPEI of common mitigative opportunities such as screening or rerouting to increase distance between the construction noise sources and receptors. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<i>Zoning – permitted use</i> § 138:A53 § 138:A55 § 138:A54.1 § 138:A51	Electric transmission/public utility uses are not specifically listed as permitted uses within the following zoning districts: Rural District; Ballston Lake Waterfront District; and Mixed Use Central North District.	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p>

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Clifton Park			
<i>Idling of Machinery and Equipment</i> §145-3	It shall be unlawful for any person or entity to cause or to permit any tractor-trailer truck or earth mover to idle for more than 10 minutes or to remain idling and unattended for more than five minutes.	Existing technology	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Unreasonable noise is prohibited</i> §149-5	No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction between the hours of 10:00 p.m. and 7:00 a.m. except as otherwise provided herein.	Existing technology	<p>Waivers requested during Project construction with regard to noise level limits and limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs the subjective term "unreasonable" leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 10:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable</p>

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<p><i>Specific acts considered to be unreasonable noise.</i></p> <p>§ 149.6</p>	<p>Any act and causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise.</p> <p>The creation of any noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., including, but not limited to, shouting, yelling, calling, or hooting so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensibilities.</p> <p>No person shall engage in, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. which creates sound in</p>	Existing technology	<p>Waivers requested during Project construction with regard to noise level limits and limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "excessive", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes excessive noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that</p>

**Table 7.2-1
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Chapter	Description	Statutory Basis	Justification for Waiver Request
	<p>excess of 50 dBA when measured at or within the residential real property line of the receiving property</p> <p>No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of imminent danger between the hours of 10:00 p.m. and 7:00 a.m. where such sound is plainly audible across a residential property line</p> <p>No person shall operate or permit to be operated any tools or equipment used in construction, drilling, excavations or demolition work, between the hours of 10:00 p.m. and 7:00 a.m., where such sound is plainly audible across a residential property line, except the provisions of this section shall not apply to emergency work.</p>		<p>opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 10:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p> <p>Waivers requested during Project construction with regard to noise level limits and limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will unavoidably exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not</p>
Maximum permissible sound levels. §149.7	No person shall make, cause, allow, or permit the operation of any source of sound in any public space or right-of-way in such a manner as to create a sound level that exceeds 50 dBA for more than five minutes' duration between the hours of 10:00 p.m. and 7:00 a.m.	Existing technology	

**Table 7.2-1
Saratoga County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because: a) the 50 dBA threshold is an extremely low level that is exceeded by even small machines such as lawnmowers, much less the heavy construction equipment required for this Project; and b) the railroad ROW which will host the cable installation is narrow in width, depriving CHPEI of common mitigative opportunities such as screening or rerouting to increase distance between the construction noise sources and receptors.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 10:00 p.m. and 7:00 a.m. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<i>Motor Vehicles</i> §149.8	Motor vehicle sound level limits and equipment shall be in compliance with the provisions of any state or federal law, including but not limited to §§ 386 and 375 of the New York State Vehicle and Traffic Law; accordingly no person shall operate a motor vehicle in such a manner as to cause a noise disturbance between the hours of 10:00 p.m. and 7:00 a.m., such as by, but not limited to, spinning or squealing the tires of such	Existing technology	<p>Waivers requested during Project construction with regard to limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 10:00 p.m. and 7:00 a.m. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that</p>

<p style="text-align: center;">Table 7.2-1 Saratoga County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
	vehicle.		<p>construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<p><i>Zoning – permitted use</i></p> <p>§ 208-43.2</p> <p>§ 208-8</p> <p>§ 208-16</p>	Electric transmission/public utility uses are not specifically listed as permitted uses within the following zoning districts: Agricultural/Residential 3 Districts (R-3); Conservation Residential Zones; and Hamlet Mixed Use.	Factors of cost and economics	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p>

7.3 APPLICABLE LOCAL ORDINANCES: SCHENECTADY COUNTY

Table 7.3-1 Schenectady County Local Law and Ordinance Waiver Requests			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Glenville			
<i>Zoning – permitted use</i> §270-15 §270-16 §270-19 §270-20 §270-21 §270-23	Electric transmission/public utility uses are not specifically listed as permitted uses within the following zoning districts: SR Suburban Residential District; RM Multi-Family District; GB General Business District; RDT Research, Development and Technology District; LC Land Conservation District; and RRC Riverfront Recreation/Commercial District.	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.
<i>Temporary/mobile trailers for commercial use</i> § 270-63	Only one trailer can be used on any given commercial property, and then only for a maximum of six months in any consecutive five-year period. The trailer's footprint (lot coverage) may not exceed 1/3 the footprint of the principal structure which it serves. Trailers may only be located in side or rear yards. Further, the trailer must comply with the side and rear yard setbacks prescribed for the principal building in the zoning district in which it is located. Trailers shall be located in such a way as to not necessitate the cutting down or removal of any trees or the removal or relocation of any landscaping vegetation.	Factors of cost and economics	Waiver requested during Project construction with regard to restrictions on number and use of temporary trailers for business purposes. The project will require office space at various points along the railroad ROW, so that Project workers and supervisors have a place to meet and review plans, orders and scheduling. This is most often accomplished by means of temporary work trailers set up on or near the jobsite. The law's limitations on the number of trailers that may occupy a given property, its restrictions on locations/setbacks of such trailers and its prohibition on removal of vegetation are all unusual and unreasonable burdens upon CHPEI, especially when the scope of the Project is so unique and the placement of such trailers will be temporary in nature in accordance with the linear, progressive nature of the cable installation along the railroad ROW. The Project will comply during the operational period, except in the event of an emergency cable repair.

<p style="text-align: center;">Table 7.3-1 Schenectady County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Zoning – Performance Standards</i></p> <p>§ 270-65</p>	<p>No use shall hall be established or operated in a manner so as to create hazards, vibration, glare or air, water or ground pollution, or nuisance elements in excess of the limits established under this section. Specific provision require:</p> <ul style="list-style-type: none"> • No electrical disturbance which adversely affects the operation of any equipment on any other property shall be permitted. • Compliance with the Town Noise ordinance, with an exception for sounds created by public utilities in carrying out their operations. • No vibration shall be permitted which is detectable without an instrument at the property line. • Glare, whether direct or reflected, whether from floodlights or high-temperature processes such as welding or combustion, shall be confined to the property in which it is generated. <p>Temporary glare customarily associated with motor vehicles is exempt from this provision.</p> <ul style="list-style-type: none"> • No emission of any malodorous matter shall be permitted so as to be detected outside the property line of the lot on which the facility is located. Any facility which may involve the emission of any odor shall be equipped with a secondary safeguard system, so that control will be maintained if the primary system should fail. • No emission of toxic gases or other forms of air pollution shall be permitted which can cause any damage to human or animal health, vegetation or other properties. 	Existing technology	<p>Waiver requested during Project construction in regard to local imposition of subjective performance standards for smoke, noise, atmospheric emissions, glare or heat or other disturbances along the Project route. For example, construction equipment will be operated at noise levels that will likely exceed this local ordinance. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise, dust and emissions levels measured in the field to fixed numerical maximums stated within its text, the law allows local officials overly broad latitude to impose their own subjective "performance standards" criteria to noise, emissions, glare and related phenomena typically associated with construction, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes a violation of broadly worded performance standards will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether this law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ because the so-called performance standards are so subjective. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with these performance standards at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to these issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with this law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime</p>

<p style="text-align: center;">Table 7.3-1 Schenectady County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
<p>Noise</p> <p>§ 270-90</p> <p>§ 270-91</p>	<p>The following acts are nuisances</p> <ul style="list-style-type: none"> • The creation of loud and excessive noises in association with any industrial, warehousing, or mining operation that disturbs the comfort and repose of nearby residents; • The discharge into open air of the exhaust of any stationary internal combustion engine, steam engine, or motor vehicle; • Noise in association with the construction, alteration, repair, or demolition of any building or structure, except between the hours of 7:00 a.m. and 9:00 p.m. Such activities and noises may be allowed between 9:00 p.m. and 7:00 a.m. if they are in the interest of public safety as determined by the Building Inspector or Code Enforcement Officer; • Noise in association with any excavation, earth moving, grading, logging, or any other kind of land disturbance or alteration, except between the hours of 7:00 a.m. and 9:00 p.m.; • The creation of loud or excessive noises in connection with the loading or unloading of any vehicle, or the opening or destruction of boxes, crates, containers, bales; • The sounding of any horn or alarm on any automobile, motorcycle, or other motor vehicle or device; <p>The creation of any noise that causes public inconvenience or alarm, or disturbs the public's comfort and repose; and The creation of any noise that exceeds 75 dB(A) at the adjoining property line</p>	Existing technology	<p>Waivers requested during Project construction with regard to noise level limits and limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "loud and excessive", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes loud or excessive noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>The law's automatic classification of noises exceeding 75 dBA at adjoining property lines as a "nuisance" will result in a non-compliance situation during Project construction, because noise from the heavy construction equipment needed to install the underground cable can only be mitigated so much – it cannot be silenced altogether – and the railroad ROW is very narrow, meaning adjoining property lines are very close to the ROW work areas. The linear and transient nature of Project construction is expected to substantially mitigate the noise impacts felt by any one property, however, because once the cable is installed and the surface restored, there will be no further need for heavy equipment usage in that particular area.</p>

**Table 7.3-1
Schenectady County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 9:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.
			During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.
City of Schenectady			
Noise – Unnecessary or unreasonable noise §182-3	Prohibits the creation of unreasonably loud, disturbing or unnecessary noises; said noise shall be prohibited when it would be intolerable to a reasonable person, detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as “unreasonably loud”, “disturbing” and “unnecessary”, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code.

**Table 7.3-1
Schenectady County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>Opinions of what constitutes unreasonably loud, disturbing or unnecessary noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<p>Noise – <i>Unnecessary noises enumerated</i></p> <p>§182-4, 4.A, 4.D, 4.E, 4.G, 4.M</p>	<p>Prohibits persons from willfully causing any loud, unnecessary, unreasonable or unusual noise, or to permit any other so to do, which disturbs the peace or quiet within the city, or annoys or causes discomfort to any reasonable person of normal sensitivity; prohibited noises include: horns or signal devices; discharge of non-muffled engine exhaust into air; excavation, demolition, alteration or repair of buildings and structures; loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers; use of tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in construction noise between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise can be heard inside any residence.</p>	<p>Existing technology</p>	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "loud", "unnecessary", "unreasonable" and "unusual", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes loud, unnecessary, unreasonable or unusual noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no</p>

**Table 7.3-1
Schenectady County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 9:00 p.m. and 6:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
Town of Rotterdam			
Noise – Unnecessary Noises Enumerated §186-4	Construction, demolition, excavation. The erection (including excavating), demolition, alteration or repair of any building other than between 6:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety and then only with a permit from the Town Building Inspector/Code Enforcement Officer, which permit may be renewed for a period of three days or less while the emergency	Existing technology	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the</p>

**Table 7.3-1
Schenectady County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
	<p>continues.</p> <p>Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property and resulting in loud grinding, hammering, sawing and similar noise shall be prohibited:</p> <p>(1) Between the hours of 9:00 p.m. and 6:00 a.m. the following day, if said noise can be heard inside any residence, regardless of whether the windows of such residence are open.</p> <p>(2) At any other time if said noise is unnecessary or unreasonable under the circumstances.</p>		<p>parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as “unnecessary” and “unreasonable”, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unnecessary or unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer’s determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI’s onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 9:00 p.m. and 6:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project’s construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project’s linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to</p>

Table 7.3-1 Schenectady County Local Law and Ordinance Waiver Requests			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			minimize impacts to nearby properties and minimize transmission downtime.

7.4 APPLICABLE LOCAL ORDINANCES: ALBANY COUNTY

<p>Table 7.4-1 Albany County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Guilderland			
<i>Fire Prevention & Building Construction – Prohibited Acts</i> §171-3	It shall be unlawful for any person or persons to pile or accumulate combustible materials, rubbish, woods, brush or waste material within 25 feet of any building or property line.	Factors of cost and economics	The Project's placement of the electrical cables along existing railroad corridors will present spatial challenges in certain areas – it will not be possible to clear vegetation from along the relatively narrow railroad corridor and pile it more than 25 feet from all property lines or buildings while still ensuring a safe and obstruction-free work space. During restoration the piled material will be mulched and spread or removed from the site.
<i>Noise – Unreasonable Noise Prohibited</i> §205-5	No person shall make, cause, allow, or permit to be made any unreasonable noise within the geographical boundaries of the Town or within those areas over which the Town has jurisdiction. In this regard, construction, repair and demolition operations are not permitted between the hours of 6:00 p.m. and 7:00 a.m. the following day or at any time on weekends or legal holidays.	Existing technology	Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs the subjective term "unreasonable", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.
			Construction activities will result in transient and temporary increases in ambient noise

**Table 7.4-1
Albany County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>levels along the linear Project route between the hours of 6:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
Excavation and top soil removal §280-35(F)(11)	The hours of operation shall be only between 7:00 a.m. and 7:00 p.m. local time. No operations will be allowed on Sundays.	Factors of cost and economics	<p>Waiver requested during project construction with regard to limits on overnight and Sunday noise generation. Construction activities, including excavation and top soil removal, will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 7:00 p.m. and 7:00 a.m. and on Sundays. For example, normal operation of heavy construction equipment used to excavate a trench and install the cable underground will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated between 7:00 p.m. and 7:00 a.m. or on Sundays because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood. Exhibit E-4 provides detailed information</p>

**Table 7.4-1
Albany County
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			relating to the reliability and economic benefits of the Project to consumers. During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.
Town of New Scotland			
<i>Exterior Lighting</i> §190-33	Exterior lighting of buildings or grounds is permitted in all commercial and industrial districts only, provided such lighting be from shaded sources and be so located that beams are not directed toward any residential property or public highway	Existing technology	Waiver requested during Project construction with regard to exterior lighting restrictions. While CHPEI will mitigate the lighting of its project to the maximum extent possible, it is likely that not all light sources in and around the construction area will be able to comply with this law. For safety purposes, night lighting must be fairly intense and direct, and given the linear nature of the Project, it will be difficult if not impossible to shield every nearby residence from exposure to direct lighting for some relatively short period of time. Once the project proceeds down the ROW, however, the lighting will move with it and the localized impacts will be eliminated. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers. The Project will comply during the operational period, except in the event of an emergency cable repair.
Village of Voorheesville			
<i>Zoning Law Article IV – Permitted Uses</i>	<p>General Standards: In all districts the following shall be objectionable if they can be distinguished beyond the limits of the property in which they are created in the following degree of intensity:</p> <ul style="list-style-type: none"> • Dust settles from the air, or floats through the air and can be distinctly seen; • Vibration can be distinctly felt; • Noxious fumes that can be plainly smelled or their presence detected by proper scientific apparatus. 	Existing technology	Waiver requested during Project construction with regard to dust, vibration noxious fumes and other temporary air pollution. Construction activities can result in transient and temporary increases in dust, odors from exhaust and vibration along the linear Project route. While CHPEI will employ mitigative methods to limit the impacts of such effects, including exhaust mufflers and dust control methods (as will be detailed in the Project EM&CP), it is not possible to construct the Project using methods that will always remain in full compliance with this local law. Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise, dust and emissions levels measured in the field to fixed numerical maximums stated within its text, the law employs subjective terms such as “distinctly seen” or “distinctly felt” or “plainly smelled”, leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unusual or dangerous or noxious impacts will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether this law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer’s determination to local

Table 7.4-1
Albany County
Local Law and Ordinance Waiver Requests

Chapter	Description	Statutory Basis	Justification for Waiver Request
<p><i>Noise Control Law, Prohibited Acts</i></p> <p>§4</p>	<p>Motor Vehicles shall comply with the applicable maximum noise levels for the operation of motor vehicles. The erection, including excavation, demolition, alteration of any building other than between 7:00 a.m. and 9:00 p.m., shall be prohibited except in cases of public safety or emergency</p>	<p>Existing technology</p>	<p>officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with this law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to these issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers. The Project will comply during the operational period, except in the event of an emergency cable repair.</p> <p>Waivers requested during Project construction with regard to noise level limits and limits on overnight noise generation. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law makes reference to "applicable maximum noise levels for the operation of motor vehicles", which is an overly broad and vague standard subject to the opinions of local officials charged with enforcing the code as to what levels are "applicable". CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 9:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing</p>

<p>Table 7.4-1 Albany County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<p><i>Zoning – permitted use</i> <i>Art. IV, § 2</i></p>	<p>Electric transmission/public utility use not specifically permitted within the Industrial zoning district.</p>	<p>Factors of cost and economics</p>	<p>The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.</p>

Table 7.4-1 Albany County Local Law and Ordinance Waiver Requests			
Chapter	Description	Statutory Basis	Justification for Waiver Request
Town of Bethlehem			
<i>Zoning – permitted use</i> § 128 Attachment 1: Schedule of Uses	Electric transmission/public utility uses are not specifically listed as permitted uses within the Rural Light Development zoning district.	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.
Town of Coeymans			
<i>Zoning – permitted use</i> § 165 Attachment 5: Schedule of District Zoning Regulations	Electric transmission/public utility uses are not specifically listed as permitted uses within the Single Family Residence zoning district.	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.

7.5 APPLICABLE LOCAL ORDINANCES: WESTCHESTER COUNTY

<p>Table 7.5-1 Westchester County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
County of Westchester			
<i>Use of County-Owned Property, Operation of motor vehicle; idling of engine restricted</i> §712.475	No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in § 129 of the Vehicle and Traffic Law, standing as defined in § 145 of the Vehicle and Traffic Law, or stopping as defined in § 147 of the Vehicle and Traffic Law, unless the engine is used to operate a loading, unloading or processing device	Existing technology and factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
<i>Sanitary Code – Air Quality</i> §873-1317	Imposes restrictions on exhaust emissions and idling of vehicles, including a requirement that no person shall allow or permit the engine of a motor vehicle to idle for more than three consecutive minutes when the motor vehicle is not in motion	Existing technology and factors of cost and economics	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.
City of Yonkers			
<i>Zoning – permitted use (transmission line)</i> Zoning Districts: Table 43-1	While Utility Substations are listed as permitted uses in the I District, Public Utilities and electric transmission lines are not listed as a permitted use in the I District	Factors of cost and economics	The Project's planned ROW through this municipality is comprised of a series of contiguous linear lots currently used for commercial (i.e. railroad) purposes. Consequently, the ROW will cross multiple zoning districts in its linear path. Uses not specifically permitted by zoning law are deemed prohibited; thus, absent a waiver of these zoning district restrictions, CHPEI would need to seek use variances and/or zoning law amendments from the local municipality in order to comply with local zoning laws. Both use variance and zoning amendment processes are discretionary in nature and usually require a substantial time to complete, if they can be completed at all. Both processes are subject to public hearings and potential delays stemming from the unpredictability of local decision making, which could trigger significant delays and huge costs for the Project. Consequently, a waiver is necessary for both the construction and operational phases.

<p style="text-align: center;">Table 7.5-1 Westchester County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Zoning Uses</i> §43-28	No land, building or structure shall be used for: Electric Bulk power substations.	Existing technology and factors of cost and economics	This blanket prohibition is an unfounded and unreasonable restriction upon public utility uses because it effectively bars such uses from occurring anywhere within the City limits. Population centers such as the City of Yonkers utilize large amounts of electricity, meaning they require more transmission capacity channeled in their direction. This translates to a need for more transmission lines and more equipment to handle that transmission in the form of substations and switchyards. The placement of such substations close to or within highly populated areas is essential to allow efficient power handling and rapid response to shifts in power demands or outage conditions. The City's blanket prohibition unduly hampers the Project's ability to place a converter station at what has been determined to be an efficient, practical and compatible site along the Hudson River.
<i>Noise disturbance prohibited</i> §66-3, §66-4	<p>The following are prohibited:</p> <p>D. Noises from loading and unloading or other handling between the hours of 10:00 p.m. and 7:00am.</p> <p>E. Operating motor vehicles or auxiliary equipment for longer than 5 minutes in any 60 minute period while the vehicle is stationary, within 150 feet of a residential area.</p> <p>F. Use of construction equipment between the hours of 6:00 p.m. and 7:00 a.m..</p> <p>G. Use of noncommercial landscaping power tools between 9:00 p.m. and 8:00 a.m. unless they meet applicable limits. The sound from the power tools cannot exceed 70 dBA when measured at or within the property line, for a duration exceeding 15 minutes continuously or 30 minutes intermittently in a single day.</p> <p>H. Commercial power tools for landscaping shall not be operated with 200 feet of residential property between 7:00 p.m. and 8:00 a.m. on weekdays and 8:00 a.m. and 9:00 p.m. on weekends and cannot exceed 70 dBA when measured at or within the property line, for a duration exceeding 15 minutes continuously or 30 minutes intermittently in a single day.</p> <p>J. Creating or emitting noise which constitutes a</p>	Existing technology and factors of cost and economics	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "excessive" and "unusually loud", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes excessive or unusually loud noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule.</p> <p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 6:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated</p>

<p>Table 7.5-1 Westchester County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
	noise disturbance.		<p>above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because: a) the 70 dBa threshold is an extremely low level that is exceeded by even small machines such as lawnmowers, much less the heavy construction equipment required for this Project; and b) the railroad ROW which will host the cable installation is narrow in width, depriving CHPEI of common mitigative opportunities such as screening or rerouting to increase distance between the construction noise sources and receptors. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>

<p>Table 7.5-1 Westchester County Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Vehicles and Traffic – Idling of engine</i> § 109-88	No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking, standing or stopping, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of 40 ° F, no person shall cause or permit the engine of a bus as defined in § 104 of the Vehicle and Traffic Law to idle while parking, standing or stopping at any terminal point, whether or not enclosed, along an established route.	Existing technology	Waiver requested from this vehicle/equipment idling prohibition during Project construction. The nature of excavation work is such that it will require equipment (excavators, dump trucks) to idle for periods of time to allow proper shoring of trench walls, careful feeding of cables into trenches, staging of excavated materials for loading, etc. Repetitive stopping and starting of heavy equipment engines invite maintenance issues and will cause noticeable increases in noise and exhaust emissions (as compared to idling engines) that will frustrate the purposes of the no-idling prohibition and may unduly slow the pace of the work in a given area. The Project will comply during the operational period, except in the event of an emergency cable repair.

7.6 APPLICABLE LOCAL ORDINANCES: NEW YORK CITY

Table 7.6-1 New York City Local Law and Ordinance Waiver Requests			
Chapter	Description	Statutory Basis	Justification for Waiver Request
New York City			
After hours and weekend limits on construction activities § 24-222	Limits construction to weekdays between 7 a.m. and 6 p.m.	Factors of cost and economics	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 6:00 p.m. and 7:00 a.m. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours or weekend hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
Construction, exhausts and other devices § 24-227	The use or operation of a construction device or combination of devices in such a way as to create an unreasonable noise is prohibited.	Existing technology and factors of cost and economics	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. Although CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP), it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law. Notwithstanding such mitigation, it is not possible to ensure that construction</p>

**Table 7.6-1
New York City
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
			activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "unreasonable" leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers. The Project will comply during the operational period.
Exhausts § 24-228	The causing or permitting of discharges into the open air of the exhaust of any device (including but not limited to steam engines, internal combustion engines, power tools, compressors or turbine engines) so as to create an unreasonable noise is prohibited.	Existing technology and factors of cost and economics	<p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p> <p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs subjective terms such as "unreasonable", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and</p>

<p>Table 7.6-1 New York City Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			<p>CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>

**Table 7.6-1
New York City
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
<i>Containers and construction material</i> § 24-229	The handling or transportation of any container or construction material on any public right-of-way in such a manner as to create an unreasonable noise is prohibited.	Existing technology and factors of cost and economics	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because those parameters are inherently subjective in nature. Rather than employ objective standards that would allow comparison of actual noise levels measured in the field to fixed numerical maximums stated within its text, the noise law employs the subjective term "unreasonable", leaving the determination of whether a violation has occurred to the subjective opinions of local officials charged with enforcing the code. Opinions of what constitutes unreasonable noise will vary from person to person, depending upon the precise activity occurring at the Project site, and CHPEI cannot and does not expect the local code enforcement officer to be present at the site around the clock during construction in order to give his/her instant opinion as to whether the noise law is being violated. Even if that opinion determined there was no violation, third parties could attempt to appeal the code enforcement officer's determination to local officials, whose own opinions on compliance could differ. Consequently, CHPEI's onsite personnel will have no predictable, reliable and objective way to determine whether they are complying with the noise law at all times during the construction process; such unpredictability jeopardizes the critical timing and pace of a linear construction such as this Project, because a stoppage at one segment of the route due to noise issues will delay subsequent segments in other localities that are dependent upon the cable being laid according to a strict schedule. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<i>Noise Control</i> <i>Chap. 2, Subchaps. 3-6</i>	<p>The code contains extensive regulations on activities which may cause "unreasonable noise", including:</p> <ul style="list-style-type: none"> Each person, corporation or other business entity performing construction work in the city shall adopt and implement a noise mitigation plan for each construction site in accordance with 	Existing technology and factors of cost and economics	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP).</p>

**Table 7.6-1
New York City
Local Law and Ordinance Waiver Requests**

Chapter	Description	Statutory Basis	Justification for Waiver Request
	<p>the provisions of this subchapter and such rules whenever any one or more of the construction devices or activities listed above or in the department's rules are employed or performed at the site.</p> <ul style="list-style-type: none"> Except as otherwise provided, it shall be unlawful to engage in or to cause or permit any person to engage in construction work other than on weekdays between the hours of 7 a.m. and 6 p.m. 		<p>Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route between the hours of 6:00 p.m. and 7:00 a.m.. For example, normal operation of heavy construction equipment used to install the cable underground will generate noise levels that will likely exceed this noise law. As stated above, CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction noise will not be generated during overnight hours because the project's construction timetable is dependent upon the schedule of the railroad along whose ROW the Project passes. In order to minimize disruption of rail transport schedules, construction work will tend to occur during periods of low rail traffic, which commonly includes overnight hours. The Project's linear nature along the railroad ROW ensures that noise impacts will be short-lived for any single locality, because once the cable is buried underground and the surface area is restored in any given neighborhood, construction will progress further down the ROW and no further construction noise generation will be expected in that neighborhood, especially during overnight hours. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p> <p>During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.</p>
<p><i>Performance Standards regulating noise</i> <i>Article IV, Chapter 2</i> <i>§ 42-21</i></p>	<p>This section establishes maximum permissible sound pressure levels in a Manufacturing District. The limit is reduced whenever a Manufacturing District adjoins a Residence District.</p>	<p>Existing technology and factors of cost and economics</p>	<p>Waivers requested during Project construction with regard to noise level limits. Construction activities will result in transient and temporary increases in ambient noise levels along the linear Project route. For example, normal operation of heavy construction equipment will generate noise levels that will likely exceed this noise law. CHPEI and its contractors will employ mitigative measures such as employing proper engine exhaust mufflers, substituting back-up strobes for audible beepers in more sensitive residential areas and limiting onsite equipment idling times (and will address these methods in the Project EM&CP). Notwithstanding such mitigation, it is not possible to ensure that construction activities can be carried out in a manner that will always comply with the parameters set forth within this particular noise law, because: a) the threshold is an extremely low level that is exceeded by even small machines such as lawnmowers, much less the heavy construction equipment required for this Project; and b) the railroad ROW which will host the cable installation is narrow in width, depriving CHPEI of common mitigative opportunities such as screening or rerouting to increase distance between the construction noise sources and receptors. Exhibit E-4 provides detailed information relating to the reliability and economic benefits of the Project to consumers.</p>

<p>Table 7.6-1 New York City Local Law and Ordinance Waiver Requests</p>			
Chapter	Description	Statutory Basis	Justification for Waiver Request
			During the operational period, the Project will comply with the noise law except during periods of emergency cable repair/servicing, which are expected to occur extremely infrequently, if at all. Such emergency periods will also be kept as short as possible in duration so as to minimize impacts to nearby properties and minimize transmission downtime.