

Chapter 235

STORM SEWERS

ARTICLE I Illicit Discharges, Activities and Connections

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[HISTORY: Adopted by the Town Board of the Town of Glenville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 151.
Individual septic disposal systems — See Ch. 213.

Subdivision of land — See Ch. 242.
Zoning — See Ch. 270.

ARTICLE I Illicit Discharges, Activities and Connections [Adopted 10-17-2007 by L.L. No. 6-2007]

§ 235-1. Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Glenville through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 235-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES Permit for Stormwater Discharges From Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation.

DESIGN PROFESSIONAL — New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 235-5 of this article.

INDIVIDUAL SEWAGE TREATMENT SYSTEM — A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES Permit for Discharges From Industrial Activities Except Construction, GP-98-03, as amended or revised.

MS4 — Municipal separate storm sewer system.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Glenville.
- B. Designed or used for collecting or conveying stormwater,
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

MUNICIPALITY — The Town of Glenville.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might

reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

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 (6) 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.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) FOR IDDE — An employee designated by the Town of Glenville to enforce this article.

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL — Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 235-3. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 235-4. Responsibility for administration.

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the Town Board.

§ 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.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 235-6. Failing individual sewage treatment systems prohibited.

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- E. Contamination of off-site groundwater.

§ 235-7. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 235-2, Definitions, of this article.

- B. Such activities include failing individual sewage treatment systems as defined in § 235-6, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 235-8. Prevention, control and reduction of stormwater pollutants.

- A. Best management practices. Where the SMO has identified illicit discharges as defined in § 235-7 or activities contaminating stormwater as defined in § 235-3 the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
 - (1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in § 235-2 or an activity contaminating stormwater as defined in § 235-7, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Repair or replace individual sewage treatment systems as follows:
 - (1) In accordance with 10 NYCRR, Appendix 75-A to the maximum extent practicable.
 - (2) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
 - (a) Relocating or extending an absorption area to a location not previously approved for such.
 - (b) Installation of a new subsurface treatment system at the same location.
 - (c) Use of alternate system or innovative system design or technology.
 - (3) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

§ 235-9. Suspension of access to MS4.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

§ 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.

§ 235-11. Applicability; access to facilities; monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.

- (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Unreasonable delays in allowing the municipality access to a facility subject to this article is a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
- (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 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.

§ 235-13. Enforcement; penalties for offenses.

A. Notice of violation.

- (1) When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by

written notice of violation to the responsible person. Such notice may require, without limitation:

- (a) The elimination of illicit connections or discharges;
 - (b) That violating discharges, practices, or operations shall cease and desist;
 - (c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (d) The performance of monitoring, analyses, and reporting;
 - (e) Payment of a fine; and
 - (f) The implementation of source control or treatment BMPs.
- (2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of three years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 235-14. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the Town Clerk and mail a copy of its decision by certified mail to the discharger.

§ 235-15. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the

owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 235-16. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 235-17. Alternative remedies.

- A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Town Attorney and concurrence of the Stormwater Management Officer, where:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this article.
- (3) Environmental damage was minimal.
- (4) The violator acted quickly to remedy violation.
- (5) The violator cooperated in investigation and resolution.

- B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

§ 235-18. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 235-19. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter 238

STREET STANDARDS

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[HISTORY: Adopted by the Town Board of the Town of Glenville 10-4-1989 (Ch. 37 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Department of Public Works — See Ch. 51.
Flood damage prevention — See Ch. 151.
Notice of defects — See Ch. 190.
Sidewalks — See Ch. 221.

Subdivision of land — See Ch. 242.
Water — See Ch. 259.
Zoning — See Ch. 270.

§ 238-1. Definitions.

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

DEVELOPER — Any individual, firm, company, corporation or group engaged in developing land.

PUBLIC IMPROVEMENTS — Include but shall not be limited to roads and highways, storm sewers, water mains, laterals, sanitary sewers and laterals, sewage plants and any other improvements which provide a service within the Town of Glenville.

STANDARD SPECIFICATIONS — Standards Specifications - Construction and Materials, New York State Department of Transportation, January 3, 1976, as amended.

STREET — All property within the right-of-way lines in any roadway, thoroughfare or highway.

SUPERINTENDENT — The duly elected Superintendent of Highways of the Town of Glenville or his authorized deputy, agent or senior engineering technician.

TOWN — The Town of Glenville, County of Schenectady, State of New York.

§ 238-2. Permit required; application.

- A. No person, firm, association or corporation shall install, construct or perform any work incident to the installation and/or construction of any public improvement upon real property in the Town of Glenville without first having obtained a permit therefor, to be issued by the Town Clerk with the approval of the Planning Board after certification by an engineer designated by the Town that the plans and specifications as submitted by the applicant comply with the specifications and requirements of the Town of Glenville. The fee for such permit shall be as fixed by the Town Board.
- B. The application for such permit shall be made on the forms furnished by the Town of Glenville and shall contain such information as the designated engineer of the Town of Glenville shall require, to determine that the proposed improvement will conform to the specifications and requirements of the Town of Glenville for such proposed improvement.
- (1) All applications shall be accompanied by a map or survey, together with profiles and specifications (six complete sets) prepared by an engineer duly licensed by the State of New York, one set of which shall be filed with the Town-designated engineer, the Superintendent of Highways, the Zoning Board of the Town of Glenville, the Assessor's office and the Town Clerk.
 - (2) The Town-designated engineer shall provide such applicant with a set of standard specifications and requirements of the Town of Glenville for such work, for which a per-copy charge as set from time to time by resolution of the Town Board shall be made,¹ and no work shall be performed except in accordance therewith.²
 - (3) No work shall be performed except under the supervision and inspection of an inspector designated by the Town Board. Street or road construction will be inspected when the subgrade has been completed, when the utilities have been installed, when the gravel base has been completed and during the paving of the road surface. Elevations will be strictly adhered to. Construction of public improvements other than street or road construction will be inspected at such stages of construction or installation as may be determined by the Town-designated engineer. Inspectors' fees for the above shall be set by the Town Board.
 - (4) All applications for the dedication of a street to the Town of Glenville shall be accompanied by a proposed deed thereof, together with a proper title search covering a period of at least 40 years up to the time the application is made, and also a tax search, a real property transfer gains tax affidavit and a certificate of

1. Editor's Note: See Ch. 139, Fees.

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

§ 238-8. Grades.

Grades of all streets shall conform to the general terrain and shall be no less than 1/2 of 1% nor more than 8%, except that streets with grades up to 10% may be approved by the Planning Board. A combination of steep grades and curved streets shall be avoided. All changes in grade shall be connected by vertical curves of such length and radius as will meet with the approval of the Superintendent of Highways, but in no case shall the following minimum standards be violated:

- A. Minimum length of vertical curves: 200 feet but not less than 30 feet for each one-percent-algebraic difference of grade.
- B. Minimum sight distance: 250 feet.

§ 238-9. Dead ends; culs-de-sac.

- A. No dead-end streets without proper turnarounds are permitted.
- B. The cul-de-sac shall terminate in a circular turnaround having a minimum radius of 60 feet for the outside property line. The outside pavement radius shall be 50 feet, and the pavement width shall be 24 feet, with the remainder being a grass median. A temporary turnaround easement of equal size must be granted at the end of any street being dedicated in sections. Such easement will be automatically terminated when the street is extended.

§ 238-10. Control strips.

There shall be no reserve control strip along or at the end of proposed streets or temporary turnarounds affecting access of adjoining property except where control of such strips is definitely placed in the Town under the irrevocable offer to dedicate. When interior streets of a subdivision are dedicated to the Town, the stub streets which connect these interior roads to present or future adjacent subdivisions must be dedicated simultaneously.

§ 238-11. Rounding of street corners.

The property line at all street corners shall be rounded or otherwise set back sufficiently to allow a radius or tangent on the property line of 25 feet.

§ 238-12. Block design.

Each block shall normally be designed to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and which contain interior parks will be accepted when properly designed. Block length generally shall not exceed 1,000 feet in length unless, due to unusual topographic conditions, the Planning Board accepts a longer distance. In long blocks, the Planning Board may require the reservation through the block of a twenty-five-foot wide easement to accommodate utilities and/or pedestrians.

completion by the Town Superintendent of Highways and/or the Town-designated engineer.

§ 238-3. Purpose.

The purpose of this chapter is to regulate the laying out and construction of streets in the Town of Glenville and outline the necessary improvements required prior to dedication as a Town highway.

§ 238-4. Conformance required; time frame for acceptance.

After the effective date of this chapter, no street will be accepted as a Town highway unless it shall conform to the regulations hereinafter provided. No street shall be accepted between November 1 and May 1 in any one year.

§ 238-5. Layout of streets.

The arrangement of streets shall be such to minimize hardship to adjoining properties, and no property shall be rendered inaccessible from an existing public street or from a proposed street in a subdivision for which a completion bond has been posted. The arrangement of streets in the subdivision shall provide for the entrance and continuation of principal streets from adjoining subdivisions and for the extension of principal streets into adjoining land which has not yet been subdivided. Such arrangement shall be required in order to facilitate fire protection, movement of traffic and the construction or extension, currently or as needed in the future, of necessary utilities and public services such as sewers, water and drainage facilities.

§ 238-6. Intersections.

Whenever an application for a permit to construct a street or highway within the Town of Glenville shall include streets or highways which, as proposed, shall intersect county streets or highways or state highways, no such permit shall be issued by the Town of Glenville for such construction until the approval, in writing, shall have been obtained by the owner or developer from the Schenectady County Superintendent of Highways or the New York State Department of Public Works, respectively, which approval shall include drainage facilities and permission to connect such proposed street with said county or state streets, roads or highways.

§ 238-7. Street width.

Streets shall have a minimum width of 60 feet with a paved width of 30 feet. This width shall be measured from lot line to lot line. Said widths shall be measured at right angles to the lot line on straight streets and on radial lines on curved streets. Additional width may be required by the Planning Board on streets expected to become main thoroughfares. However, when additional width is desired, the pavement shall be proportionately wider.

§ 238-8. Grades.

Grades of all streets shall conform to the general terrain and shall be no less than 1/2 of 1% nor more than 8%, except that streets with grades up to 10% may be approved by the Planning Board. A combination of steep grades and curved streets shall be avoided. All changes in grade shall be connected by vertical curves of such length and radius as will meet with the approval of the Superintendent of Highways, but in no case shall the following minimum standards be violated:

- A. Minimum length of vertical curves: 200 feet but not less than 30 feet for each one-percent-algebraic difference of grade.
- B. Minimum sight distance: 250 feet.

§ 238-9. Dead ends; culs-de-sac.

- A. No dead-end streets without proper turnarounds are permitted.
- B. The cul-de-sac shall terminate in a circular turnaround having a minimum radius of 60 feet for the outside property line. The outside pavement radius shall be 50 feet, and the pavement width shall be 24 feet, with the remainder being a grass median. A temporary turnaround easement of equal size must be granted at the end of any street being dedicated in sections. Such easement will be automatically terminated when the street is extended.

§ 238-10. Control strips.

There shall be no reserve control strip along or at the end of proposed streets or temporary turnarounds affecting access of adjoining property except where control of such strips is definitely placed in the Town under the irrevocable offer to dedicate. When interior streets of a subdivision are dedicated to the Town, the stub streets which connect these interior roads to present or future adjacent subdivisions must be dedicated simultaneously.

§ 238-11. Rounding of street corners.

The property line at all street corners shall be rounded or otherwise set back sufficiently to allow a radius or tangent on the property line of 25 feet.

§ 238-12. Block design.

Each block shall normally be designed to provide two rows of lots, but irregularly shaped blocks indented by cul-de-sac streets and which contain interior parks will be accepted when properly designed. Block length generally shall not exceed 1,000 feet in length unless, due to unusual topographic conditions, the Planning Board accepts a longer distance. In long blocks, the Planning Board may require the reservation through the block of a twenty-five-foot wide easement to accommodate utilities and/or pedestrians.

- A. Where a deflection angle of more than 10° occurs in a street line, a curve of a radius acceptable to the Superintendent of Highways is to be introduced into the roadway.
- B. The developer or owner laying out said street must obtain all necessary easements or rights-of-way to take care of any surface water caused by reason of the development of said street and by reason of the installation of culverts or surface drains. Streets to be taken over by the Town of Glenville shall be approved by the Superintendent of Highways after such necessary easements or rights-of-way have been obtained and approved by the Attorney for the Town of Glenville. Such permanent drainage easement shall enter from the outlet of any culvert or ditch to a natural watercourse and be not less than 25 feet in width.
- C. Additional improvements such as curbs, gutters and sidewalks may be required by the Planning Board of the Town of Glenville. Complete plans and specifications covering proposed improvement should be submitted to the Town Highway Superintendent and Town Planning Board for approval. No hedges, fences, walls or trees shall be installed in the street without the approval of the Superintendent of Highways. Construction of driveways or entranceways shall be approved by and installed under the direction of the Superintendent of Highways in order to conform to the established grade.
- D. The developer shall furnish two sets of street signs and one twelve-foot mounting pole and necessary hardware for each intersection. The signs shall conform to the standard street sign in use in the Town and shall be installed by the Highway Department.

§ 238-13. Monuments.

Sufficient monuments shall be placed to properly reproduce each and every street laid out, and said monuments shall be so placed that the tops thereof shall be flush with the finished grade of the surrounding ground. Monuments set in concrete shall be set at all street corners, at curve points and angles in the street lines and at all angles in the boundary of land platted. The size of the monuments shall be not less than four inches in diameter and four feet in length. Granite monuments or a similar type may be used, provided that they are the proper size. All such monuments shall be marked with an "X" or center point indicating the exact point to be designated by said monument. Existence of these monuments will be checked and certified by a licensed land surveyor before dedication.

§ 238-14. Drainage.

- A. Particular emphasis must be placed on adequate drainage. Excessive accumulation of surface water along the sides of streets shall be avoided. Storm drainage shall be provided so that in no case will surface water be carried in highway ditches more than 500 feet.
- B. Storm sewer lines are to be located at the center line of the ditch, as shown on the Highway Cross Section.³ Layout is to be approved by the Town Planning Board and Superintendent of Highways.

3. Editor's Note: The Highway Cross Section is included at the end of this chapter.

- C. Storm sewers shall be installed so that each building lot and foundation drains for structures on said lot can be drained to the storm sewers or to a natural creek or stream.
- D. Reinforced concrete pipe or corrugated iron or polyethylene or PVC and aluminum pipe shall be used throughout for all culverts or surface drains. Said pipe is to conform to the standard usage adopted by the Town Superintendent of Highways and/or the Town-designated engineer installed in accordance with Section 603 of the Standard Specifications. Minimum size of storm sewers shall be 12 inches. Ditches shall be surfaced with a suitable bituminous covering two inches or more in thickness and 20 feet in length on incoming drainage to catch basins and cross drains. A profile, in duplicate, approved by the Town-designated engineer, shall be filed with the Town Board, showing the grade and fall of surface water to be not less than one foot for every 100 feet and also showing the final disposition of flow.
- E. All drainage structures and piping shall be installed after the street has been graded to subgrade and before the placement of the subbase.
- F. Catch basins shall be precast reinforced concrete manhole units four feet in diameter with circular cross sections and shall conform to the Highway Cross Section, Catch Basin Detail.⁴ The minimum depth of catch basins from the top of the casting shall be three feet eight inches. The casting shall be Campbell Foundry Pattern 1396 or equal. Openings in catch basin castings shall be rectangular in shape, with section modulus providing for heavy traffic loading. Catch basins shall be located directly opposite the subdivision property lines to avoid conflicts with driveways.
- G. Foundation drains, sump pump lines, roof drains and other surface drains must be connected to storm sewer pipes or discharge into a natural creek or stream. The above drains may not be allowed to discharge directly into a street ditch. Foundation drains may be permitted to connect in series to a larger drain line which may connect to a storm sewer. Each lot shall have a separate line, connection to the larger drain line in series to be accomplished within the roadway right-of-way. The eventual owner of the lot shall be responsible for that drain on his property.

§ 238-15. Utilities.

- A. All utilities must be installed after the street has been graded to subgrade and before the subbase has been installed.
- B. Water mains are to be generally located 17 feet from the property line of the street and laid at least five feet six inches from the center line of water main to finished grade. House laterals for each planned lot are to be installed to the property line at approximately the center of the same. All water main materials to conform with Glenville Water Department requirements.
- C. Sanitary sewer mains are to be generally located eight feet from the property line of the street and on the opposite side from the water main and maintain approximately an eight-foot invert line. House laterals for each planned lot are to be installed to the

4. Editor's Note: The Catch Basin Detail is included at the end of this chapter.

property line at approximately 10 feet downgrade from the center of the same. Manholes shall be gasket-joint, precast-reinforced concrete, four feet in diameter with a circular cross section and a 1/2 pipe diameter formed through the invert. Sanitary sewer pipelines and manholes shall be watertight. Frame and covers shall be Campbell Foundry Number 1009 or equal. Covers shall be lettered "sanitary" and without vent holes.

- D. Gas mains are to be located seven feet from the property line on the same side as the water with installed provisions to service opposite properties and maintain at least three feet of cover below the lowest street cross section elevation. Layout of mains and time of installation are subject to approval by the Superintendent of Highways. Sleeves will be required for all street crossings and they shall be installed after the street has been graded to subgrade and before the gravel base has been installed.
- E. Underground electrical, telephone and television cables crossing the street shall be laid with a three-foot cover below the lowest street cross section elevation. Sleeves will be required for all street crossings, and they shall be installed after the street has been graded to subgrade and before the gravel base has been installed.

§ 238-16. Street construction.

Prior to acceptance by the Town, all streets shall be constructed according to the typical section on file in the office of the Town Superintendent of Highways.

- A. The subgrade shall be prepared in accordance with Section 203 of the Standard Specifications. The width of the subgrade shall be equal to the final pavement width, including gutters, of 30 feet. The elevation of the subgrade is determined by the approved profiles for finished grades, minus all depths of pavement and subbase per highway typical section, or as approved by Superintendent of Highways and/or the Town-designated engineer.
- B. After the subgrade has been approved, all utilities shall be installed in accordance with §§ 238-14 and 238-15 of this chapter, Chapter 270, Zoning, Chapter 242, Subdivision of Land, and the policies of special districts.
- C. After all utilities have been installed and approved and proper compaction has been obtained, underdrains shall be installed when required by the Superintendent of Highways and/or the Town-designated engineer.
- D. The subbase shall then be installed in accordance with the following specifications:
 - (1) A filter fabric, same or equal to AMOCO PROPEX 2002, shall be placed upon the completed subgrade for a width of 30 feet.
 - (2) Twelve inches of approved bank-run gravel compacted for the full width of the subgrade shall be installed.
 - (3) Notwithstanding the specifications contained herein, if, in the opinion of the Town Superintendent of Highways and/or the Town-designated engineer, the base of any street shall be such that the above specifications with respect to thickness of roadway shall be insufficient to provide a roadway capable of withstanding the

ordinary estimated traffic, then and in that event, the Town Superintendent of Highways and/or the Town-designated engineer shall have the authority to change these specifications in accordance with the requirements of such base as in their judgment is necessary to withstand ordinary usage.

- E. After the subbase has been installed and approved by the Superintendent of Highways and/or the Town-designated engineer, two inches of crusher-run material shall be placed and compacted and followed by three inches of Type 3 binder-asphalt concrete installed in accordance with Section 403 of the Standard Specifications. The width of the pavement, with gutters, shall be 30 feet. The Planning Board may require additional widths to meet special circumstances.
- F. The final wearing surface shall be 1 1/2 inches of Type 6F top-asphalt concrete installed in accordance with Section 403 of the Standard Specifications. At the locations of all catch basin inlets, an eighteen-inch-wide paved wing shall be installed as indicated on the catch basin detail.
- G. If and when combination curb and gutters are required by the Superintendent of Highways, the Town Planning Board and/or the Town-designated engineer, they shall be installed as an integral part of the subbase, binder and top course.
- H. Upon the recommendation of the Superintendent of Highways and the confirmation of the Town Board, the asphalt concrete paving may be done in two stages. This procedure would permit the delaying of the final 1 1/2 inches of asphalt concrete wearing surface paving and allow building construction to take place prior to the completion of the road. This procedure would require the installation of the three-inch Type 3 binder-asphalt concrete in accordance with Section 403 of the Standard Specifications and the placement in escrow of sufficient funds by the developer to cover the cost of the 1 1/2 inches of asphalt concrete final paving. The Town would accept the road after the above two conditions and all other requirements of this chapter are fulfilled. Generally, the final paving would be completed within one year after acceptance of the road.

§ 238-17. Shoulder and road cuts. [Amended 6-16-1999]

- A. Permit required.
 - (1) Before any individual, person or persons, corporation or company shall make any excavation in or under any public right-of-way or public place within the Town of Glenville or initiates the repair or replacement of any right-of-way, an application shall be made to the Town Superintendent of Highways, stating the exact location of the proposed excavation.
 - (2) Accompanying said application shall be an application fee for a permit to perform excavations or disturbances within the Town's right-of-way and any such other information that the Town may require.
 - (3) This chapter and the fees set forth herein shall also apply to public utilities. In addition to the fee, a utility's application shall be accompanied by such maps and plans as may be required by the Town Superintendent of Highways.

- (4) No excavation, as aforementioned, shall be made until a written permit has been issued by the Town Superintendent of Highways and the fee paid to the Town Clerk.
 - (5) Application for a permit shall be made in writing and shall be made to the Town Superintendent of Highways in a form required by the Town Board. After the permit has been issued and prior to any excavation, it shall be the applicant's responsibility to inform and receive approval from the Town Commissioner of Public Works or designee.⁵
 - (6) Permits issued under this section shall be for a period not to exceed 10 days from the date of issuance of the permit, unless further extension is endorsed thereon by the Town Superintendent of Highways.
 - (7) No permits for pavement cuts will be made after November 15.
 - (8) New pavements which are cut by trenches or built upon fill will not be accepted by the Town of Glenville until the calendar year following the year in which such pavements have been built.
- B. Fees. The Town Board of the Town of Glenville may, by resolution, establish a schedule of fees to be charged for road cuts in Town highways. Said schedule shall include but not be limited to fees for shoulder cuts, 1/2 road cuts, full road cuts and for similar cuts in varying widths.^{6 7}
- C. Excavation requirements.
- (1) All excavation in paved areas shall be kept to a minimum. Only 1/2 of a paved roadway, right-of-way or public place shall be cut open at any open time.
 - (2) The applicant shall at all times take every precaution to see that safeguards, barriers and lights are placed around said excavation to give ample notice and warning. "Road Closed" signs and "Detour" signs shall be posted, if applicable.
 - (3) The surface of said right-of-way or public place shall be restored to as good a condition as prior to said excavation and to the approval of the Town Superintendent of Highways.
 - (4) The washing of lines under any highway or street is strictly prohibited.
 - (5) All earth from the excavation, rubbish and unused materials shall be immediately removed after the installation of the pipe or utility. After laying the pipe or utility in said ditch or excavation, the applicant shall immediately backfill with materials as stipulated by the Town Superintendent of Highways. The backfill is to be placed in layers of not more than six inches in thickness, and each layer is to be compacted to 95% of its maximum proctor density within five feet of the

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

6. Editor's Note: See Ch. 139, Fees.

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

pavement edge. All other disturbed areas shall be compacted to the same density as the adjoining existing ground. After the backfill has been completed, it is to be kept flush with the pavement or existing roadway or street until such time as the permanent pavement of said right-of-way is replaced by the Town of Glenville Highway Department. The Superintendent of Highways shall replace the wearing surface of the right-of-way or public place, be it a gravel surface, a penetration surface or an asphalt surface as per the State Highway Law.

- D. **Liability.** The party to whom the permit is granted, in consideration of the granting thereof, shall save the Town of Glenville, the Town Superintendent of Highways and any and all Town officials and employees harmless of and from any and all claims, actions and judgments of any kind whatsoever that may arise from any cause whatsoever due to the execution of the work allowed under the permit, either during its progress or subsequent thereto, for any damages suffered by any claimant either to person or property by reason of such excavation and work.
- E. **Examination and restoration by Town.**
- (1) Reimbursement for cost of restoration by Town of roadway after work is completed. As provided herein, the applicant, at the time of the application, must pay to the Town Clerk the application fee for the type of permit for which it is applying. This application fee shall cover all of the expenses to the Town of Glenville for the examination of the area to be excavated, inspection by the Town Superintendent of Highways and for repavement by the Town of the wearing surface of the right-of-way or public place where the work was performed.
 - (2) Failure to complete work or to properly perform in accordance with permit. In the event that the applicant shall fail to complete the work started or in the event that the applicant should fail to restore the surface of said right-of-way or public place to as near the condition as it was prior to said excavation (wearing surface excluded), the Town Superintendent of Highways shall immediately fill in said excavation and shall do whatever is necessary, in his or her opinion, to properly restore the surface of said right-of-way or public place to as near a condition as it was prior to said excavation; and, after the same has been completed, the Town Superintendent of Highways shall determine the cost of said restoration to the Town and, should the cost to the Town be more than the application fee, the applicant shall be liable for the difference.
- F. **Catch basins and storm sewer lines.** The walls of catch basins and storm sewer lines shall not be cut without a permit therefor being obtained from the Superintendent of Highways. The application for said permit shall be on a form similar to that used for a highway cut and shall be accompanied by an additional fee as set from time to time by resolution of the Town Board⁸ for each additional cut requested. There shall be no right to perform such work (cut into a catch basin or storm sewer) without the approval of the Superintendent of Highways.⁹

8. Editor's Note: See Ch. 139, Fees.

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

- G. Penalties for offenses. Any person committing an offense against any provision of this section shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$500 or by imprisonment for a term not exceeding 15 days, or both such fine and imprisonment. The continuation of an offense against the provisions of this section shall constitute, for each day the offense is continued, a separate and distinct offense.

§ 238-18. Issuance of building permits.

- A. Upon approval of final plat and posting of a bond in accordance with Town Board requirements or upon certification of the completion or installation of all required improvements to the satisfaction of the Town Board and the posting of a bond in accordance with § 238-19, the subdivider may be issued building permits for the construction of buildings in accordance with the approved final plat, Chapter 270, Zoning, and the New York State Fire Prevention and Building Code.
- B. No building permits shall be issued following revocation of approval of a final plat until another application for approval of the final plat has been filed and approval granted by the Planning Board.

§ 238-19. Performance and assurance bonds.

- A. Bonds posted by the subdivider shall be in an amount determined by the Planning Board or other appropriate Town departments designated by the Town-designated engineer to cover the full cost of required public improvements.
- (1) Such performance bonds shall be approved by the Town Attorney as to form, sufficiency, surety and manner of execution.
 - (2) Such performance bonds shall run for a term to be fixed by the Planning Board, but in no case for longer than three years. Such term may be extended by the Planning Board with the consent of the parties thereto.
 - (3) If the Planning Board shall decide at any time during the term of the performance bond that the extent of building development which has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond or improvements have been installed in accordance with § 277 of the Town Law and as required by the Planning Board in sufficient amount to warrant reduction in the face amount of such bond or the character and extent of such development requires additional improvements previously waived for a period stated at the time of fixing the original terms of such bonds, then the Planning Board may, upon approval of the Town Board and after due notice and public hearing, modify its requirements for any or all such improvements, and the face value of such performance bond shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Board; and any security deposited with the bond may be reduced or increased proportionately.

- (4) In the event that any improvements have not been installed as required by the Planning Board within the term of such performance bond, the Town Board may thereupon declare such bond to be in default and collect the sum remaining payable thereunder. On receipt of the proceeds thereof, the Town shall install the improvements covered by such bond which are commensurate with the extent of building development that has taken place in the subdivision, but not exceeding in cost the amount of such proceeds.
 - (5) If the Planning Board or any appropriate Town officer appointed by it finds upon inspection that any of the required improvements have not been constructed in accordance with the plans and conditions approved and specified by the Planning Board, then the subdivider and the bonding company, if any, shall be separately and jointly liable for the costs of completing said improvements originally specified by the Planning Board.
 - (6) Such performance bonds shall be released to the subdivider only upon certification by the Town-designated engineer that all required improvements have been satisfactorily completed.
- B. The subdivider shall also post with the Town Clerk a bond in an amount determined by the Planning Board to be adequate to assure the satisfactory conditions of all required improvements for a period of one calendar year next following the date of certification of satisfactory completion, installation or construction of such improvements.
- C. A bond in an amount sufficient to guarantee the proper grading of the property and the respreading of the topsoil shall be posted before issuance of a certification of occupancy.
- D. A certificate by the Town Clerk shall be submitted to the Building Inspector that the subdivider has complied with one of the following alternatives:
- (1) That all public improvements have been installed to the satisfaction of the Town-designated engineer and any other official or body authorized by law to act in accordance with requirements specified in Chapter 242, Subdivision of Land, not specifically waived by the Planning Board.
 - (2) That a performance bond or certified check in compliance with § 277 of the Town Law of the State of New York and Chapter 242, Subdivision of Land, and as outlined in this chapter has been posted in sufficient amount to assure such completion of all required improvements and is available to the Town of Glenville.
- E. During the period the bond is in force, the developer shall be responsible for the maintenance of streets, and the following sign shall be erected: "NOTICE: Streets in this plot are being maintained by the developer. Upon completion and final inspection, they will be taken over by the Town of Glenville."

§ 238-20. Inspection and certification.

- A. Adequate inspection shall be provided at all times and during all phases of construction and shall be done under the direction of the Superintendent of Highways and/or the Town-designated engineer.

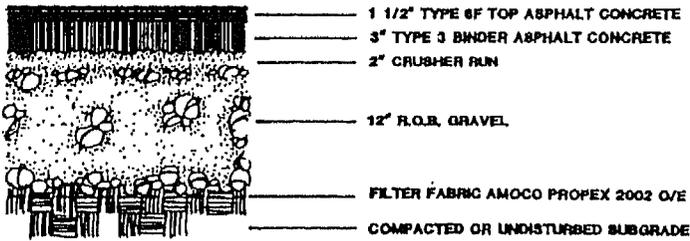
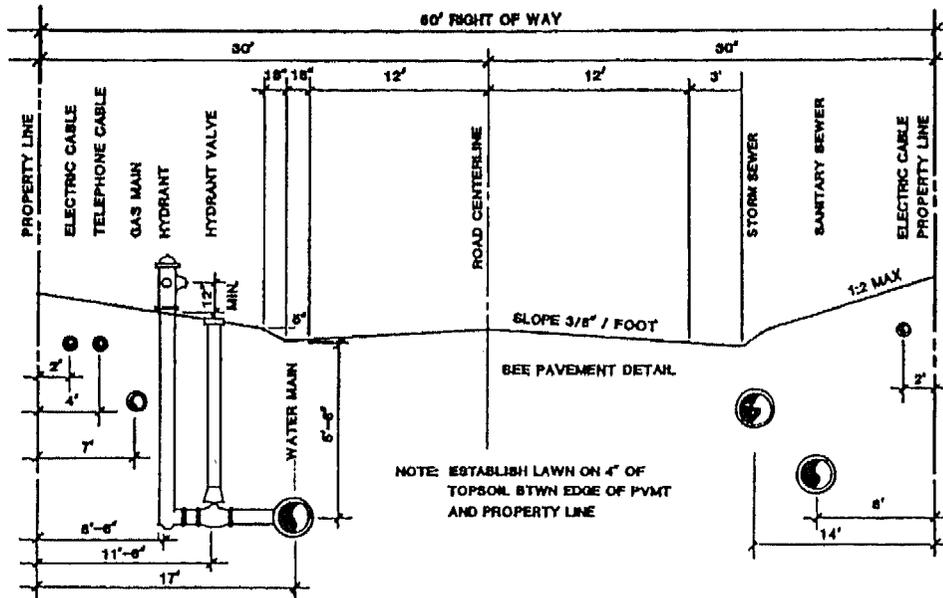
- B. The inspection service may either be provided by the Town or by an engineer approved by the Town. In either case, the cost of inspection shall be the responsibility of the developer. If the inspection service is provided by the Town, the cost will be based on the actual costs, payroll plus overhead, incurred by the Town.
- C. Written certification by a New York State licensed professional engineer or land surveyor approved by the Town Board will be required, proving that subgrades are correct to established line and elevation, that all storm sewer catch basin rims, sanitary sewer manhole rims, water main valve box rims and any other service access devices are at established finish elevation and, upon completion of the road base prior to paving, that the established elevations of the bed are correct.
- D. Written certification shall also be required for the gas company, telephone company, power company and any other utility company that their respective utilities have been installed in accordance with the provisions of this chapter. Common trench by utilities is acceptable with a submission of detail and approved by the Town-designated engineer.
- E. The developer shall certify, in writing, under oath, that all requirements of this chapter have been complied with in the construction of a street offered to the Town for acceptance, said written certification to be filed with the Town Clerk prior to such acceptance.

§ 238-21. Modifications and waivers.

When the Town Board determines that extraordinary hardship would result from strict compliance with the provisions of this chapter because of an unusual circumstance of topography or other physical condition in the proposed location of a street, it may modify the requirements for said street. In addition, for good cause, this Town Board may waive compliance with the provisions of any part of this chapter in connection with the construction of a proposed street, said waiver to be by no less than a majority plus one of the full membership of the Town Board.

STREET STANDARDS

238 Attachment 1



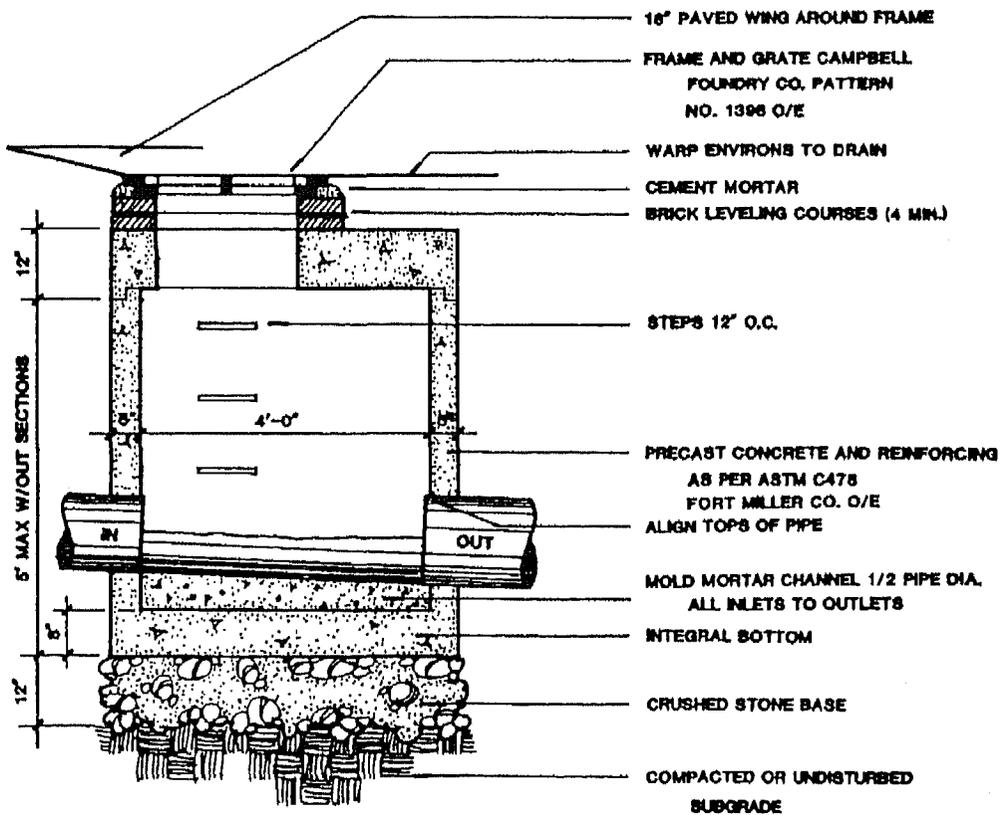
PAVEMENT DETAIL

HIGHWAY CROSS SECTION
FOR TOWN ROAD
TOWN OF GLENNVILLE
SCHENECTADY CO., NEW YORK

STREET STANDARDS

238 Attachment 2

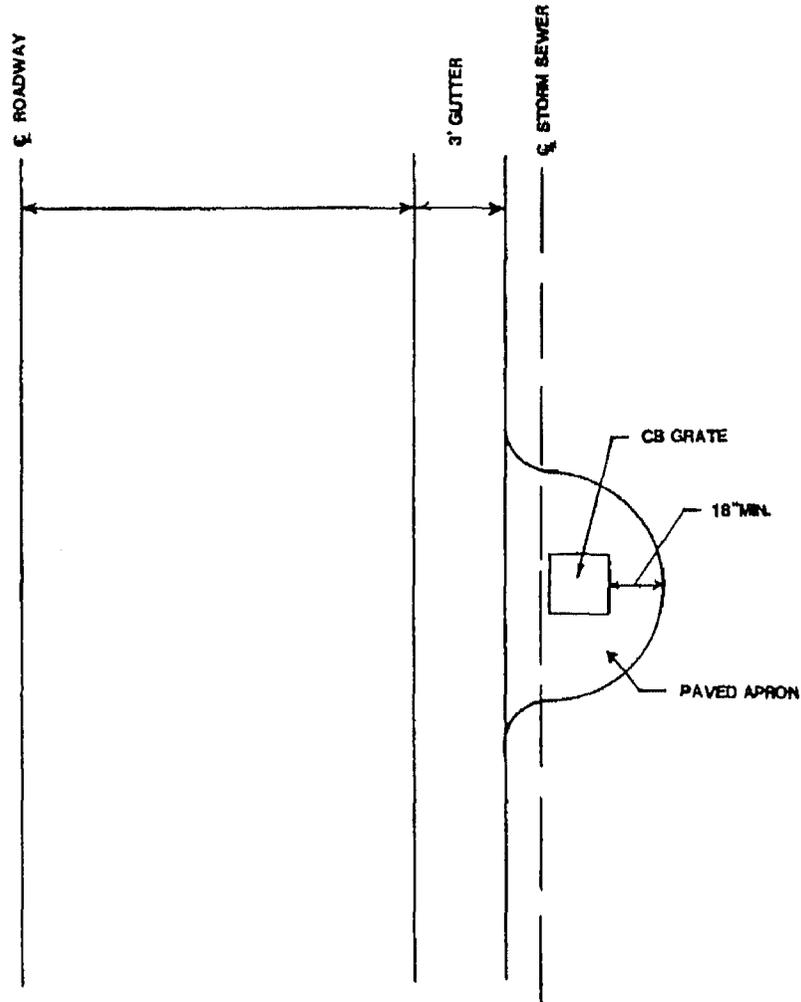
CATCH BASIN DETAIL
TOWN OF GLENVILLE
SCHENECTADY CO., NEW YORK



KESTNER ENGINEERS, P.C. 12/88

STREET STANDARDS

238 Attachment 3



TOWN OF GLENVILLE
SCHENECTADY CO. NEW YORK

PLAN PAVED APRON AROUND
CATCHBASIN GRATES

Chapter 242

SUBDIVISION OF LAND

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- § 242-39. Policy on fees.
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§ 242-44. Fees drawn from financial security.

ARTICLE VI

Specifications for Documents

§ 242-45. Sketch plan (optional procedure).

§ 242-46. Preliminary plat.

§ 242-47. Final plat.

[HISTORY: Adopted by the Town Board of the Town of Glenville 12-19-1990; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Alternate members of Planning and Zoning Commission — See Ch. 9.

Building construction and fire prevention — See Ch. 101.

Environmental quality review — See Ch. 132.

Fees — See Ch. 139.

Flood damage prevention — See Ch. 151.

Freshwater wetlands — See Ch. 156.

Mobile home parks — See Ch. 184.

Sewers — See Ch. 217.

Street standards — See Ch. 238.

Water — See Ch. 259.

Zoning — See Ch. 270.

ARTICLE I

General Provisions

§ 242-1. Purpose and authority.

This chapter is enacted pursuant to the authority granted to the Town Board in Article 16 of the New York State Town Law and § 10 of the Municipal Home Rule Law for the purpose of providing for the future growth and development of the Town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population. By this chapter, the Planning and Zoning Commission is empowered to approve site plans and preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, within that part of the Town outside the limits of any incorporated village.

§ 242-2. Title.

This chapter shall be known as the "Subdivision of Land Law of the Town of Glenville."

§ 242-3. Definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. In cases where words or phrases are not defined in this chapter but are defined elsewhere in the Code of the Town of Glenville, the words or phrases shall have the meaning set forth elsewhere in the Code.

- C. When used in this chapter the following terms shall have the respective meanings set forth herein, except where the context shows otherwise:

CLERK OF THE PLANNING AND ZONING COMMISSION — The person appointed by the Town Board or authorized by the Town Clerk to process and maintain the records of the Planning and Zoning Commission.

CLUSTER OR AVERAGE DENSITY DEVELOPMENT — A subdivision plat or plats, approved pursuant to this chapter, in which the applicable zoning local law is modified to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks, and landscaping in order to preserve the natural and scenic qualities of open lands.

CODE — Unless otherwise indicated, the Code of the Town of Glenville.

COMPREHENSIVE PLAN — The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the Town located outside the limits of the Village of Scotia.

SKETCH PLAN — A sketch of a proposed site plan or subdivision showing the information specified in the Design Standards. The purpose of a sketch plan is to enable a developer to save time and expense in reaching general agreement with the Planning and Zoning Commission as to the form of the proposed layout and the objectives of this chapter prior to incurring substantial costs for preparation and review of a preliminary or final plan.

CONDITIONAL APPROVAL OF A FINAL PLAT — Approval by the Planning and Zoning Commission of a final plat subject to conditions set forth by the Planning and Zoning Commission in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning and Zoning Commission and recording of the plat in the office of the Schenectady County Clerk.

DATE OF ENACTMENT or EFFECTIVE DATE — For the purpose of implementing this chapter, the date of enactment shall be December 19, 1990.

DESIGN STANDARDS — Standards consisting of the following: Chapter 238, Street Standards, of the Code of the Town of Glenville; the Town of Glenville Design Manual prepared by the Town of Glenville Planning Department, dated November 2003; and the Town of Glenville Landscape Manual prepared by the Town Planning Department, dated March 2004. Reference is made to these documents as amended and/or any successor documents. These documents are available for inspection and/or purchase at the Town Clerk's office during normal business hours.¹

1. Editor's Note: Copies of the Design Manual and the Landscape Manual are located at the end of the Code following the Landscape and Design Manuals divider page.

FINAL PLAT — A drawing prepared in a manner prescribed by the Design Standards and the Planning and Zoning Commission that shows a proposed subdivision, containing in such additional detail as required by the Design Standards together with the modifications, if any, required by the Planning and Zoning Commission at the time of approval of the preliminary plat, if such preliminary plat has been so approved.

FINAL PLAT APPROVAL — The signing of a plat in final form by a duly authorized officer of the Planning and Zoning Commission pursuant to the Planning and Zoning Commission resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed, including, where applicable, that financial security be posted as set forth in § 242-26 below. Such final approval qualifies the plat for recording in the office of the Schenectady County Clerk, if required.

INFRASTRUCTURE — Roads, drains, sewers, water mains and appurtenances thereto, both private and intended to be turned over to the Town of Glenville for maintenance and operation.

PLANNING AND ZONING COMMISSION — The Planning and Zoning Commission of the Town of Glenville.

PRELIMINARY PLAT — A drawing prepared in a manner prescribed by this chapter, the Design Standards and the Planning and Zoning Commission, showing the layout of a proposed subdivision, including but not restricted to road and lot layout and approximate dimensions, key plan, topography and drainage, including preliminary plans and profiles, at suitable scale and in such detail as required by the Design Standards.

PRELIMINARY PLAT APPROVAL — The approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this chapter.

PRIVATE ROAD — Any undedicated road serving two or more parcels or two or more independently used and occupied buildings within a residential, commercial, or industrial development.

RESUBDIVISION — A change in a map of an existing, approved or filed subdivision plat involving only lot line alterations and not resulting in any increase in the number of lots, if such change does not affect any street layout shown on such map or area reserved thereon for public use or restricted by conservation easement and complies with applicable zoning.

SEQRA — The New York State Environmental Quality Review Act which is contained in Article 8 of the New York State Environmental Conservation Law. References herein also are intended to incorporate the implementing regulations of SEQRA contained in 6 NYCRR Part 617.

SITE PLAN — A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this chapter and the Design Standards, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan. Plats showing lots, blocks or sites which are subject to

review pursuant to authority provided for the review of subdivisions under this chapter shall continue to be subject to such review and shall not be subject to review as site plans.

STREET — A right-of-way for vehicular traffic, whether designated as a "street," "highway," "thoroughfare," "parkway," "road," "avenue," "boulevard," "lane," "place," "alley" or however otherwise designated, but not including a private driveway serving a single property.

SUBDIVIDER — Any person, corporation, partnership or other organization which lays out any subdivision, as defined herein. The terms "applicant" and "developer" may also be used to refer to a subdivider.

SUBDIVISION — The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, for the purpose of sale, transfer of ownership, or development.

TOWN ENGINEER — The duly designated Engineer of the Town of Glenville.

TOWN ATTORNEY — The duly appointed Town Attorney or Attorney for the Town of Glenville.

§ 242-4. Severability.

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

§ 242-5. Reference to subdivision regulations.

Elsewhere in the Code there are references to subdivision regulations. All references to subdivision regulations are declared to be references to this chapter, which replaces the former subdivision regulations.

§ 242-6. Effect on other regulations.

- A. The adoption of this chapter shall not affect or impair any act done or right accrued prior to the time this chapter takes effect under the regulations relative to subdivisions and site plans in the Town. It is the intent of this subsection to grandfather all parcels created prior to the date of enactment of this chapter with respect to the existence of said parcel as a separate lot. However, all parcels whenever created shall be subject to the provisions of this chapter for any and all site plans and subdivisions proposed after the date of enactment of this chapter.
- B. The adoption of this chapter shall not affect or impair any act done, offense committed or right accrued or acquired liability, penalty forfeiture or punishment incurred prior to the time this chapter takes effect under the regulations relative to subdivisions and site plans in the Town.

§ 242-7. Repealer.

All ordinances, local laws and regulations inconsistent herewith are hereby repealed, with the provision that violations of those ordinances, local laws or regulations and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this chapter.

§ 242-8. Penalties for offenses.

A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 242-9. Effect of unauthorized subdivision on permits.

Should a subdivision be created by deed or otherwise after the effective date of this chapter without following the rules and procedures set forth herein, then, in that event, no further permits or certificates shall be issued for the subdivided property including the original parcel from which the subdivision was created. Subdivisions of land created prior to the enactment of this chapter are not subject to the provisions of this section.

§ 242-10. Civil enforcement.

In addition to the actions authorized by §§ 242-8 and 242-9, appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct or abate any violation of this chapter or to prevent illegal occupancy of a building, structure or premises.

§ 242-11. Tax number not a waiver.

Assignment of a tax number or other mode of separate identification of a unit of land by the Assessor for the purpose of tax administration shall not be deemed to create or legitimize a division of land otherwise invalid hereunder.

§ 242-12. Fees and costs.

For each application for a site plan or subdivision, the Town of Glenville shall collect a fee from the applicant. The schedule of these fees is established by resolution of the Town Board

and updated from time to time.² In addition to the fees which are designed to reimburse the Town for expenses of review by the Planning and Zoning Commission, the Town Board may authorize the charging of plan-specific fees for engineering review, SEQRA review and legal review for site plans and subdivisions submitted to the Planning and Zoning Commission. No permit or certificate of any kind shall be issued for any parcel of land or subdivision for which there are monies due to the Town of Glenville pursuant to this chapter and resolutions enacted hereunder. Said fees shall be subject to the provisions of Article V herein.

ARTICLE II Procedure for Filing Applications

§ 242-13. Compliance.

Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made and before any permit for the erection of a structure in a proposed subdivision or on a proposed site plan shall be granted, the developer or subdivider or their duly authorized agent shall apply in writing for approval of such subdivision or site plan in accordance with the following procedures, standards and requirements.

§ 242-14. Procedures for approval.

- A. Sketch plan. Sketch plan review is not required but is highly recommended for site plans and subdivisions. While sketch plan review is conducted at an open meeting, it is not conducted as a public hearing. While the Planning and Zoning Commission acts in good faith, nothing from sketch plan review shall be taken to mean that the application will be approved after preliminary and/or final review until the requirements for those approvals, if necessary, shall have taken place.
- B. Subdivisions and site plans. Subdivisions and site plans are subject to the procedures set forth below.
- C. Site plan review. For the purpose of reviewing site plans, the provisions for subdivisions shall apply and the reference to "preliminary plat" or "final plat" shall be taken to mean "preliminary site plan" or "final site plan." In cases where reference is made to the filing of a plan in the Schenectady County Clerk's office, such filing shall only be necessary for site plans when required by the Planning and Zoning Commission.
- D. Site plan review shall conform to Article V, Site Plan Review, of Chapter 270, Zoning, of the Code of the Town of Glenville.

2. Editor's Note: See Ch. 139, Fees.

§ 242-15. Approval of preliminary plats.

- A. Submission of preliminary plats. A preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition and requirements provided in this chapter and the Design Standards.
- B. Coordination with SEQRA. The Planning and Zoning Commission shall comply with the provisions of SEQRA under Article 8 of the Environmental Conservation Law and its implementing regulations.
- C. Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of SEQRA. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.
- D. Planning and Zoning Commission as lead agency under SEQRA; public hearing; notice; decision.
 - (1) Public hearing on preliminary plats. The time within which the Planning and Zoning Commission shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning and Zoning Commission may schedule pursuant to SEQRA, as follows:
 - (a) If the Planning and Zoning Commission determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning and Zoning Commission; or
 - (b) If the Planning and Zoning Commission determines that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within 62 days of filing the notice of completion.
 - (2) Public hearing notice and length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing, if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.
 - (3) Decision. The Planning and Zoning Commission shall approve, with or without modification, or disapprove such preliminary plat as follows:

- (a) If the Planning and Zoning Commission determines that the preparation of an environmental impact statement on the preliminary plat is not required, the Planning and Zoning Commission shall make its decision within 62 days after the close of the public hearing; or
 - (b) If the Planning and Zoning Commission determines that an environmental impact statement is required and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the preliminary plat. Within 30 days of the filing of such final environmental impact statement, the Planning and Zoning Commission shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.
- (4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission. When approving a preliminary plat subject to modification, the Planning and Zoning Commission shall state in writing any modifications it deems necessary for submission of the plat in final form.
- E. Planning and Zoning Commission not as lead agency under SEQRA; public hearing; notice; decision.
- (1) Public hearing on preliminary plats. The Planning and Zoning Commission shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning and Zoning Commission shall hold the public hearing on the preliminary plat within 62 days after the receipt of a complete preliminary plat by the Clerk of the Planning and Zoning Commission.
 - (2) Public hearing notice and length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.
 - (3) Decision. The Planning and Zoning Commission shall by resolution approve with or without modification or disapprove the preliminary plat as follows:
 - (a) If the preparation of an environmental impact statement on the preliminary plat is not required, the Planning and Zoning Commission shall make its

decision within 62 days after the close of the public hearing on the preliminary plat.

- (b) If an environmental impact statement is required, the Planning and Zoning Commission shall make its own findings and its decision on the preliminary plat within 62 days after the close of the public hearing on such preliminary plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer.
- (4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission. When approving a preliminary plat requiring modification, the Planning and Zoning Commission shall state in writing any modifications it deems necessary for submission of the plat in final form.
- F. Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the Clerk of the Planning and Zoning Commission as having been granted preliminary approval, and a copy of the plat and resolution shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner.
- G. Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution stating the decision of the Planning and Zoning Commission on the preliminary plat, the Chairman or other duly authorized member of the Planning and Zoning Commission shall cause a copy of such resolution to be filed in the office of the Town Clerk.
- H. Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat, the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the Planning and Zoning Commission.

§ 242-16. Approval of final plats.

- A. Submission of final plats. Final plats shall conform to the definition provided by this chapter.
- B. Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning and Zoning Commission deems to be in substantial agreement with a preliminary plat approved pursuant to this article, the Planning and Zoning Commission shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Clerk of the Planning and Zoning Commission.
- C. Final plats not in substantial agreement with approved preliminary plats. When a final plat is submitted which the Planning and Zoning Commission deems not to be in substantial agreement with a preliminary plat approved pursuant to this article the following shall apply:

- (1) Planning and Zoning Commission as lead agency; public hearing; notice; decision.
 - (a) Public hearing on final plats. The time within which the Planning and Zoning Commission shall hold a public hearing on such final plat shall be coordinated with any hearings the Planning and Zoning Commission may schedule pursuant to SEQRA, as follows:
 - [1] If the Planning and Zoning Commission determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat or on a final plat when no preliminary plat is required to be submitted, shall be held within 62 days after the receipt of a complete final plat by the Clerk of the Planning and Zoning Commission; or
 - [2] If the Planning and Zoning Commission determines that an environmental impact statement is required and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within 62 days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of SEQRA. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within 62 days following filing of the notice of completion.
 - (b) Public hearing notice and length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing, if no hearing is held on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.
 - (c) Decision. The Planning and Zoning Commission shall make its decision on the final plat as follows:
 - [1] If the Planning and Zoning Commission determines that the preparation of an environmental impact statement on the final plat is not required, the Planning and Zoning Commission shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat within 62 days after the date of the public hearing; or
 - [2] If the Planning and Zoning Commission determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of such public hearing in accordance with the provisions of SEQRA. If no

public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within 45 days following the close of the public hearing on the final plat. Within 30 days of the filing of the final environmental impact statement, the Planning and Zoning Commission shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

- (d) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission.
- (2) Planning and Zoning Commission not as lead agency; public hearing; notice; decision.
- (a) Public hearing. The Planning and Zoning Commission shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the Planning and Zoning Commission shall hold the public hearing on the final plat within 62 days after the receipt of a complete final plat by the Clerk of the Planning and Zoning Commission.
 - (b) Public hearing notice and length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing, if held independently of the hearing on the draft environmental impact statement, or 14 days before a hearing held jointly therewith. The Planning and Zoning Commission may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning and Zoning Commission within 120 days after it has been opened.
 - (c) Decision. The Planning and Zoning Commission shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:
 - [1] If the preparation of an environmental impact statement on the final plat is not required, the Planning and Zoning Commission shall make its decision within 62 days after the close of the public hearing on the final plat.
 - [2] If an environmental impact statement is required, the Planning and Zoning Commission shall make its own findings and its decision on the final plat within 62 days after the close of the public hearing on such final plat or within 30 days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning and Zoning Commission.

§ 242-17. Approval and certification of final plats.

- A. Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the Clerk of the Planning and Zoning Commission as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such Clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements, including the required financial security pursuant to § 242-26, which when completed will authorize the signing thereof. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning and Zoning Commission and a copy of such signed plat shall be filed in the office of the Town Clerk.
- B. Approval of plat in sections. In granting conditional or final approval of a plat in final form, the Planning and Zoning Commission may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the Planning and Zoning Commission. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the Planning and Zoning Commission.
- C. Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The Planning and Zoning Commission may extend by not more than two additional periods of 90 days each the time in which a conditionally approved plat must be submitted for signature if, in the Planning and Zoning Commission's opinion, such extension is warranted by the particular circumstances.

§ 242-18. Default approval of preliminary or final plat.

The time periods prescribed herein within which the Planning and Zoning Commission must take action on a preliminary plat or a final plat are specifically intended to provide the Planning and Zoning Commission and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the Planning and Zoning Commission. In the event the Planning and Zoning Commission fails to take action on a preliminary plat or a final plat within the time prescribed therefor after completion of all requirements under SEQRA, or within such extended period as may have been established by the mutual consent of the owner and the Planning and Zoning Commission, such preliminary or final plat shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the preliminary or final plat and the failure of the Planning and Zoning Commission to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

§ 242-19. Filing of decision on final plat.

Within five business days from the date of the adoption of the resolution stating the decision of the Planning and Zoning Commission on the final plat, the Chairman or other duly authorized member of the Planning and Zoning Commission shall cause a copy of such resolution to be filed in the office of the Town Clerk.

§ 242-20. Notice to County Planning Board.

When required by § 239-m of the General Municipal Law, the Clerk of the Planning and Zoning Commission shall refer all applicable preliminary and final plats to the County Planning Board for review as provided in that section.

§ 242-21. Filing of final plat; expiration of approval.

The owner shall file in the office of the Schenectady County Clerk such approved final plat or a section of such plat within 62 days from the date of final approval, or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the Planning and Zoning Commission constituting final approval by the Planning and Zoning Commission of a plat as herein provided; or the approval by the Planning and Zoning Commission of the development of a plat or plats already filed in the office of the Schenectady County Clerk if such plats are entirely or partially undeveloped; or the certificate of the Town Clerk as to the date of the submission of the final plat and the failure of the Planning and Zoning Commission to take action within the time herein provided. In the event the owner shall file only a section of such approved plat in the office of the Schenectady County Clerk, the entire approved plat shall be filed within 30 days of the filing of such section with the Town Clerk. Such section shall encompass at least 10% of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of Subdivision 2 of § 265-a of the New York State Town Law.

§ 242-22. Compliance with zoning regulations.

The lots shown on said plat shall at least comply with the requirements of Chapter 270, Zoning, of the Code of the Town of Glenville, subject, however, to the provisions of § 242-27, Cluster or average-density development.

§ 242-23. Reservation of parkland on subdivision plats containing residential units.

- A. Before the Planning and Zoning Commission may approve a site plan or subdivision plat containing residential units, such site plan or subdivision plat shall also show, when required by the Planning and Zoning Commission, a park or parks suitably located for playground or other recreational purposes.
- B. Land for park, playground or other recreational purposes may not be required until the Planning and Zoning Commission has made a finding that a proper case exists for

requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town, based on projected population growth to which the particular site plan or subdivision plat will contribute.

- C. In the event the Planning and Zoning Commission makes a finding pursuant to Subsection B of this section that the proposed site plan or subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan or subdivision plat, the Planning and Zoning Commission may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Planning and Zoning Commission shall assess the size and suitability of lands shown on the site plan or subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning and Zoning Commission in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this subsection, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

§ 242-24. Application for area variance.

Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance, pursuant to § 267-b of the New York State Town Law and Chapter 270, Zoning, of the Code of the Town of Glenville, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application, the Zoning Board of Appeals shall request the Planning and Zoning Commission to provide a written recommendation concerning the proposed variance. The failure of the Planning and Zoning Commission to provide a written recommendation shall not prevent the Zoning Board of Appeals from acting on the application.

§ 242-25. Waiver of requirements.

The Planning and Zoning Commission may waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of subdivisions submitted for its approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

§ 242-26. Financial security.

- A. Furnishing of security. Prior to the filing of the final plat, financial security sufficient to cover the full cost of the installation of infrastructure and improvements, as estimated by the Planning and Zoning Commission after consultation with the Town Engineer or other appropriate consultant designated by the Planning and Zoning Commission or a Town department designated by the Planning and Zoning Commission to make such estimate, where such departmental estimate is deemed acceptable by the Planning and Zoning Commission, shall be furnished to the Town by the owner.
- B. Security where plat approved in sections. In the event that the owner shall be authorized to file the approved plat in sections, as provided in this chapter, approval of the plat may be granted upon the filing of financial security sufficient to cover the costs of the required improvements in the section of the plat filed in the office of the Schenectady County Clerk. The owner shall not be permitted to begin construction of buildings in any other section until such section has been filed in the office of the County Clerk until security covering the cost of such improvements is provided.
- C. Form of security. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution, and shall be limited to:
- (1) The deposit of funds in or a certificate of deposit issued by a bank or trust company located and authorized to do business in this state;
 - (2) An irrevocable letter of credit from a bank located and authorized to do business in this state;
 - (3) Obligations of the United States of America; or
 - (4) Any obligations fully guaranteed as to interest and principal by the United States of America having a market value at least equal to the full cost of such improvements. If not delivered to the Town, such security shall be held in a Town account at a bank or trust company.
- D. Term of security agreement. Any such security agreement shall run for a term to be fixed by the Planning and Zoning Commission but in no case for a longer term than three years; provided, however, that the term of such security agreement may be extended by the Planning and Zoning Commission with consent of the parties thereto. If the Planning and Zoning Commission shall decide at any time during the term of the security agreement that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security or that the required improvements have been installed as provided in this section and by the Planning and Zoning Commission in sufficient amount to warrant reduction in the amount of said security, and upon approval by the Town Board, the Planning and Zoning Commission may modify its requirements for any or all such improvements, and the amount of such security shall thereupon be reduced by an appropriate amount so that the new amount will cover the cost in full of the amended list of improvements required by the Planning and Zoning Commission.

- E. Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the Town Board may thereupon declare the said security agreement to be in default and collect the sum remaining payable thereunder, and upon the receipt of the proceeds thereof, the Town shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.

§ 242-27. Cluster or average-density development.

A. Purpose.

- (1) The purpose of this section is to permit variation in lot size and housing type in suitable areas in order to encourage flexibility of design, to enable such land to be developed in such a manner as to promote its most appropriate use, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open space, in accordance with § 278 of the New York State Town Law.
- (2) This purpose is achieved by permitting lot sizes to be reduced in a subdivision tract if:
 - (a) The overall density does not exceed that which is otherwise permitted in the applicable zoning district.
 - (b) The land thus gained is preserved as permanent open space for the use and enjoyment of the residents of the area.

B. General conditions and requirements.

- (1) If a subdivider makes written application to the Planning and Zoning Commission for the use of this procedure, the Planning and Zoning Commission is hereby empowered to implement these provisions at its discretion if, in the Planning and Zoning Commission's judgment, their application at the particular location is desirable and would contribute to the general well-being of the neighborhood and community and would benefit the Town.
- (2) The minimum area required to qualify for this procedure shall be 10 contiguous acres of land.
- (3) This procedure applies only to residentially zoned land on which residential developments are proposed.
- (4) In addition to the foregoing, an average-density development subdivision plat may be approved only if the Planning and Zoning Commission determines:
 - (a) That such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements within its proximity.

- (b) That the proposed development is in conformity with the objectives of the Comprehensive Plan.
 - (c) That the gross density will be no greater than if the tract were developed in accordance with the existing zoning requirements.
- (5) The subdivider shall dedicate for open space purposes the same percentage of the entire tract as that by which the lot area has, on the average, been reduced.
- (6) The area dedicated for open space purposes, including playgrounds and parks, shall be in a location and shape approved by the Planning and Zoning Commission.
- C. Specific requirements. Any subdivision plat considered under this procedure shall conform to the following standards, which are to be regarded as minimum requirements:
- (1) For the purpose of administering this regulation, the following method shall be used for determining the maximum number of dwelling units that shall be permitted in an average-density development:
 - (a) Determine the total area, in acres, of the proposed subdivision. For the purpose of this section, the term "total area" shall include all the land within the proposed subdivision that is intended and usable for the following purposes: residences, playgrounds, neighborhood parks, interior streets and reserved open space, including easements for natural watercourses if these meet the open space standards set forth in Subsection C(3) hereof.
 - (b) Multiply the total area, in acres, as defined in Subsection C(1)(a) above, by the permitted density (units per acre) in the district. If more than one district is involved, determine the total area in each of the individual districts, multiply each total area (acres) by the permitted density (units per acre) appropriate to each district and sum the individual multiplications. The product or sum of products thus obtained represents the maximum number of dwelling units which may be permitted in a subdivision being considered under these provisions.
 - (2) The sizes of lots in an average-density development may vary from the normal requirements of the district dimensions, but no lot dimension or area requirement of the district shall be reduced by more than 50% without the express consent of the Town Board.
 - (3) Land reserved for open space shall, in the judgment of the Planning and Zoning Commission, be of a character and location suitable for whatever open space purposes the land shall primarily be reserved for, such as natural areas, wildlife preserves, conservation areas, outdoor recreation sites, neighborhood parks, nature centers, wetlands, memorial forests, natural watercourses or other open space uses. The Planning and Zoning Commission may require that the open space be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. Reserved open space shall not be narrower than 200 feet, except where necessary to provide a pathway or other means of access. An easement for a natural watercourse dedicated to the

Town may be considered as open space for the purpose of this regulation if such easement is at least 200 feet wide.

ARTICLE III
General Considerations

§ 242-28. Character of development to be considered in decisionmaking.

In making such determination regarding streets, highways, parks and required improvements, the Planning and Zoning Commission shall take into consideration the prospective character of the development, whether dense residence, open residence, business or industrial.

§ 242-29. General requirements.

Before the approval by the Planning and Zoning Commission of a site plan or subdivision showing lots, blocks or sites, with or without streets or highways, the Planning and Zoning Commission shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare. Further, it is declared to be the policy of the Town of Glenville to consider land subdivisions and site plans as part of a plan for the orderly, efficient and economical development of the Town and in a manner that is reasonable and in the best interests of the community. The Planning and Zoning Commission will be guided in its consideration of an application for a site plan or subdivision and development of land by the following general requirements:

- A. Streets and highways be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of fire fighting equipment to buildings. Such streets and highways shall be coordinated so as to compose a convenient system conforming to the Official Map and properly related to the proposals shown in the Comprehensive Plan of the Town;
- B. All streets or other public places shown on such plats be suitably graded and paved; street signs, sidewalks, streetlighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices (including necessary ducts and cables or other connecting facilities), sanitary sewers and storm drains be installed all in accordance with standards, specifications and procedures acceptable to the appropriate Town departments, except as hereinafter provided, or alternatively that a performance bond or other security be furnished to the Town, as hereinafter provided.
- C. Insofar as possible, all existing features of the landscape, such as large trees, rock outcrops, unusual glacial formations, water and flood courses, wetlands, historic sites and other such irreplaceable and environmentally sensitive areas and assets, should be preserved.
- D. Compliance with Comprehensive Plan and other laws.
 - (1) Subdivisions and site plans shall be in conformance with the Town Comprehensive Plan and all other local ordinances. Subdivisions and site plans shall conform to

the streets, parks and other public ways or spaces shown on the Official Map of the Town, if any. Streets shall be of such width, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection.

- (2) The Planning and Zoning Commission shall consider the effect of any subdivision or site plan on agricultural operations within or adjacent to agriculture districts pursuant to Article 25AA of the Agriculture and Markets Law.
- E. Land subject to flooding and land deemed by the Planning and Zoning Commission to be uninhabitable shall not be platted for residential occupancy nor such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the final plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
- F. In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.
- G. No privately owned reserved strips controlling access to land dedicated or to be dedicated to public use shall be permitted.
- H. Grading and site preparation shall conform to the provisions of § 270-49, Grading and site preparation, of Chapter 270, Zoning, of the Code of the Town of Glenville.
- I. Standards for required improvements shall be appropriate for the public use and demand anticipated upon full development and shall be of sufficient size to accommodate development of proximate areas, if these are considered by the Planning and Zoning Commission to be logically served through the subject property.
- J. Applicants bear the responsibility of providing sound engineering design of all infrastructure, subject to the approval of the Town of Glenville and the respective authorities having jurisdiction over existing infrastructure. The design shall be prepared by a professional engineer licensed to practice in the State of New York, who shall have had experience in infrastructure design. The design shall conform to the requirements set forth herein.

ARTICLE IV Specific Requirements

§ 242-30. Streets and roads.

- A. The arrangement of streets in a subdivision shall provide for the continuation of the principal streets in adjoining subdivisions and for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connection streets. All streets and blocks shall be designed and constructed in accordance with the Design Standards.
- B. Street systems shall be designed with due regard to the needs for convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal,

and street maintenance equipment; and stormwater drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic and so arranged as to separate through traffic from neighborhood traffic insofar as it is practicable.

- C. The streets in contiguous developments shall be coordinated so as to compose a convenient system. Where a development adjoins undeveloped land, its streets shall be laid out so as to provide suitable future street connections with the adjoining land when the latter shall be developed. A street thus temporarily dead-ended shall be constructed to the property line and shall be provided with a temporary turnaround of the same dimensions as for permanent dead-end streets if in excess of 200 feet, with a notation on the plan providing for temporary easements for the paved turnaround until such time as the street is extended. These same requirements shall apply at the discretion of the Planning and Zoning Commission in those cases where the adjoining land is another section of the same project which is not scheduled for development at the same time.
- D. Streets shall be designed in a manner that will accommodate the existing topography, and all streets shall be laid out so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Vertical curves where sight distances from planned driveways will be compromised must be addressed early in the design phase and brought to the attention of the Town.
- E. The contractor shall not operate tracked construction equipment on dedicated roads. The contractor/developer shall be responsible for all site and roadwork damaged during construction operations and said damage shall be repaired, at the developer's/contractor's expense, prior to acceptance of dedication to the Town.
- F. Where the only access to the project is via an existing dedicated road, the contractor/developer shall request permission from the Town Board to use the road as a construction access. A financial guarantee shall be provided to cover damages to the road due to construction equipment.
- G. Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance sufficient to accommodate a lot meeting the requirements of Chapter 270, Zoning, of the Code of the Town of Glenville. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning and Zoning Commission may require the reservation of an easement for pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of any permanent dead-end street. For greater convenience to traffic and more effective police and fire protection, the length of permanent dead-end streets may be limited. For temporary dead ends, there shall be provided a suitable turnaround, constructed to Town specifications, together with an easement over any lands used for the turnaround but not being offered for permanent dedication.
- H. Triangles, circles or other traffic-channeling islands may be required at intersections where present or anticipated traffic conditions indicate their advisability for traffic control or safety.

- I. The developer shall take adequate measures to preserve desirable existing trees in suitable locations within the development. In general, the street right-of-way shall be cleared of existing trees, but occasional existing trees of unusual value may be preserved within the street right-of-way if approved by the Planning and Zoning Commission. New tree plantings are not allowed within the right-of-way, unless approved by the Planning and Zoning Commission and Highway Department. Planting of new trees may be required by the Planning and Zoning Commission.
- J. Traffic control and street identification signs shall be provided as part of the development. Street signs shall be required at the time the road is paved with the binder course of asphalt and prior to issuance of the first certificate of occupancy. The developer shall pay the Town Highway Department for the installation of the street signs or post an adequate security.
- K. All streets shall be named, and such names shall be subject to the approval of the Planning and Zoning Commission, Highway Superintendent, and by the office administering 911. Where feasible, the Assessor and Building Inspector shall assist in the numbering of the lots. To assist emergency personnel, the Assessor and Building Inspector shall review and approve the numbering of units, rooms or apartments in all complexes whether on a public or private road. Names shall be sufficiently different in sound and spelling from other street names in the Town of Glenville and post offices contiguous to the Town of Glenville so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. Relating street names to features of local historical, topographical, or other natural interest is encouraged.
- L. Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, PC and PT of curves, though the PI of short curves may be used instead where such is practical, at the discretion of the Highway Superintendent and/or the Town Engineer. Monuments shall be placed along the R.O.W. line on one side of the street only and at only one corner of intersecting streets. Adjacent monumented points shall be intervisible. Monuments shall not be placed in the roadway.
- M. Monuments shall be tied into the New York State Coordinate System or other datum acceptable to the Highway Superintendent and/or Town Engineer. Monument locations shall be shown on the subdivision record map, along with the coordinates. Field notes of ties to monuments or a tie sheet shall be recorded on the Monumentation As-Built.
- N. Iron pin markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; and at all corner lots.
- O. In addition to the required improvements specifically referred to elsewhere in these regulations, subdivision plats and other developments shall provide for all other customary elements of street construction and utility service which may be appropriate in each locality, as determined by the Planning and Zoning Commission upon consultation with the Town Engineer and Highway Superintendent. Such elements may include, but shall not be limited to, street pavement, gutters, stormwater inlets, manholes, curbs, sidewalks, streetlighting, water mains, fire hydrants, fire alarm signal devices, and sanitary sewers. Underground utilities within the street right-of-way shall be located as

required by the Highway Superintendent and/or the Town Engineer, and underground service connections to the street R.O.W. of each lot shall be installed before the street is paved.

- P. To promote and protect the public health, safety, and welfare it shall be the policy of the Town Board to control the number of entrances and exits onto and off state, county, and Town highways. As part of the process of approving sketches, maps, plots, plats, or plans, the Planning and Zoning Commission may, in appropriate circumstances, require that the applicant grant to the Town of Glenville such easements as are required to provide access to contiguous properties onto a public highway via frontage or service roads, common driveways, or such other roadways as are required so that the number of entrances and exits onto and off state, county, and Town highways are not increased.
- Q. Where a subdivision or other development adjoins an existing street which does not conform to the Town's right-of-way standards, the developer shall dedicate whatever additional right-of-way width is necessary to provide, on the development side of the normal street center line, a width which is equal to at least 1/2 of the minimum standard width for the respective type of street.
- R. Standards for streets in nonresidential subdivisions and other developments with an internal circulation network shall be appropriate for the use intended and shall be established by the Planning and Zoning Commission upon advice of the Town Engineer.
- S. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Engineer.
- T. All roads, whether dedicated or private, shall set over the winter months prior to the final application of topping material. Prior to the placement of the top course of asphalt, the entire road shall be treated with "tack coat." The top material may be installed in the spring of the following year or as approved by the Town Engineer. Binder shall be a tighter mix approved by the Town Engineer.
- U. Certificates of occupancy shall not be issued until the binder course is installed on all roads/drives, whether they are to be dedicated or private.

§ 242-31. Private roads.

- A. Private drives, designed and constructed consistent with the Design Standards, may be proposed instead of public roads for site plans and subdivisions of:
 - (1) Four or fewer single-family dwelling lots;
 - (2) Townhouses;
 - (3) Condominiums; or
 - (4) Commercial or industrial developments.
- B. The Planning and Zoning Commission will review all private roads in relation to access, ability to support traffic loads, traffic circulation, drainage and maintenance. All private

roads shall be named and marked with an approved sign for adequate identification for emergency and fire situations. The conditions and standards for private drives are as follows:

- (1) The length of the drive may vary but shall be designed for convenience to traffic, effective police and fire protection, safety and ease of maintenance.
- (2) Prior to final approval, the applicant shall obtain the State Attorney General's approval or no action letter for the private road.

§ 242-32. Sidewalks.

- A. Sidewalks shall be required on one side of the street in any subdivision that has closed roadside drainage, concrete gutter or curbs.
- B. Subdivisions with open ditch roadside drainage do not require sidewalks, but they may be provided at the option of the developer.

§ 242-33. Easements.

- A. It shall be the responsibility of the developer to furnish easements to the Town of Glenville, as required, for the installation and permanent operation of storm sewers, sanitary sewers, water mains or access roads where required.
- B. Easements to be granted to the Town of Glenville for any proposed development must be prepared and presented to the Planning and Zoning Commission Attorney prior to final approval of the project. After final approval, but prior to signing of the map, the developer shall cause the easements to be recorded in the Schenectady County Clerk's office at the developer's expense. The developer shall then furnish a time stamped copy to the Planning and Zoning Commission Attorney as proof of filing.
- C. These easements shall be prepared prior to the approval of the detailed plan and be so written as to be contingent upon the Town's approval of said plan. Applicants bear the responsibility and costs for preparation of the easement maps and assuring their transfer to the Town of Glenville and recording in the County Clerk's office.
- D. All access and utility easements granted to the Town must have an access to a dedicated street.
- E. The Town of Glenville reserves the right to require easements for anticipated future utilities where, in the opinion of the Planning and Zoning Commission pursuant to the recommendation of the Town Engineer, such easements are justified by the estimated rate of growth of the area in question.
- F. Where a development is traversed by a watercourse, drainageway, channel, or stream or contains a pond which crosses a property line, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and to accommodate the twenty-five-year flood area of such watercourse. Access on easement

from a dedicated highway sufficient to permit passage of maintenance equipment should be provided. Piping of the watercourse may be provided.

- G. Stream easement width to accommodate drainage shall be determined by the Planning and Zoning Commission, based upon the recommendation of the Town Engineer, and may include provisions for pedestrian access, if required by the Planning and Zoning Commission.

§ 242-34. Utilities.

- A. Generally. If required by the New York State Public Service Commission ruling (tariffs) for all public utilities, utilities shall be underground, including electric, telephone and cable TV. Utility companies shall obtain the necessary approvals and permits prior to starting construction.
- B. Water.
- (1) Where public water is not available, water supply may be approved from private wells, provided that the subdivider must submit to the Town results of an approved water quality sample from the Schenectady County Health Department or certified testing laboratory tested to health department standards prior to issuance of a building permit. Development plans shall contain a note stating that the Town is not responsible for quantity or quality of any well supply.
 - (2) The criterion of design will normally be that pipes shall be sized to obtain the required fire flow at the critical point in the development while satisfying the average daytime domestic draft, and in no case shall be less than ISO standards.
 - (3) Where public water is not available, the developer may be required to install fire suppression ponds or similar on-site storage to aid fire protection.
 - (4) When private wells are to be used, as well as individual sewage leach fields, the developer must satisfy the requirements of the Schenectady County Health Department regarding separation and pollution of the private well.
- C. Sanitary sewer. Sanitary sewers shall be provided wherever the proximity of existing sewers makes it possible and economically feasible. They shall be designed in accordance with the standards set forth by the New York State Department of Environmental Conservation, Town Engineer, and such other agency as has jurisdiction over design, construction and/or final operation or maintenance. The developer shall be responsible to secure the approval of the appropriate agency to connect the new sanitary sewers to the agency's existing sewers, prior to start of construction. Sanitary sewers are to be extended to the limits of the project.
- D. Private sewage disposal systems. Individual private septic systems may be permitted instead of sanitary sewers where sanitary sewer service is too distant to be provided economically and sewer service is not proposed in the Comprehensive Plan. The applicant shall provide information as specified in the Design Standards sufficient to demonstrate compliance with the regulations and procedures of the Schenectady County Health Department.

E. Drainage and stormwater and storm sewers.

- (1) It is the Town's policy to control both the quantity and quality of stormwater runoff. Facilities shall be designed to take the runoff from streets, lawns, paved areas and runoff areas. Full engineering attention shall be given to the interception and conveyance of stormwater by the street drainage system, a system of backlot-lie drainage swales and main drainage channels through the development.
- (2) Stormwater quantity and quality management shall be provided for all new land development (including redevelopment) where, in the judgment of the Town Engineer, it is considered necessary in order to provide drainage control and to protect water quality.
- (3) An adequate and comprehensive drainage system shall be provided to convey the stormwater runoff originating within and outside the development in accordance with the natural direction of runoff for the total upland watershed area affecting the development. Such drainage systems shall have sufficient capacity to accommodate the potential future runoff based upon the probable land use and ultimate development of the total watershed area upland of the development.
- (4) The preservation and improvement of natural watercourses is important to the overall drainage plan in the Town of Glenville. When developing a site that has a natural watercourse (numbered tributary), this watercourse should be designed to conform to Town standards. Improvements shall be performed and paid for by the applicant as part of the development costs.
- (5) No developed or rebuilt area shall discharge stormwater into adjacent culverts and channels at a rate greater than what occurs under a natural undeveloped condition. The fact that downstream facilities are inadequate prior to development and, therefore, flood at certain times, does not imply that increasing the frequency at which they will flood by allowing additional runoff from a development will be acceptable.
- (6) Stormwater leaving the site shall be discharged to a recognized drainage course via easements dedicated to the Town.
- (7) If the Town deems it desirable and appropriate to remedy a downstream flooding situation, they may, at their discretion, require an impoundment area of a size and type which can assist in rectifying the downstream flooding situation. This downstream flooding situation might be a case where backyards flood rather frequently or where downstream piping systems are overtaxed, possibly causing backup into cellars, yards, etc. The cost of any excess facilities is subject to negotiations with the developer.
- (8) The developer shall comply with the requirements set forth in the Phase II State Pollution Discharge Elimination System (SPDES) General Permits for Stormwater Runoff from Construction Activity, as well as the New York State Stormwater Management Design Manual (October 2001 or as amended).

- (9) Stormwater management facilities associated with developments subject to Phase II SPDES General Permits for Stormwater Runoff from Construction Activity shall be designed to comply with the New York State Stormwater Management Design Manual. Where the standards in this Design Standards are not consistent with the SPDES general permit requirements, the more restrictive shall apply. The Town reserves the right to require more stringent standards in circumstances where the Town Engineer determines more stringent standards are warranted.
- (10) Drainage easements shall be reserved where road runoff must cross private property. Easement width is to be established by the Town Engineer and approved by the Planning and Zoning Commission.
- (11) Easements shall be provided along all natural watercourses and dedicated facilities. Additional easements may be required to maintain drainageways where deemed necessary by the Town of Glenville. Easement width is to be determined by the Town Engineer and approved by the Planning and Zoning Commission.
- (12) The developer and his engineer shall be responsible for furnishing, as part of their plans to be presented before the Planning and Zoning Commission, full and sufficient details of all hydraulic structures. This includes, but is not limited to, cross sections of drainage channels, details of headwall construction, erosion control structures, special manholes, detention facilities and all such other items as may be necessary to establish fully the methods and materials to be followed in construction.
- (13) All culverts placed in existing streams shall be designed to insure that the upstream water surface elevation will not be increased by placing this structure in the path of flow.
- (14) On certain projects there may be key elevations which must be adhered to, as determined by the Town Engineer. These key elevations may be finished floor, lowest architectural opening or basement floor elevations. Applicant's engineer/surveyor shall certify these key elevations in writing, prior to the issuance of a certificate of occupancy.
- (15) The Town has determined that stormwater detention basins will be required because continual upstream development tends to overtax both downstream natural watercourses and man-made drainage facilities. In addition, increased rates of stormwater runoff cause environmental problems downstream such as highly erosive velocities, flooding and overtopping of the banks. Consequently, it has been determined to insist upon detention basins and to have these detention basins designed in a manner compatible with the particular problem. Due to the topography of the Town of Glenville, detention facilities will be off-stream ponds.
- (16) The developer is responsible for providing and transferring to the Town permanent easements of a location and type adequate to encompass and to service and maintain the facilities. Such easements are to be approved by the Planning and Zoning Commission Attorney prior to final subdivision approval.

- (17) If not adjacent to a public right-of-way, an easement shall be provided for access for purposes of maintaining the detention/retention basin. The easement size and location shall be approved by the Town Highway Superintendent.
- (18) Innovative design for sediment control by the developer shall be encouraged. As a guideline, sediment sinks/settling ponds and interceptor swales shall normally be used to intercept and detain for settling all sheet flow and channel flow from disturbed areas of the development project upstream from the location where such discharge enters either the natural stream system, another watercourse, or a storm drain system, or where it would enter upon undisturbed areas or the land of others.
- F. Flood hazard prevention shall include the control of soil erosion of land surface and drainage channels and the prevention of inundation and excessive groundwater seepage by comprehensive site grading and the establishment of adequate elevations of buildings, building openings and roadway above the observed, anticipated, or computed water levels of storm sewers, streams, channels, floodplains, detention basins and swales.
- G. Particular attention shall be paid to development in the vicinity of creeks and their floodplains. No alteration of the existing characteristics of the areas shall take place without the specific approval of the Town as to the adequacy of the protective measures taken, if any, and the effects of such development on upstream and downstream reaches of the watercourse and adjacent properties.
- H. All development proposed within the special "flood hazard area," as defined by the Federal Insurance Administration, shall comply with the various regulations set forth by the Federal Insurance Administrator and in Chapter 151, Flood Damage Prevention, of the Code of the Town of Glenville, when applicable.
- I. Provisions shall be made for draining the surface of each lot by proper grading and the construction of swales, ditches or drains.
- J. Provisions shall be made for piping of roof and cellar drainage into the street drainage system. The developer and his engineer, however, must design and provide that cellar floors will be at an elevation higher than the pavement to permit the street drainage system to run fully surcharged without causing backup or flooding in the cellars. In lieu of this, the developer may request from the Town permission to drain the cellars with sump pumps and appropriate double-check valves.
- K. In special conditions, where topography permits or dictates, cellar drainage may be conveyed to main drainage swales where it can be deposited if no nuisance will be caused or created to abutting or downstream property owners. In such instances, the cellar floor shall be so designed as to be above the level of the project design flood to assure no backup or flooding of the cellar.
- L. No laundry, sanitary, or kitchen wastes shall be discharged to a storm drainage system. Further, no drain connections from garages or driveways shall be permitted to enter drainage swales where soap suds and detergents from car washing operations could cause a nuisance to abutting or downstream property owners.
- M. Storm drain laterals shall have outside cleanout.

- N. No cellar drainage, roof drainage, drain connections from garages, and/or any other stormwater shall be conveyed to sanitary sewer system.
- O. Driveway culvert is to be furnished and placed by the contractor of a size and type approved by the Highway Superintendent.
- P. All lots shall be so graded and positive drainage provided such that oncoming drainage from upland lots shall be conducted across the lower lots in a manner which will not cause a nuisance to the downstream property owner, and not in such a manner as to cause a safety hazard to structures or property.

§ 242-35. Lighting.

- A. Lighting facilities shall be required along all new streets where designated by the Planning and Zoning Commission. Light spacing, fixtures and underground conduit shall meet with the requirements set forth by the Planning and Zoning Commission and electric corporation having jurisdiction in the service area. Streetlight poles, bases and wiring are to be leased from the power company. All costs are paid by the lighting district formed for the proposed subdivision.
- B. The developer shall provide adequate streetlighting and fixtures at the locations shown on the plans and as directed by the Town Planning and Zoning Commission.

§ 242-36. Trees and plantings.

- A. The Planning and Zoning Commission, as a condition of approval, may require the placement of trees, shrubs or other plantings in a subdivision or site plan.
- B. The developer shall place trees at the locations shown on the plans and as directed by the Planning and Zoning Commission.
- C. The developer shall at the completion of planting operations remove all rubbish, dirt, and rejected materials no longer necessary for the completion of the remaining work.
- D. The developer shall replace, without cost to the Town and as soon as weather conditions permit and within a specified planting period, all dead plants and all plants not in vigorous, thriving condition. The plants shall be free of dead or dying branches and branch tips and shall bear foliage of a normal density, size and color. Replacements shall closely match adjacent specimens of the same species. Replacements shall be subject to all requirements stated in this specification.
- E. Trees planted in accordance with these specifications shall be guaranteed for one year from the date of initial acceptance by the Town. Trees found dead or not in a healthy growing condition shall be replaced by trees of the same size and species by the developer at his own expense.
- F. The guarantee of all replacement plants shall extend for an additional period of one year from the date of their acceptance after replacement. If replacement plant material is not

acceptable during or at the end of the said extended guarantee period, the Town may elect subsequent replacement or credit for each item.

§ 242-37. Standards and procedures during development and construction.

- A. No construction or grading work shall begin prior to final Planning and Zoning Commission approval including provisions for financial security set forth in § 242-26.
- B. The developer shall take all necessary measures to control dust resulting from his construction operations and to prevent spillage of excavated material on public roads. When appropriate, the Planning and Zoning Commission may require that an allowance be provided in the letter of credit or other financial security to guarantee compliance with this provision.
- C. All construction shall at all times be subject to inspection by the Town Board, its agents, representatives, and authorized employees. Such inspectors may stop the work when the developer or his contractor has no competent foreman in charge of the work, or when the work or materials does not meet these specifications, or when circumstances are such that continuance of that particular phase of the work would not be in the best interests of the Town.
- D. Costs incurred for inspection shall be borne by the developer, and sufficient funds shall be part of the letter of credit.
- E. Failure of the Town, the Town Engineer, their agents, employees or representatives, to reject improper work or inferior material during construction shall not be construed as, nor imply, final acceptance. If subsequent inspection, operation, or circumstances cause defects to become evident, the developer shall make, or cause to be made, such cuts or other exposures of the work as may be required to determine cause of such defects. Such defects shall then be corrected to the satisfaction of the Town at the expense of the developer.
- F. The developer is solely responsible to the Town for proper construction of utilities. It will normally be of benefit to both the developer and the Town to have Town representatives deal directly with the developer's contractors where such are employed, both as a matter of expediency and to avoid needless liaison. However, such action shall not be construed as relieving the developer of his prime responsibility to the Town.
- G. The developer, or his contractor where work and responsibility has been so delegated, shall comply with New York State Industrial Code, Rule #53, cited as 12 NYCRR 53, relating to "Construction, Excavation, and Demolition Operations at or Near Underground Facilities." It shall be the responsibility of the developer or his contractor to notify the proper utility owner and request stakeout of existing underground utilities well in advance of start of excavation or performing any work in the vicinity of existing utilities.
- H. Care shall be taken to protect persons and property as well as avoid potentially hazardous conditions or nuisances. The developer and his contractor shall comply with all

stipulations of the Occupational Safety and Health Act of 1970 and all revisions and amendments thereto.

- I. The developer shall warrant all work performed and materials furnished against defect, failure, inadequacy, or breakage for a period of one year from the date of final acceptance of the work by the Town Board. Money for warranty shall be deposited with the Town prior to the acceptance of the work. In the event of such defect, failure, inadequacy, or breakage during said warranty period, the developer shall make the necessary repairs or replacements within 10 calendar days of the mailing of written notice by the Town Board or its Engineer.
- J. Should the developer fail, neglect, or refuse to so comply within the specified time, the Town shall make the necessary repairs or replacements for the account of the developer and deduct all costs therefor from the moneys or securities being held by the Town to ensure compliance during the warranty period.
- K. All construction work shall be properly staked out by competent engineering personnel in accordance with the approved plan.
- L. Where work is left incomplete, because of weather or other reasons, it shall be protected. Roadbeds shall be left well-drained, sanitary sewers (and storm drains where applicable) shall be temporarily plugged and so protected that surface water, mud, silt, and debris cannot enter. Sewer laterals, water services, and valves shall be suitably marked with stakes and shall be protected.
- M. The road base should not be used by the contractor for material deliveries or as a construction haul road. In the event the developer has to use the subdivision road for material delivery, the developer will be responsible for any road damage and/or stone base contamination. Any contaminated stone will, at the developer's expense, be removed from the road and replaced with clean stone. Many times this damage is not discovered, but the road starts to fail years before it should.
- N. The developer shall obtain from the proper Authorities all necessary permits and pay for all fees for building or blasting or construction work within public streets.
- O. At the time the facilities are constructed and prior to the mass grading operations, applicants/developers shall contact the Town Engineer so that an inspection can be made in the field to assure that all siltation facilities are constructed, prior to the actual mass grading.
- P. Direct discharge from dewatering pumps and surface runoff from the construction sites to storm sewers, culverts, streams, or ditches shall not be permitted. Intercept and conduct surface runoff and discharge from dewatering pumps to siltation ponds before discharge to natural drainage channels.
- Q. No topsoil or subsoil shall be removed from the site unless approved by the Planning and Zoning Commission.
- R. Sediment control facilities are to be constructed as required by the Town and NYSDEC. These facilities shall conform with Guidelines for Urban Erosion and Sedimentation Control, published by the New York State chapter of the Soil and Water Conservation

Society. The Town reserves the right to modify or order periodic maintenance of soil erosion control measures. Procedures or standards of the Design Standards shall be followed.

- S. No building permit for any permanent building within a subdivision shall be issued by the Building Inspector until after the record sheet of the subdivision plat has been approved by the Planning and Zoning Commission and has been filed in the office of the Schenectady County Clerk.
- T. Where a permit is desired for the occupancy of a building in the subdivision prior to the completion of all of the improvements shown on the approved construction sheet of the subdivision plat, in addition to the other requirements of the Building Inspector, the road and utilities serving the building shall be completed to a degree satisfactory to the Town Engineer. This shall be a minimum of the binder course of asphalt being placed in front of the dwelling.

§ 242-38. Dedication of land to the Town.

The following procedure shall apply with respect to any property to be deeded to the Town for roads, park, open space, drainage or other use:

- A. The developer shall present a proposed warranty deed with lien covenant showing a description of the land.
- B. The developer shall provide an abstract of title showing clear title to the property being deeded to the Town. This abstract shall be examined by the Town Attorney. Should the Town Attorney determine that it is in the best interest of the Town to obtain a fee title insurance policy, he shall notify the developer or his representative and it shall be the responsibility of the developer to provide and pay for said fee title insurance policy.
- C. The Town Board shall review the proposal for dedication and, if appropriate, pass a resolution accepting dedication.
- D. It shall be the responsibility of the developer to record the deeds of dedication in the Schenectady County Clerk's office and to pay any and all recording and related fees.
- E. In the case where the land being dedicated is on the tax rolls, the developer shall also deposit with the Town funds to cover 150% of any estimated tax liability until the property can be removed from the tax rolls on the next taxable status date.
- F. The dedication procedure is not complete until the above procedure has been complied with.

ARTICLE V
Payment of Fees

§ 242-39. Policy on fees.

It is the policy of the Town of Glenville that developers should pay their own way and that the fair and reasonable costs incurred by the Town of Glenville in reviewing applications and in inspecting improvements which will be dedicated to the Town.

§ 242-40. Application fee.

Each applicant shall be charged an application fee. The purpose of the application fee is to cover the following:

- A. Publication fee;
- B. Review by the Glenville Environmental Conservation Commission and Planning and Zoning Commission;
- C. The attendance of the Planning and Zoning Commission Attorney and the Town Engineer at Planning and Zoning Commission meetings, where appropriate; and
- D. Administrative costs, including processing and review by other Town personnel including the Building Inspector, Planning and Zoning Commission Secretary and Town Highway Superintendent.
- E. The application fee will be set by resolution from time to time by the Town Board after reviewing actual costs incurred for these services in typical developments and the fees charged for similar services in other towns in Schenectady County.³

§ 242-41. Engineering and legal fees.

For additional review and legal work performed by the Town Engineer, Planning and Zoning Commission Attorney and/or Town Attorney the applicant shall be charged at reasonable and customary rates paid by the Town for these additional services.

- A. Engineering fees. Engineering fees may include but are not limited to the following:
 - (1) Review of subsequent maps and plans submitted by the applicant, other than review at a Planning and Zoning Commission meeting;
 - (2) Assisting a developer's engineer in designing of roads, grading, utilities;
 - (3) Review of financial security estimates;
 - (4) Any other ordinary and necessary review of engineering design work;
 - (5) Determining the location and scope of easements.

3. Editor's Note: See Ch. 139, Fees.

B. Legal fees. Legal fees may include but are not limited to:

- (1) Review of easements;
- (2) Review of offers of dedication;
- (3) Review of title for easements and dedications;
- (4) Formation of special districts such as water, sanitary sewer, storm sewer, drainage, sidewalk and lighting;
- (5) Publication fees for district formation;
- (6) Filing fees for district formation;
- (7) Review of financial security.

§ 242-42. Inspection fees.

Necessary fees incurred by the Town in the inspection of developments as they progress. These may include but are not limited to the following:

- A. Roads, streets and highways, including the laying out, excavating and installation of base, intermediate and top coats;
- B. Water supply systems, including mains, valves, tees, hydrants and other appurtenances;
- C. Sanitary sewers and their appurtenances;
- D. Drainage systems and storm sewers, including individual lot grading, swales, pipes, retention or detention ponds and their appurtenances;
- E. Sidewalks which are to be dedicated to the Town;
- F. Private drives or roads which serve two or more properties and which are designed to withstand emergency vehicle loading.

§ 242-43. Review and approval of engineering and legal fees.

Prior to payment of engineering or legal fees by the Town of Glenville and the charging of the same to an applicant or developer, the Town Supervisor shall review the charges. After review and a determination that the fees are reasonable in amount and necessary to the accomplishment of the Town's regulatory and proprietary functions, the fees shall then be charged to the developer or withdrawn from the financial security posted in accordance with this chapter.

§ 242-44. Fees drawn from financial security.

In cases where the Town is holding financial security in accordance with the provisions of this chapter, the Town may withdraw the amount of fees from said financial security upon review and approval as set forth in the preceding section.

ARTICLE VI
Specifications for Documents

§ 242-45. Sketch plan (optional procedure).

The sketch plan initially submitted to the Planning and Zoning Commission shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than 200 feet to the inch) to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract, and the distance to the nearest existing street intersection.
- B. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
- C. The name of the owner of all adjoining property owners as disclosed by the most recent municipal tax records.
- D. The zoning district in which the property to be subdivided is located.
- E. The Tax Map sheet, block and lot numbers, if available.
- F. All the utilities available, and all streets which are either proposed, mapped or built.
- G. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage, and water supply within the subdivided area.
- H. All existing restrictions on the use of land, including easements and covenants.

§ 242-46. Preliminary plat.

The following documents shall be submitted for preliminary plat review:

- A. Sixteen copies of the preliminary plat prepared at a scale of not more than 100 but preferably not less than 50 feet to the inch, showing:
 - (1) Proposed subdivision name, name of the town and county in which it is located, date, true North arrow, scale, name and address of record owner, subdivider and engineer or surveyor, including license number and seal.
 - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
 - (3) Zoning district, including exact boundary lines of district, if more than one district, and any proposed changes in the zoning district lines and/or the zoning ordinance text applicable to the area to be subdivided.
 - (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

- (5) Location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas and other significant existing features for the proposed subdivision and adjacent property.
 - (6) Location of existing sewers, water mains, culverts, and drains on property, with pipe sizes, grades and direction of flow.
 - (7) Contours with intervals of five feet or less as required by the Commission, including elevations on existing roads. Approximate grading plan if natural contours are to be changed more than two feet.
 - (8) The width and location of any streets or public ways or places shown on the Comprehensive Plan or Official Map, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
 - (9) The approximate location and size of all proposed water lines, valves, hydrants and sewer lines, and fire alarm boxes; connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; profiles of all proposed water and sewer lines.
 - (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles; connection to existing lines or alternate means of disposal.
 - (11) Preliminary designs of any bridges or culverts which may be required.
 - (12) The proposed lot lines with approximate dimensions and area of each lot.
 - (13) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 20 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision or the official map.
 - (14) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Town Engineer, and shall be referenced and shown on the plat.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

- D. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Local Law No. 4 of 2007⁴ shall be required for preliminary plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in Local Law No. 4 of 2007. The approved preliminary subdivision plat shall be consistent with the provisions of Local Law No. 4 of 2007. **[Added 6-20-2007 by L.L. No. 4-2007]**

§ 242-47. Final plat.

In addition to those documents which must be submitted for preliminary plat review, the following documents shall be submitted for final plat review:

- A. The plat to be filed with the County Clerk shall be printed upon reproducible. The size of the sheets shall be 22 inches by 34 inches, including a margin for binding of two inches, outside of the border, along the left side and a margin of one inch outside of the border along the remaining sides. The plat shall be drawn at a scale of not more than 100 feet to the inch and oriented with the North arrow at the top of the map. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:
- (1) Proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of record owner and subdivider, name, license number and seal of the licensed land surveyor.
 - (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - (3) Sufficient data acceptable to the Town Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
 - (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North arrow.
 - (5) The plat shall also show, by proper designation thereon, all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.

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

- (6) All offers of cession and covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 - (7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
 - (8) Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Town Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Town Engineer and their location noted and referenced upon the plat.
 - (9) All lot corner markers shall be permanently located satisfactorily to the Town Engineer, at least 3/4 inches in diameter and at least 24 inches in length, and located in the ground to existing grade.
 - (10) Monuments of a type approved by the Town Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Town Engineer.
- B. Construction drawings including plans, profiles and typical cross-sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities shall be submitted for final plat review.
- C. Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with Local Law No. 4 of 2007⁵ shall be required for final plat approval. The SWPPP shall meet the performance, design criteria and standards set forth in Local Law No. 4 of 2007. The approved final subdivision plat shall be consistent with the provisions of Local Law No. 4 of 2007. **[Added 6-20-2007 by L.L. No. 4-2007]**

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

Chapter 245
TAXATION

ARTICLE I
Senior Citizens Tax Exemption

§ 245-1. Purpose; grant of exemption.

§ 245-2. Conditions of exemption; amount.

ARTICLE II
Veterans Tax Exemption

§ 245-3. Intent and purpose.

[HISTORY: Adopted by the Town Board of the Town of Glenville as indicated in article histories. Amendments noted where applicable.]

§ 245-4. Exemption granted.

ARTICLE III
Cold War Veterans Exemption

§ 245-5. Purpose; legislative authority.

§ 245-6. Exemption granted.

ARTICLE I
Senior Citizens Tax Exemption
[Adopted 10-4-1983 (Ch. 39, Art. I, of the 1966 Code)]

§ 245-1. Purpose; grant of exemption.

The purpose of this article is to grant a partial exemption from taxation for a per centum of the assessed valuation of real property which is owned by certain persons with limited income who are 65 years of age or over and who meet the requirements set forth in § 467 of the Real Property Tax Law.

§ 245-2. Conditions of exemption; amount.

Real property owned by persons 65 years of age or over shall be exempt from Town taxes for a per centum of the assessed valuation subject to the following conditions:

- A. The owner or all of the owners must file an application annually in the Assessor's office at least 90 days before the day for filing the final assessment roll or such other time as may hereafter be fixed by law.
- B. Amount of exemption. **[Amended 3-4-1987; 12-20-1989; 12-5-1990; 11-20-1991; 3-17-1993; 11-16-1994; 4-2-2003]**
 - (1) The Town Board of the Town of Glenville hereby increases the maximum income allowed to obtain a reduction of 50% in assessed valuation pursuant to § 467 of the Real Property Tax Law to \$18,500, effective with the assessment roll to be completed and filed by May 1, 2004.

- (2) Effective with the assessment roll to be completed and filed by May 1, 2004, the full benefit provided by § 467 of the Real Property Tax Law shall be as follows:

Minimum Income	Maximum Income	Exemption Percent
\$0.00	\$18,500.00	50%
\$18,500.01	\$19,499.99	45%
\$19,500.00	\$20,499.99	40%
\$20,500.00	\$21,499.99	35%
\$21,500.00	\$22,399.99	30%
\$22,400.00	\$23,299.99	25%
\$23,300.00	\$24,199.99	20%
\$24,200.00	\$25,099.99	15%
\$25,100.00	\$25,999.99	10%
\$26,000.00	\$26,899.99	5%

- C. Title to the property must be vested in the owner or, if more than one, in all the owners for at least 12 consecutive months prior to the date that the application is filed. [Amended 4-5-2006 by L.L. No. 3-2006]
- D. The property must be used exclusively for residential purposes, be occupied in whole or in part by the owners and constitute the legal residence of the owners.

ARTICLE II

Veterans Tax Exemption

[Adopted 5-7-1997 by L.L. No. 2-1997 (Ch. 39, Art. II, of the 1966 Code)]

§ 245-3. Intent and purpose.

- A. The Town Board finds and determines that the sacrifices and services provided by veterans in protecting this Town should be acknowledged by providing certain tax exemptions.
- B. By Chapter 256 of the Laws of New York for 2005, the New York State Legislature amended Subparagraph (ii) of Paragraph (d) of Subdivision 2 of § 458-a of the Real Property Tax Law authorizing the adoption of a local law to increase the maximum tax exemptions for veterans. [Amended 2-15-2006 by L.L. No. 2-2006]
- C. The purpose of this article is to adopt maximum tax exemptions for veterans as authorized by Chapter 256 of the Laws of New York for 2005. [Amended 2-15-2006 by L.L. No. 2-2006]

§ 245-4. Exemption granted. [Amended 2-15-2006 by L.L. No. 2-2006]

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not

exceed \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.

- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operation, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$24,000 or the product of \$24,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the class ratio, whichever is less.
- C. In addition to the exemptions provided by Subsections B and C of this section, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed \$120,000 or the product of \$120,000 multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less. For the purposes of this article, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

ARTICLE III

Cold War Veterans Exemption **[Adopted 8-20-2008 by L.L. No. 2-2008]**

§ 245-5. Purpose; legislative authority.

The purpose of this article is to adopt a real property tax exemption for Cold War veterans as authorized by § 458-b of the Real Property Tax Law.

§ 245-6. Exemption granted.

The law provides a property tax exemption for qualified owners who served on active duty in the United States Armed Forces between September 2, 1945, and December 26, 1991, and who were honorably discharged.¹ The exemption shall be 15% of the assessed value of the qualifying residential property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

1. Editor's Note: See Real Property Tax Law § 458-b.

Chapter 255

VEHICLES AND TRAFFIC

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| § 255-1. Definitions. | § 255-8.1. Prohibited turns. |
| § 255-2. Stop intersections. | § 255-9. Removal and storage of vehicles. |
| § 255-3. Stop intersections at railroad crossings. | § 255-10. Authority of Chief of Police. |
| § 255-4. Yield intersections. | § 255-11. Traffic Safety Committee; composition; duties. |
| § 255-5. One-way streets. | § 255-12. Amendments. |
| § 255-6. Parking, standing and stopping; penalty. | § 255-13. Penalties for offenses. |
| § 255-7. Truck exclusions. | § 255-14. Applicability. |
| § 255-8. Speed limits. | |

[HISTORY: Adopted by the Town Board of the Town of Glenville 8-18-1981 by L.L. No. 1-1981 (Ch. 41 of the 1966 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 195.
Sidewalks — See Ch. 221.

Street standards — See Ch. 238.

§ 255-1. Definitions.

The words and phrases used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

§ 255-2. Stop intersections.

The following intersections are hereby designated as stop intersections and stop signs shall be erected on entrances thereto as indicated:

Intersection	Stop Sign On	Entrance(s)
Access Boulevard	Potential Parkway	West
Access Boulevard [Added 1-18-2006 by L.L. No. 1-2006]	Sparton Way	East
Acorn Drive	Mountainwood Drive	South
Acorn Drive [Added 8-20-2008 by L.L. No. 3-2008]	Valleywood Drive	West

Intersection	Stop Sign On	Entrance(s)
Bancker Avenue [Added 9-1-2004 by L.L. No. 2-2004]	Oakland Avenue	South
Bancker Avenue [Added 11-6-1991 by L.L. No. 2-1991]	Parkland Avenue	North and south
Bancker Avenue [Added 9-1-2004 by L.L. No. 2-2004]	Uncas Drive	West
Bancker Avenue [Added 12-18-2002 by L.L. No. 4-2002]	Van Slyck Avenue	North
Barhydt Road [Added 10-20-1981 by L.L. No. 2-1981]	Vley Road Extension	West
Berkley Road	Bromley Place	East and west
Berkley Square East [Added 11-17-1999 by L.L. No. 4-1999]	St. Stephens Lane East	North
Berkley Square North/Berkley Square West [Added 3-4-2009 by L.L. No. 1-2009]	Cumberland Place	West
Berkley Square North/Cumberland Place [Added 3-4-2009 by L.L. No. 1-2009]	Berkley Square West	South
Berkley Square West/Cumberland Place [Added 3-4-2009 by L.L. No. 1-2009]	Berkley Square North	East
Bigwood Road, Sheffield Road	Bigwood Road, York Place	North and south
Birch Lane	Alder Lane	North and south
Bradbury Street [Added 8-20-2008 by L.L. No. 3-2008]	Charles Street	East and west
Burch Parkway [Added 4-1-1992 by L.L. No. 1-1992]	Access Boulevard	South
Burch Parkway [Added 4-1-1992 by L.L. No. 1-1992]	Brown Transportation, Inc. driveway	North

Intersection	Stop Sign On	Entrance(s)
Business Boulevard	Potential Parkway	East and west
Business Boulevard	Prestige Parkway	East and west
Business Boulevard	Progress Parkway	West
Business Boulevard driveway [Added 1-18-2006 by L.L. No. 1-2006]	Middle School west parking area	East
Capital Boulevard	[Repealed 5-28-1986 by L.L. No. 2-1986]	
Capital Boulevard	Progress Parkway	East

Intersection	Stop Sign On	Entrance(s)
Cedar Lane [Added 9-6-2006 by L.L. No. 4-2006]	Alder Lane	West
Charles Street	Schermerhorn Street	North and south
Charles Street	South Holmes Street	North and south
Clifford Drive [Added 9-6-2006 by L.L. No. 4-2006]	Wyndon Drive	West
Cypress Drive	Kalmia Drive	South
Daphne Drive	Compton Place	North and south
Daphne Drive	Cypress Drive	North
Daphne Drive	Glen Terrace	North and south
Daphne Drive	Monarda Drive	South
Daphne Drive [Added 10-17-1990 by L.L. No. 8-1990]	St. Stephens Lane East	North and south, east and west
Dongan Avenue	Schermerhorn Street	North and south
Drooms Road Extension [Added 10-5-1988 by L.L. No. 2-1988]	Aleda Drive	South
Drott Drive	Harvest Drive	West
Drott Drive	Kathleen Drive	East
Dutch Meadows Lane [Added 12-3-2003 by L.L. No. 8-2003]	Wal-Mart driveway (east)	North
Dutch Meadows Lane [Added 12-3-2003 by L.L. No. 8-2003]	Wal-Mart driveway (west)	North
Elliott Street	Pleasantview Avenue	North and south
Eltinge Place	Sutherland Drive	West
Engleman Avenue	South Toll Street	North and south
E Street [Added 6-15-2005 by L.L. No. 2-2005]	Prestige Parkway	East and west
Evergreen Boulevard [Added 8-20-2008 by L.L. No. 3-2008]	Hadel Road	West
Fifth Street [Added 5-4-1988 by L.L. No. 1-1988]	A Street	North
Fredericks Road	Drott Drive	North and south
Glen Avenue	Cramer Drive	North and south

Intersection	Stop Sign On	Entrance(s)
Glen Terrace [Added 10-17-1990 by L.L. No. 8-1990]	Daphne Drive	East and west, north and south
Glen Terrace [Added 11-17-1999 by L.L. No. 4-1999]	St. Stephens Lane East	South
Gould Drive	Marson Drive	North and south
Governor Drive	Woodhaven Drive	West
Habel Lane	Knollwood Drive	East
Harlau Drive [Added 6-15-2005 by L.L. No. 2-2005]	Maywood Drive	South
Harmon Road	Drott Drive	North and south
Horstman Drive [Added 10-17-1990 by L.L. No. 8-1990]	Glenview Drive	West
Kile Drive	Drott Drive	South
Knollwood Drive	Pinewood Drive	North
Maritime Drive [Added 1-18-2006 by L.L. No. 1-2006]	Mohawk Avenue	North and south
Mayfair Drive [Added 3-5-1986 by L.L. No. 1-1986]	Cherry Lane	East and west
Mohawk Avenue [Added 11-1-2006 by L.L. No. 5-2006]	Maritime Drive	East and west
Mountainwood Drive	Glenwood Drive	West
Mountainwood Drive	Knollwood Drive	West
Mountainwood Drive	Valleywood Drive	East and west
Oakland Avenue [Added 11-18-1987 by L.L. No. 4-1987]	Bancker Avenue	East
Orlinda Avenue	South Holmes Street	North and south
Paradowski Road [Added 3-3-1993 by L.L. No. 2-1993]	Tryon Street	South
Patent Parkway	Business Boulevard	South
Pinewood Drive	Glenwood Drive	East

Intersection	Stop Sign On	Entrance(s)
Prestige Parkway [Added 3-5-1986 by L.L. No. 1-1986]	Access Boulevard	North
Prestige Parkway [Added 1-18-2006 by L.L. No. 1-2006]	Middle School easterly loop driveway	South
Prestige Parkway [Added 1-18-2006 by L.L. No. 1-2006]	Middle School westerly driveway	South
Prestige Parkway westerly driveway [Added 1-18-2006 by L.L. No. 1-2006]	Middle School west parking area	West
Ralmar Drive [Added 4-7-1999 by L.L. No. 2-1999]	Marjon Avenue	East
Riverside Avenue [Added 8-20-2008 by L.L. No. 3-2008]	Bradbury Street	North and south
Riverside Avenue	South Toll Street	North and south
Robinson Road and Richland Drive [Added 12-7-1982 by L.L. No. 6-1982]	Lorelei Lane	North and south
St. Stephens Lane, East [Added 12-7-1982 by L.L. No. 6-1982]	Compton Place	West
St. Stephens Lane, East	Daphne Drive	East and west
St. Stephens Lane, East [Added 12-7-1982 by L.L. No. 6-1982]	Glen Terrace	East
Sandalwood Lane	Drott Drive	North and south
Sanders Avenue	Schermerhorn Street	North and south
Sanders Avenue [Added 6-21-1989 by L.L. No. 3-1989]	South Holmes Street	North and south
Saratoga Drive	Drott Drive	North
Saratoga Drive [Added 6-15-2005 by L.L. No. 2-2005]	Eltinge Place	South

Intersection	Stop Sign On	Entrance(s)
Saratoga Drive [Added 8-18-1999 by L.L. No. 3-1999]	Ralmar Drive	South
Schermerhorn Street	Alexander Avenue	West
Schermerhorn Street	Broad Street	East

Intersection	Stop Sign On	Entrance(s)
Schermerhorn Street	Glen Avenue	East and west
Schermerhorn Street	Lark Street	West
Schermerhorn Street	Riverside Avenue	East and west
Schermerhorn Street	Wren Street	West
Seventh Street [Added 5-4-1988 by L.L. No. 1-1988]	C Street	North
South Holmes Street	Beacon Street	East and west
South Holmes Street	Elliott Street	East and west
South Holmes Street	Engleman Avenue	East and west
South Holmes Street	Riverside Avenue	East and west
South Holmes Street [Added 6-21-1989 by L.L. No. 3-1989]	Sanders Avenue	East and west
South Toll Street	Charles Street	East and west
South Toll Street	Glen Avenue	West
South Toll Street	Orlinda Avenue	East and west
South Toll Street	Sanders Avenue	East and west
South Toll Street [Added 11-19-1997 by L.L. No. 4-1997]	Sanders Avenue	North and south
Sparton Lane [Added 12-7-1982 by L.L. No. 6-1982]	Rosemere Road	East and west
Valleywood Drive	Pinewood Drive	North and south
Valleywood Drive [Added 4-7-1999 by L.L. No. 2-1999]	Redwood Drive	South
Vley Road Extension [Repealed 10-20-1981 by L.L. No. 2-1981]		
Wagon Wheel Lane [Added 4-7-1999 by L.L. No. 2-1999]	Olde Coach Road	East and west
Wheeler Drive [Added 11-6-1991 by L.L. No. 2-1991]	Hillandale Drive	West
Willow Lane [Added 6-15-2005 by L.L. No. 2-2005]	Alder Lane	South and north
Woodcrest Drive	Maplewood Drive	South

Intersection	Stop Sign On	Entrance(s)
Woodcrest Drive [Added 11-20-1996 by L.L. No. 4-1996]	Woodcrest Drive Extension	West
Woodcrest Drive [Added 9-5-1984 by L.L. No. 3-1984]	Woodhaven Drive	South
Woodhaven Drive	Acorn Drive	South
Woodhaven Drive	Maplewood Drive	North and south
Woodhaven Drive	Pinewood Drive	South
Woodhaven Drive [Added 11-17-1999 by L.L. No. 4-1999]	Woodcrest Drive	North and east
Woodhaven Drive [Repealed 9-5-1984 by L.L. No. 3-1984]		
Woodside Drive	Droms Road Extension	West
Woodside Drive [Added 11-18-1987 by L.L. No. 4-1987]	Heckler Drive	East and west

§ 255-3. Stop intersections at railroad crossings.

The intersection of Hutchinson Road and the Conrail Railroad is hereby designated as a stop intersection, and stop signs shall be erected on Hutchinson Road at its entrances to said intersection from the north and south.

§ 255-4. Yield intersections.

The following intersections are hereby designated as yield intersections, and yield signs shall be erected on entrances thereto as indicated:

Intersection	Yield Sign On	Entrance(s)
Barhydt Road	Town of Glenville Landfill Driveway	North
Barhydt Road [Added 5-6-1987 by L.L. No. 3-1987]	Vley Road Extension	West
Bigwood Drive	Daphne Drive	West
B Street [Added 10-5-1988 by L.L. No. 2-1988]	Fifth Street	East and west
B Street [Added 10-5-1988 by L.L. No. 2-1988]	Third Street	East and west
Capital Boulevard	Business Boulevard	East

Intersection	Yield Sign On	Entrance(s)
Capital Boulevard [Added 3-5-1986 by L.L. No. 1-1986]	Potential Parkway	East and west
Capital Boulevard [Added 3-5-1986 by L.L. No. 1-1986]	Prestige Parkway	East and west
Cherokee Road [Added 10-20-1981 by L.L. No. 2-1981]	Tomahawk Trail	North
Cheyenne Road [Added 12-7-1982 by L.L. No. 6-1982]	Tomahawk Trail	North and south
Cloverleaf Drive [Added 12-7-1982 by L.L. No. 6-1982]	Sparton Lane	North and south
Evergreen Boulevard [Added 4-18-1984 by L.L. No. 1-1984; repealed 8-20-2008 by L.L. No. 3-2008]		
Harlau Drive	Lorelei Lane	South
Havenbrook Drive [Added 8-20-1986 by L.L. No. 3-1986]	Greenway Drive	North
Haviland Drive	Anita Drive	North
Haviland Drive	Laury Lane	South
Horstman Drive [Added 6-21-1989 by L.L. No. 3-1989; repealed 10-17-1990 by L.L. No. 8-1990]		
Pine Street [Added 1-18-2006 by L.L. No. 1-2006]	McArthur Drive	South
Pine Street [Added 1-18-2006 by L.L. No. 1-2006]	Rockland Road	South
Pleasantview Avenue [Added 12-7-1982 by L.L. No. 6-1982]	Walton Place	East and west
Saratoga Drive [Repealed 8-18-1999 by L.L. No. 3-1999]		
Van Slyck Avenue [Added 7-16-2003 by L.L. No. 2-2003]	Regal Court	North
Western Avenue [Added 4-20-1994 by L.L. No. 2-1994]	Hart Road	South
Woodside Drive [Repealed 11-18-1987 by L.L. No. 4-1987]		

§ 255-5. One-way streets.

A. The following locations are hereby designated for one-way traffic in the direction indicated:

Name of Street	Direction of Travel	Location
Capital Boulevard [Amended 3-5-1986 by L.L. No. 1-1986]	South	Between its intersection with Progress Parkway and its intersection with Business Boulevard
Hetcheltown Road, Schenectady County Road No. 31	North	Between its intersection with Glenridge Road and its intersection with Maple Avenue Extension
Maalwyck Park Main Parking Area [Added 8-15-2001 by L.L. No. 4-2001]	South	The parking area in Maalwyck Park located along the easterly side of Maalwyck Park Road 500 feet southerly of Route 5 and extending southerly adjacent to Maalwyck Park Road for 750 feet

B. The following highways are designated for one-way traffic during Sundays between the hours of 9:00 a.m. and 1:00 p.m.:

Name of Street	Direction of Travel	Location
Brookside Place	North	Between its intersection with Riverside Place and its intersection with Alplaus Avenue
Riverside Place	West	Between its intersection with Snyder Road and its intersection with Brookside Place
Snyder Road	South	Between its intersection with Alplaus Avenue and its intersection with Riverside Place

§ 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.

A. State of emergency parking.

- (1) The parking of vehicles is hereby prohibited on or along all Town highways within the Town of Glenville whenever a snowfall exceeds an average depth of three inches. [Amended 12-7-2005 by L.L. No. 5-2005]
 - (a) Violations of the "state of emergency parking" will result in a fine of \$20 for the first offense and increasing fines in increments of \$10 for repeat offenses as well as the towing of vehicles at the owner's expense.

- (2) The parking of vehicles is hereby prohibited on or along all Town highways, or those Town highways as designated by the Supervisor of the Town of Glenville, within the Town of Glenville, upon declaration of a state of emergency for the term of the state of emergency.

B. Parking of vehicles prohibited. [Amended 3-15-2000 by L.L. No. 1-2000]

- (1) Parking is prohibited on all Town roads in the Town of Glenville between the hours of 3:00 a.m. and 6:00 a.m., commencing on November 15 of each year and continuing until the first day of April of each succeeding year. **[Amended 12-7-2005 by L.L. No. 5-2005]**

- (a) Violations of the overnight parking ban will result in a fine of \$20 for the first offense and increasing fines in increments of \$10 for repeat offenses.

- (2) The parking of vehicles is hereby prohibited in any of the following locations:

Name of Street	Side	Location
Access Boulevard	Both	Between Prestige Parkway and Patent Parkway
Business Boulevard	East	Between Progress Parkway and Prestige Parkway
Capital Boulevard	Both	Between Patent Parkway and Progress Parkway
Charlton Road [Added 4-18-1984 by L.L. No. 1-1984]	Both	From New York State Route No. 50 a distance of 500 feet northerly, between the hours of 9:00 p.m. and 1:00 a.m.
Culligan Drive	South	Between New York State Route No. 50 and its dead end
Indian Meadows Park Road [Added 8-15-2001 by L.L. No. 4-2001]	Both	Between Droms Road and its terminus
Maalwyck Park Road [Added 8-15-2001 by L.L. No. 4-2001¹]	Both	From Route 5 to its terminus
McArthur Drive [Added 9-5-1984 by L.L. No. 3-1984; amended 6-21-1989 by L.L. No. 3-1989]	North	Between Pine Street and its end at St. Joseph's School
Patent Parkway	South	Between Access Boulevard and Capital Boulevard

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

Name of Street	Side	Location
Potential Parkway	Both	Between Access Boulevard and Capital Boulevard
Prestige Parkway	Both	Between Access Boulevard and Capital Boulevard
St. Anthony Lane [Added 9-1-2004 by L.L. No. 2-2004]	West	From Glenridge Road northerly for 250 feet
Wren Street	North	Between Schermerhorn Street and its dead end

- C. The parking of vehicles is hereby prohibited within 10 feet of the front, back or side, or extension thereof, of any building which contains an exit or entrance to that building in the parking areas of the following shopping centers:

Name of Shopping Center	Description
Albany Public Market Shopping Center	The premises described in the deed to Albany Public Market, recorded in the Schenectady County Clerk's office in Book 922 at page 365 and designated on the tax maps of the Town of Glenville as Parcel No. 22.11-4-14
K-Mart Shopping Center	The premises described in the deed to H.S.S. Realty Co., recorded in the Schenectady County Clerk's office in Book 949 at page 626 and designated on the tax maps of the Town of Glenville as Parcel No. 22.11-4-15
Mayfair Shopping Center	The premises described in the deed to Benderson and Chesbro, recorded in the Schenectady County Clerk's office in Book 844 at page 86 and designated on the tax maps of the Town of Glenville as Parcel No. 22-1-1
Wal-Mart Shopping Center [Added 11-1-2006 by L.L. No. 5-2006]	Being the premises designated on the tax maps of the Town of Glenville as Parcel No. 30-1-24.22
Willowbrook Shopping Center	The premises described in the deed to Gersten, recorded in the Schenectady County Clerk's office in Book 899 at page 377 and designated on the tax maps of the Town of Glenville as Parcel No. 22.7-6-6

- D. Handicapped parking. [Added 7-6-1982 by L.L. No. 3-1982]

(1) No person shall park in spaces clearly marked for use by the handicapped and located in areas specified by this section without a parking permit for handicapped

persons issued in accordance with § 1203-a of the New York State Vehicle and Traffic Law. Parking spaces for the handicapped shall also be extended for use to those persons with vehicles that are registered in accordance with § 404-a of the New York State Vehicle and Traffic Law. Parking spaces designated by this section shall be clearly marked in accordance with the New York State Vehicle and Traffic Law and the New York State Manual of Uniform Traffic Control Devices.

- (2) Shopping centers or facilities with at least five separate retail stores and at least 20 off-street parking spaces which are provided for use by the shopping public must designate as only for the handicapped and clearly mark for use by the handicapped a minimum of 5% of such parking spaces or 10 such spaces, whichever is less.

These spaces must be located as close as reasonably practicable to the shopping-center facility and be reasonably distributed so as to provide convenient access by handicapped drivers. Any person, firm or corporation owning a shopping center or facility with at least five retail stores and at least 20 off-street parking spaces which are provided for use by the shopping public who fails to provide such spaces only for the handicapped in accordance with this section shall be punished by a fine of up to \$250, as set forth in § 1203-c, Subdivision 3, of the New York State Vehicle and Traffic Law. Shopping centers or facilities located in the Town of Glenville with at least five separate retail stores and at least 20 off-street parking spaces which are provided for use by the shopping public are as follows:

- (a) Mayfair Shopping Center along Route 50 in the Town of Glenville.
 - (b) Unnamed shopping facility at the intersection of Route 50 and Charlton Road in the Town of Glenville.
 - (c) Willowbrook Shopping Center along Route 50 in the Town of Glenville.
- (3) Other areas in the Town of Glenville with spaces designated as only for the handicapped and clearly marked for use by the handicapped. Any person, firm or corporation owning a facility located in the Town of Glenville may request inclusion in this section to ensure proper enforcement of any spaces designated and clearly marked. For inclusion, written application must be made to the Town Board, through the Chairman of the Town of Glenville Traffic Committee, and said application must include a plot plan clearly showing the number and location of proposed spaces to be designated and marked for use by the handicapped. Applicable areas located in the Town of Glenville which have applications approved under this section are as follows:
- (a) K-Mart/Albany Public Shopping Center, Saratoga Road, Scotia, New York.
 - (b) Ponderosa Steak House, Saratoga Road, Scotia, New York.
- E. The standing of vehicles is hereby prohibited in any of the following locations: **[Added 4-18-1984 by L.L. No. 1-1984]**

Name of Street	Side	Location
Access Boulevard [Added 9-2-1998 by L.L. No. 2-1998]	West	From Prestige Parkway northerly 70 feet
Indian Meadows Park Road [Added 8-15-2001 by L.L. No. 4-2001]	Both	Between Droms Road and its terminus

Name of Street	Side	Location
Maalwyck Park Road [Added 8-15-2001 by L.L. No. 4-2001 ²]	Both	From Route 5 to its terminus
Mohawk Avenue (Alplaus)	Both	From the intersection of Alplaus Avenue for a distance of 100 feet southerly

F. The stopping of vehicles is hereby prohibited in any of following locations: [Added 9-2-1998 by L.L. No. 2-1998]

Name of Street	Side	Location
Indian Meadows Park Road [Added 8-15-2001 by L.L. No. 4-2001]	Both	Between Droms Road and its terminus
Maalwyck Park Road [Added 8-15-2001 by L.L. No. 4-2001 ³]	Both	From Route 5 to its terminus
Prestige Parkway [Amended 7-17-2002 by L.L. No. 3-2002]	North	Between Access Boulevard and Business Boulevard

G. Vehicles marking U-turns are hereby prohibited in any of the following locations: [Added 9-2-1998 by L.L. No. 2-1998]

Name of Street	Side	Location
Prestige Parkway	Both	Between Access Boulevard and Business Boulevard

§ 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

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

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

Bruce Drive [Added 9-17-2003 by L.L. No. 7-2003] Between its intersection with Alplaus Avenue and its intersection with Glenridge Road

- (2) The regulations established in this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the highway from which such vehicles and combinations are otherwise excluded.
- B. Exclusion for when frost is leaving the ground. [Added 3-17-1999 by L.L. No. 1-1999]
- (1) Pursuant to the authority found in § 1660, Subdivision 11, of the New York State Vehicle and Traffic Law, and finding that Town highways would be materially damaged by the operation of vehicles with a gross weight of over four tons on them when the frost is leaving the ground, vehicles with a gross weight of over four tons are hereby excluded from all Town highways in the Town of Glenville when the frost is leaving the ground.
 - (2) This exclusion shall take effect each year on the erection of signs on the highways from which such vehicles are excluded and upon the publication of a notice of the exclusion in the Town's official newspaper. The exclusion shall remain in effect until the removal of the signs as directed by the Town Board.
 - (3) The provisions of Subsection B(1) herein shall not be applicable to any moving van, truck or tractor-trailer used solely for moving household goods while removing household goods from or delivering household goods to a residence, nor to a school bus regularly picking up or discharging pupils, nor to any truck or van making delivery of goods, fuel or services to a residence in said district, nor to a truck, sander or other highway maintenance vehicle used in plowing or sanding said highway, or repairing said highways if said vehicles are under the direction of Town Superintendent of Highways. The provisions of Subsection B(1) herein shall not apply to any fire truck or fire vehicle operated under control of a duly constituted fire district of the Town of Glenville.
 - (4) Upon a showing duly made to the Town Supervisor or Deputy Supervisor that the specific operation of a truck or other vehicle otherwise prohibited from the use of Town highways by Subsection B(1) herein, for a limited purpose and for a limited period of time, will not adversely affect the public health, safety and welfare, and not cause damage to the road, the Town Clerk may issue a special permit on application therefor. The permit shall list the owner and/or operator of the permitted vehicle, the vehicle license number and the period for which the special permit is granted. Such permit shall be prominently displayed and affixed to such vehicle and shall be open to inspection by any police officer. If, however, damage is done to a Town highway, any damage caused by the permitted vehicle shall be the joint and several responsibility of the vehicle owner and driver.
 - (5) Should any portion, section or paragraph of this Subsection B be declared invalid or unenforceable for any reason, the remainder of said Subsection B shall remain in effect as though such portion, section or paragraph were not present.

- (6) Violations and penalties. The owner, agent, driver and person controlling the operation or authorizing the operation of any vehicle in violation of this Subsection B and any person, corporation or other entity aiding and abetting a violation hereof shall be guilty of a misdemeanor punishable by a fine not to exceed \$250 or imprisonment for a period not to exceed 30 days, or both.
- (7) This Subsection B shall take effect immediately upon filing with the Secretary of State of the State of New York.

§ 255-8. Speed limits.

- A. Except as otherwise provided in Subsections B, C, D and E, a maximum speed limit of 30 miles per hour is hereby established within the Town of Glenville, exclusive of the Village of Scotia, on all Town and county highways within the boundaries which are described as follows: beginning at the intersection of the southerly right-of-way line of the Boston and Maine Railroad with the Mohawk River; thence southeasterly along the southerly right-of-way line of the Boston and Maine Railroad to its intersection with the westerly right-of-way line of Larrabee Road; thence northerly along the westerly right-of-way line of Larrabee Road; thence northerly along the westerly right-of-way line of Larrabee Road to its intersection with the southerly right-of-way line of New York State Route No. 5; thence southeasterly along the southerly right-of-way line of New York State Route No. 5 to its intersection with the southerly right-of-way line of Vley Road (Schenectady County Road No. 30); thence southeasterly along the southerly right-of-way line of Vley Road to its intersection with the easterly right-of-way line of New York State Route No. 147; thence northerly along the easterly right-of-way line of New York State Route No. 147 to its intersection with the easterly right-of-way line of Spring Road (Schenectady County Route No. 47); thence northeasterly along the easterly right-of-way line of Spring Road to its intersection with the easterly right-of-way line of Swaggertown Road (Schenectady County Route No. 43); thence northerly along the easterly right-of-way line of Swaggertown Road to its intersection with the Schenectady - Saratoga County line; thence easterly and southerly along the Schenectady - Saratoga County line to its intersection with the Mohawk River; thence westerly along the Mohawk River to the point of beginning.
- B. A maximum speed limit of 35 miles per hour is hereby established within the Town of Glenville on the following county highways:

Name of Street	Location
Baldwin Road (Schenectady County Route No. 49) [Added 6-15-2005 by L.L. No. 2-2005]	From Swaggertown Road to Spring Road
Church Road (Schenectady County Route No. 36)	From New York State Route No. 147 to Ridge Road
Closson Road [Added 5-6-1987 by L.L. No. 3-1987]	From Ridge Road to New York State Route No. 147

Name of Street	Location
Dawson Road [Added 1-18-2006 by L.L. No. 1-2006]	From Route 147 to the Glenville-Charlton Town line
Droms Road (Schenectady County Route No. 41) [Added 6-15-2005 by L.L. No. 2-2005]	From Swaggertown Road to Charlton Road
Dutch Meadows Lane [Added 12-18-2002 by L.L. No. 4-2002]	From Freeman's Bridge Road to New York State Route 50
Gower Road [Added 1-16-2002 by L.L. No. 1-2002]	From New York State Route 5 to Sanders Road
Hetcheltown Road (Schenectady County Route No. 31)	From New York State Route No. 50 to Glenridge Road
High Mills - Scotch Bush Road [Added 12-21-1994 by L.L. No. 3-1994]	From Route 50 to the Schenectady - Saratoga County line
Lake Hill Road (Schenectady County Route No. 24)	From the Glenville - Ballston Town line to a point 300 feet east of the easterly building line of the Burnt Hills - Ballston Lake Junior High School
Lake Hill Road (Schenectady County Route No. 24)	From a point 300 feet west of the westerly building line of the Burnt Hills - Ballston Lake Junior High School to the Glenville - Charlton Town line
Maple Avenue (Schenectady County Route No. 29)	From Glenridge Road to Hetcheltown Road
Snake Hill Road (Schenectady County Route No. 32) [Added 3-5-1986 by L.L. No. 1-1986]	From New York State Route No. 147 to Spring Road
Spring Road (Schenectady County Route No. 47) [Added 6-15-2005 by L.L. No. 2-2005]	From Swaggertown Road to a point 1.0 miles northwest of Route No. 147
Sunnyside Road (Schenectady County Route No. 12)	From Freeman's Bridge Road to the easterly Scotia Village line
Swaggertown Road (Schenectady County Road No. 43) [Added 8-15-1990 by L.L. No. 7-1990]	From New York State Route No. 50 to the Schenectady - Saratoga County line
Van Buren Road (Schenectady County Route No. 28) [Added 5-4-1988 by L.L. No. 1-1988]	From New York State Route No. 50 to Swaggertown Road
Van Vorst Road (Schenectady County Route No. 39)	From Lake Hill Road to Charlton Road
Vley Road [Repealed 5-6-1987 by L.L. No. 3-1987]	

Name of Street	Location
Vley Road (Schenectady County Route No. 30) [Added 5-6-1987 by L.L. No. 3-1987]	From the westerly Scotia Village line to Williams Avenue

- C. A maximum speed limit of 40 miles per hour is hereby established within the Town of Glenville on the following county highways:

Name of Street	Location
Baldwin Road (Schenectady County Road No. 49) [Repealed 6-15-2005 by L.L. No. 2-2005]	
Bolt Road (Schenectady County Road No. 34)	From New York State Route No. 147 to Swaggertown Road
Charlton Road [Repealed 5-6-1987 by L.L. No. 3-1987]	
Droms Road (Schenectady County Road No. 41) [Repealed 6-15-2005 by L.L. No. 2-2005]	
Green Corners Road (Schenectady County Road No. 38) [Added 4-20-1994 by L.L. No. 2-1994]	From West Glenville Road to Potter Road
High Mills - Scotch Bush Road [Repealed 12-21-1994 by L.L. No. 3-1994]	
Maple Avenue (Schenectady County Road No. 29)	From a point 800 feet southwest of Air National Guard Road to Glenridge Road
Maple Avenue (Schenectady County Road No. 29) [Added 8-20-1986 by L.L. No. 3-1986]	From Freemans Bridge Road to a point 1,400 feet northeast of Freemans Bridge Road
Maple Avenue (Schenectady County Road No. 29) [Added 5-5-1993 by L.L. No. 3-1993]	From a point 1,400 feet northeast of Freeman's Bridge Road to a point 800 feet southwest of Air National Guard Road
North Road (Schenectady County Road No. 55) [Added 5-1-1985 by L.L. No. 1-1985]	From New York State Route No. 147 to a point 1,500 feet north of West Glenville Road
Rector Road (Town Road) [Added 10-4-1989 by L.L. No. 4-1989]	From Ridge Road to New York State Route No. 5
Ridge Road (Schenectady County Road No. 49) [Added 9-6-1983 by L.L. No. 2-1983]	Between Sacandaga Road (New York State Route No. 147) and its intersection with Sanders Road and Church Road
Sanders Road (Schenectady County Road No. 38) [Added 3-3-1993 by L.L. No. 2-1993]	From Ridge Road to Washout Road
Spring Road (Schenectady County Road No. 47) [Repealed 6-15-2005 by L.L. No. 2-2005]	
Swaggertown Road [Repealed 8-15-1990 by L.L. No. 7-1990]	

Name of Street	Location
Van Buren Road [Repealed 5-4-1988 by L.L. No. 1-1988]	
West Glenville Road (Schenectady County Road No. 40)	From New York State Route No. 147 to a point 1,500 feet east of North Road
West Glenville Road (Schenectady County Road No. 40)	From a point 1,500 feet west of North Road to the Schenectady - Montgomery County line
Wolf Hollow Road (Schenectady County Road No. 59) [Added 8-20-2008 by L.L. No. 3-2008]	From a point 1,200 feet north of Route No. 5 to the southerly intersection of Wolf Hollow Road and Hoffman Hill Road Extension

- D. A maximum speed limit of 45 miles per hour is hereby established within the Town of Glenville on the following county highways:

Name of Street	Location
Maple Avenue [Repealed 5-5-1993 by L.L. No. 3-1993]	
Maple Avenue (Schenectady County Road No. 29) [Added 8-20-1986 by L.L. No. 3-1986]	From a point 1,400 feet northeast of Freemans Bridge Road to a point 800 feet southeast of Air National Guard Road
Ridge Road (Schenectady County Road No. 49) [Added 4-1-1992 by L.L. No. 1-1992]	From its intersection with Church Road and Sanders Road northerly to a point one mile north of its intersection with Church Road and Sanders Road
Vley Road [Added 5-6-1987 by L.L. No. 3-1987]	From Williams Avenue to New York State Route No. 5

- E. A maximum school speed limit of 25 miles per hour is hereby established within the Town of Glenville on Lake Hill Road (Schenectady County Road No. 24) adjacent to the Burnt Hills - Ballston Lake Junior High School between a point 300 feet west of the westerly building line of said school and a point 300 feet east of the easterly building line of said school.
- F. A maximum speed limit of 30 miles per hour is hereby established within the Town of Glenville on all Town and county highways within the boundaries which are described as follows: beginning at a point in West Glenville Road (Schenectady County Road No. 40) 1,500 feet east of its intersection with North Road; thence in a northwesterly direction to a point in North Road (Schenectady County Road No. 55) 1,500 feet north of its intersection with West Glenville Road; thence in a southwesterly direction to a point in West Glenville Road 1,500 feet west of its intersection with North Road; thence easterly to the point of beginning.
- G. A maximum speed limit of 30 miles per hour is hereby established within the Town of Glenville on the following county highways: [Added 3-5-1986 by L.L. No. 1-1986]

Name of Street	Location
Charlton Road (Schenectady County Road No. 37) [Added 5-6-1987 by L.L. No. 3-1987]	From New York State Route No. 50 to the Schenectady - Saratoga County line
Spring Road (Schenectady County Route No. 47)	From New York State Route No. 147 to a point 1.3 miles north of New York State Route No. 147

- H. A maximum speed limit of 30 miles per hour is hereby established within the Town of Glenville on all Town and county highways within the boundaries which are described as follows: beginning at the intersection of Route 5 and Wolf Hollow Road and continuing in a northerly direction 1,200 feet to a point; thence southwesterly to a point in Touareuna Road, which is located approximately 1,200 feet west of Wolf Hollow Road; thence southeasterly to the point of beginning. **[Added 9-20-2000 by L.L. No. 6-2000]**
- I. A maximum park speed limit of 15 miles per hour is hereby established within the Town of Glenville on the following roadways in Town parks: **[Added 8-15-2001 by L.L. No. 4-2001]**

Name of Street	Location
Indian Meadows Park Road	From Droms Road to its terminus
Maalwyck Park Road	From Route 5 to its terminus

- J. A maximum school speed limit of 15 miles per hour is hereby established within the Town of Glenville on the following roadways: **[Added 9-1-2004 by L.L. No. 2-2004]**

Name of Street	Location
Access Boulevard	Adjacent to Scotia-Glenville High School, from Tartan Way to Prestige Parkway
Business Boulevard	Adjacent to Scotia-Glenville Middle School, from Progress Parkway to Prestige Parkway
Prestige Parkway	Adjacent to Scotia-Glenville Middle School, from Business Boulevard to Access Boulevard
Area known as Scotia-Glenville High School [Added 1-18-2006 by L.L. No. 1-2006]	West of Scandaga Road (Route 147); north of Seeley Street, Schermerhorn Street and Wren Street; east of Business Boulevard, Prestige Parkway and Access Boulevard; and south of Burch Parkway

§ 255-8.1. Prohibited turns. [Added 1-18-2006 by L.L. No. 1-2006]

Name of Street	Direction of Travel	Prohibited Turn	At Intersection of
Maritime Drive	East	Left	Mohawk Avenue
Maritime Drive	West	Right	Mohawk Avenue

§ 255-9. Removal and storage of vehicles.

- A. When any vehicle is parked or abandoned on any highway within this Town during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Police Department.
- B. When any vehicle is parked or abandoned on any highway within this Town where stopping, standing or parking is prohibited, said vehicle may be removed by the Police Department.
- C. After removal of any vehicle as provided in this section, the Police Department may store such vehicle in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment of reasonable charges for such removal and storage, and such charges shall constitute a garageman's lien.
- D. The Police Department shall, without delay, upon the removal and disposition of any vehicle as provided in this section, ascertain to the extent possible the owner of the vehicle or person having charge of the same and notify him of the removal and disposition of such vehicle and the amount which will be required to redeem the same.

§ 255-10. Authority of Chief of Police.

Pursuant to the provisions of Subdivision (e) of § 1603 of the Vehicle and Traffic Law, power is hereby delegated to the Chief of Police to exercise, by official order, rule or regulation, the following powers granted to the legislative body of this Town in Article 41 of the Vehicle and Traffic Law, subject, however, to the limitations imposed by Article 44 of the Vehicle and Traffic Law:

- A. To install and maintain traffic control devices when and as required under the provisions of this chapter to make effective provisions of said chapter.

§ 255-11. Traffic Safety Committee; composition; duties. [Amended 2-21-1996 by L.L. No. 1-1996]

Any request for an amendment, addition or change in this traffic chapter shall be first referred by the Town Board to a Traffic Safety Committee, which Committee shall consist of nine members. Two of such members shall be Town Board members appointed by the Town Supervisor for one-year terms; one member of such Committee shall be the Chief of Police of the Town of Glenville; three members shall be residents of the Town of Glenville appointed by the Town Board for three-year terms, with a term ending each year; and the remaining three members shall be appointed by the Town Board for one-year terms and may be the Traffic Engineering Technician, Highway Superintendent and the Town Planner. Said Committee shall hold meetings, hearings and proceedings necessary to act on such request for any amendment, addition or change in this traffic chapter and within 30 days of receiving said request shall deliver to the Town Board a recommendation either for or against said request. Said Committee meetings shall be held at the call of the Chairperson, who shall be appointed by the Committee. Said Committee shall promulgate its rules for conducting its affairs.

§ 255-12. Amendments.

The Town Board of the Town of Glenville shall have the power to amend this chapter in the manner provided by law.

§ 255-13. Penalties for offenses. [Amended 7-19-1995 by L.L. No. 1-1995]

- A. Every person convicted of a violation of § 255-6C of this chapter (dealing with fire lanes) shall for a first conviction thereof be punished by a fine of \$100 or by imprisonment for not more than 15 days, or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of 18 months, such person shall be punished by a fine of \$200 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of 18 months, such person shall be punished by a fine of \$300 or by imprisonment for not more than 90 days or by both such fine and imprisonment.
- B. Every person convicted of a violation of § 255-6D of this chapter (dealing with handicapped parking) shall be subject to a fine of not less than \$100 nor more than \$150 or by imprisonment for not more than 15 days, or by both such fine and imprisonment,

for the first offense and not less than \$150 nor more than \$200 or by imprisonment for not more than 45 days, or by both such fine and imprisonment, for the second offense occurring within a period of two years within the Town of Glenville.

- C. Every person convicted of any other violation of the provisions of this chapter shall be subject to the same penalties as if they had been charged and convicted with violations of the applicable sections of the Vehicle and Traffic Law of the State of New York.

§ 255-14. Applicability.

This chapter shall have no effect within the corporate limits of the Village of Scotia.

Chapter 259

WATER

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- § 259-3. Protection of work and property required.
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- § 259-6. Backfilling.
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- § 259-8. Cleanup.
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- § 259-10. Regulations governing ductile iron pipe laying.
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[HISTORY: Adopted by the Town Board of the Town of Glenville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water and Sewer Division, DPW — See Ch. 72.

Mobile home parks — See Ch. 184.

Building construction and fire prevention — See Ch. 101.

Individual septic disposal systems — See Ch. 213.

Flood damage prevention — See Ch. 151.

Sewers — See Ch. 217.

Freshwater wetlands — See Ch. 156.

ARTICLE I
Water Distribution Systems
[Adopted 6-19-1962 (Ch. 45 of the 1966 Code)]

§ 259-1. Governing rules and regulations.

The following rules and regulations shall govern the installation of water distribution systems in the Town of Glenville.

§ 259-2. Definitions.

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

ENGINEER — The Town Engineer or the Town-designated engineer.

CONTRACTOR — The person, persons, copartnership, subcontractor or corporation which has entered into contract to install a particular water distribution system, according to plans and specifications as approved by the Town of Glenville.

§ 259-3. Protection of work and property required.

- A. The contractor shall continuously maintain adequate protection of all his work from damage during construction. He shall adequately protect adjacent property as provided by law and contract documents. He shall provide and maintain all passageways, guard fences, lights and other facilities required by public authority or local conditions.
- B. Where it is necessary to close a section of state, county or Town highway, the contractor shall erect plainly and properly worded signs which shall be placed with approved barricades, at the nearest cross streets on each end of the obstructed portion and on intersecting streets where traffic may make the easiest and best detour. The contractor shall provide any necessary watchmen at his own expense and maintain red lights and guards from twilight to dawn on all barricades and points of danger to protect traffic from injury.

§ 259-4. Notification of authorities required.

Whenever there shall be any excavation along lands or under a pavement owned by Town, county or state government, the Highway Superintendent or other official having control shall be notified 24 hours in advance of said excavation.

§ 259-5. Regulations governing excavating and trenching.

- A. General. The contractor shall do all excavation of whatever substances to provide for a cover of five feet for the respective pipe size. All excavated materials not required for fill or backfill shall be removed from the site as directed by the Town Engineer.
- (1) Excess excavation below required level shall be backfilled with earth, sand, gravel or concrete and thoroughly tamped as directed by the engineer.
 - (2) Unstable soil shall be removed and replaced with gravel, crushed stone or crushed slag and thoroughly tamped. The engineer shall determine the depth or removal of unstable soil.
 - (3) Ground adjacent to all trenches shall be graded to prevent the flow of water into same. Water entering the trench through spring flow shall be removed by pumping or other means as approved by the engineer.¹
- B. Rock excavation: shall include removal of boulders larger than 1/3 cubic yard in volume and of ledge rock, concrete or masonry that require drilling or blasting.
- C. Bracing and shoring. The contractor shall do all bracing, sheathing and shoring necessary to perform and protect all excavation as required for safety as directed by the engineer, or to conform to governing laws.

1. Editor's Note: Original Subsection B, Trench excavation, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 259-6. Backfilling.

A. Trenches. Complete backfilling of trenches shall not take place until the engineer has inspected and observed the complete testing of the pipe line between valves.²

- (1) Backfilling shall be done with due care to avoid injury to the pipe or alignment. Material shall be placed evenly and carefully around and over the pipe in six-inch maximum layers. Each layer shall be thoroughly and carefully rammed until one foot of cover exists over pipe. The remainder of backfill material shall be placed, moistened and compacted. Water settling will not be permitted in clay soils. It may be required at the option of the engineer in sandy soils.

B. Trench under roadway and areas to be paved. Material shall be placed in eight-inch maximum layers after filling one foot above pipe as previously described. Each layer shall be compacted to a density equal to that of adjacent material so that pavement can be placed immediately.

§ 259-7. Replacing pavements.

The minimum width of replaced concrete pavements shall be four feet at interiors and six feet at joints. Depths shall be 1.3 times the original thickness. Existing pavement edges shall be cut vertically. The minimum width of replaced bituminous shall be three feet, with the base of same depth of original pavement; surface course shall be cold-patch mixture. The existing pavement shall be cut vertically and horizontally to a straight line. Edge of existing pavement shall be painted with RC-3 or RC-4. The patch shall be rolled in both directions with a five-ton roller.

§ 259-8. Cleanup.

The contractor shall clean up and dispose of all excess material, trash and other debris.

§ 259-9. Ductile iron pipe and fittings.³

- A. All pipe shall be cast in sand-lined molds and conform to ASA specifications A21.8-1953 (or latest revision), thickness Class 22 and be cement-mortar lined in accordance with specifications A21.4-1953 (or latest revision). No pipe or fittings for water works service shall be furnished without outside protective coating. Pipe shall be designed for working pressures up to 350 psi; and tested to 500 psi hydrostatically before shipment by manufacturer.
- B. Type of joint. The types of joint used may be: 1) bell-and-spigot, 2) engineer-approved. The engineer shall approve the type of pipe in advance.

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

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

§ 259-10. Regulations governing ductile iron pipe laying. ⁴

- A. Pipe shall be laid parallel to tangent property line and as located by Chapter 238, Street Standards. Proper and suitable tools and equipment shall be used in handling pipe and special care shall be taken to prevent damage to pipe coating. All pipe lengths shall be carefully examined for defects and no pipe shall be laid which is known to be defective. If any defective pipe should be discovered after being laid, it shall be removed and replaced with sound material.
- B. All pipe shall be thoroughly cleaned immediately before laying and shall be kept clean until accepted in the complete work. Whenever pipe laying is stopped, the end of the pipe shall be securely closed to prevent entrance of water or other obstructions.
- C. Pipe shall be carefully bedded to have uniform support its entire length. All points of rock or other material which tend to injure the pipe coating shall be removed. All pipe must be supported on blocking and wedges to hold it in position as directed by the engineer. After laying, the pipe shall be carefully bedded in earth and tamped into place. All specials and valves shall be carefully supported on blocking as directed by the engineer. Stones or other material tending to injure the coating of the pipe shall not be placed within one foot of same. No frozen earth shall be used in backfilling.
- D. All slugs and bends shall be thoroughly braced with concrete in such a manner as will permit removal if necessary. Concrete braces at plugs shall be square and of side dimension not less than the nominal diameter of the pipe, and shall be securely wedged between the plug and substantial anchorage. At bends, concrete shall be placed between the outside face of the bend and the trench wall. It shall extend from the bottom of the trench to three inches above the center line of bend and shall not be less than two feet wide. Concrete for the above shall be clean rock and silica sand mixed in proportions of one cement, 2 1/2 sand and five stone.
- E. Where it is necessary to cut pipe or specials, the cutting shall be done in such manner as will prevent cracking or breaking of the pipe longitudinally. Roughness of the cross section shall be ground to a smooth, even surface at right angles to the axis of the pipe and shall be satisfactory to the engineer. All rejected pipe shall be removed immediately from the work area.
- F. The contractor shall use care not to damage or interfere with the operation of any gas, sewer, other water mains, electrical or telephone conduits. If any damage results to any main or conduit the contractor must make immediate repairs. The contractor shall ascertain from representatives of the gas company the location of any existing gas mains and shall give the gas, electric and telephone companies 48 hours' notice in advance before uncovering any "active" mains.

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

§ 259-11. Regulations governing hydrants.

- A. Hydrants shall be ductile iron body, fully bronze mounted, and suitable for a working pressure of 150 pounds per square inch and shall be in accordance with the latest specifications of the American Water Works Association.⁵
- B. Hydrants shall be constructed in a manner permitting withdrawal of internal working parts without disturbing barrel or casing. They shall be provided with sliding frost cases or porous fill around barrel. Valve, when shut, shall be reasonably tight when upper portion of barrel is broken off. Valve opening shall be at least 4 1/2 inches in diameter, with net area of waterway at smallest part, with valves wide open, not less than 120% of valve opening. There shall be no chattering under any condition of operation.
- C. Each hydrant shall be tested to a hydrostatic pressure of 300 pounds per square inch with valve in both open and closed positions.
- D. The direction of opening shall be counterclockwise and cast on head of hydrant.
- E. All hydrants shall have two two-and-one-half-inch hose connections and one five-inch steamer connection, and one six-inch bottom connection to the main, which shall have five feet of earth cover.⁶
- F. Hose nipples shall be bronze or noncorrosive metal and threads shall be "National Standard." Nipple caps shall be securely chained to the barrel.
- G. To prevent freezing, a noncorrosive drip valve must be provided to drain the barrel of the hydrant when the main valve is closed.
- H. Hydrants shall be painted one coat of weather-resistant paint and approved by the engineer. The final coat shall be Sonneborn's Hydrant Enamel or approved equal. The make shall be Eddy Clow T-2640 or approved equal.⁷
- I. Hydrants shall be set on a precast concrete slab 15 inches square and six inches thick. Extra soil shall be excavated around and under the hydrant and this space filled with one inch stone or gravel. The hydrant bottom shall be securely blocked in position to prevent blowing-off the main line.

§ 259-12. Regulations governing gate valves.

- A. Gate valves shall be ductile iron body, fully bronze mounted double disc, parallel seat valves with hob or flanged ends. All buried valves shall be nonrising stem type with a two-inch square operating unit and adjustable ductile iron valve boxes and covers suitable for pipe cover of five feet.⁸
- B. Gate valves shall open counterclockwise.

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

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

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

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

- C. Gate valves shall be Eddy Clow T-6100 or approved equal and shall be suitable for working pressure of 200 pounds per square inch and shall be tested at 400 pounds per square inch.⁹

§ 259-13. Valve boxes.

Valve boxes shall consist of cast-iron base, center section and top section with cover which shall be marked "Water." The top section shall be adjustable for elevation and shall be set to allow equal movement above and below finished grade. The base shall be centered over the valve and shall rest on compacted backfill. The top of the base section shall be approximately on line with nut at top of valve stem and the entire assembly shall be plumb.

§ 259-14. Water laterals.

As water pipe is installed in the development of Town highways, all laterals shall be laid to the front line of each lot, before roadway pavement is constructed.

§ 259-15. Regulations governing hydrostatic tests.

- A. The contractor shall provide all necessary equipment and shall perform all work required in connection with the tests.
- B. Each section tested shall be slowly filled with water, care being taken to expel all air from the pipes. If necessary, the pipes shall be tapped at high points to vent the air.
- C. The required pressure as measured at the point of lowest elevation shall be applied for not less than 1/2 hour, and all pipe, fittings, valves, hydrants and joints shall be carefully examined for defects. Leaking lead joints shall be removed. Other types of leaky jointing shall be made watertight.¹⁰
- D. No pipe installation will be accepted unless and until leakage (evaluated on a pressure basis of 150 pounds per square inch) is less than 100 U.S. gallons per 24 hours per inch normal diameter for pipe of twelve-foot lengths, 75 U.S. gallons for sixteen-foot lengths, and correspondingly varied for other lengths of pipe.
- E. Evaluation of the actual leakage to the leakage under the assumed basic pressure of 150 pounds per square inch shall be calculated by the application of the ratio determined by the square root of the respective pressures.

§ 259-16. Sterilization of completed line required.

- A. Before being placed in service the entire line shall be chlorinated. Chlorine may be applied by the following methods: liquid chlorine.¹¹

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

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

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

- B. The chlorinating agent shall be applied at the beginning of the section adjacent to the feeder connection and shall be injected through a corporation cock, hydrant or other connection insuring treatment of the entire line.
- C. Water shall be fed slowly into new line with chlorine applied in amounts to produce a dosage of 100 parts per million (ppm). Mains previously filled shall be treated to a concentrated dosage at intervals along the line and retained for a period of eight hours or more. A residual of not less than five parts per million (ppm) shall be produced in all parts of the line.¹²
- D. During the chlorination process, all valves and accessories shall be operated.
- E. After chlorination, the water shall be flushed from the line at its extremities until the replacement-water tests are equal, chemically and bacteriologically, to those of the permanent source of supply.¹³

§ 259-17. Approval of materials.

Materials may be used if accompanied by manufacturer's certificate of compliance, pending any tests that may be made by the engineer.

§ 259-18. Penalties for offenses. ¹⁴

Any person violating any provision of this article shall be punishable, upon conviction, by a fine of not more than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment.

ARTICLE II
Water Usage Regulations
 [Adopted 2-21-1961 (Ch. 46 of the 1966 Code)]

§ 259-19. Applicability.

The following rules and regulations shall govern the use of water in the water districts in the Town of Glenville, Schenectady County, New York.

§ 259-20. Permits, compliance required.

The rules and regulations and rates described are hereby established for the issue of permits for the enforcement of the various sections herein, for the regulation and control of all matters concerning, affecting or relating to the use of water, the collection of water rents and for the kind of materials to be used in connection with work or pipes and mains and the kind of

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

13. Editor's Note: Original Subsection F, Liquid chlorine, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

plumbing, fixtures and materials to be used in connection therewith. Every person who shall be supplied with water must agree to comply and must comply with the sections of this article and the rates adopted for the use of said water and to pay the water rates adopted in connection therewith.

§ 259-21. Application, inspection and fee. [Amended 12-7-1965¹⁵]

- A. Applications for permits to connect service or supply pipes with either the water district mains or curb connections must be made in writing at the office of the Water Department by the owner of the premises or his agent on blank forms prepared for that purpose. The owner or agent must furnish the Water Inspector the correct street or lot number as taken from the deed and shall pay in advance the permit fee as set from time to time by resolution of the Town Board.¹⁶ No work shall be covered until inspected by the Water Inspector. No work will be inspected until a request by the owner or agent is made in writing to the Water Inspector and a request for inspection is given at least 24 hours in advance. Failure to comply by the owner or his agent with the directions of the Water Inspector to correct any defects of work or to carry out any directions shall constitute good and sufficient reason to refuse water service to the premises specified and the revocation of the permit.
- B. The permit before-mentioned shall also be required before interior plumbing connections are made in any home and before repairs or changes in any existing plumbing installation are made. Every new installation or change or alteration of plumbing shall be inspected before being closed in. All plumbing installations shall be in conformity with the New York State Uniform Fire Prevention and Building Code. Failure to obtain any permit or inspection shall be a violation of this article.

§ 259-22. New construction.

No extension or alteration of service pipes shall be made without the permission of the Commissioner of Public Works or designee.

§ 259-23. Opening pavement of street.

Before opening the pavement of any street for the purpose of making connection or repairs, a permit must be secured from the Town Superintendent of Highways. This permit will be issued subject to the rules, regulations and rates issued by the Town Superintendent of Highways.

§ 259-24. Discontinuance of use of water.

Any consumer desiring to discontinue the use of water must notify the Commissioner of Public Works or designee, who shall turn the water off at the curb and remove the meter; the

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

16. Editor's Note: See Ch. 139, Fees.

same to be reinstalled upon payment of a fee as set from time to time by resolution of the Town Board.¹⁷ No rebate will be made for any period of discontinuance of such use less than six months from the time of turning off the water by the Commissioner of Public Works or designee.

§ 259-25. Tapping mains.

No persons other than the one authorized by the Commissioner of Public Works or designee shall be permitted to tap with any main or distribution pipe.

§ 259-26. Payment for tapping main.

Payment for tapping the main shall be made in accordance with the rules printed on the water permit.

§ 259-27. Large cut-in connections. ¹⁸

If a larger connection than a one-inch tap is required, a ductile iron pipe service not less than two inches in diameter shall be installed by the water district according to its rules and regulations, with material to be furnished by said water district. All such services shall have a gate valve placed in the service pipe near the street main. The Commissioner of Public Works or designee shall have exclusive control of such gate. The owner shall be billed for this work at the actual cost of labor, material and pavement replaced.

§ 259-28. Plumbers.

The Commissioner of Public Works or designee may refuse to recognize or to grant water connection permits to any plumber who shall heretofore have violated any of the provisions of the rules and regulations.

§ 259-29. Service pipes and fittings. ¹⁹

- A. The corporation stop, curb cock and curb box must be purchased from the Commissioner of Public Works or designee, and water will not be turned on service in which these fittings have been supplied from any other source.
- B. The service from curb cock into the premises shall be Type K copper or other approved materials.

17. Editor's Note: See Ch. 139, Fees.

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

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

§ 259-30. Number of services.

In no case shall permission be granted to supply two or more premises from a single tap, nor shall there be more than one service supply pipe to any premises without special permission in writing from the Commissioner of Public Works or designee.

§ 259-31. Installation of service pipes.

- A. Service pipes shall be required to be laid so as to be no less than five feet below the surface of the earth at any point outside of the foundation wall of the building into which the service is to be introduced. In case the final grade of the street or sidewalk had been officially determined and established, then the service pipe shall be laid at a depth of not less than five feet below said established grade at all points, so that when the street and walk are graded there shall be not less than five feet covering of earth over it at every point, and in no case shall a service pipe be permitted to be laid in the same trench with a gas, steam, electrical or other conduit.
- B. The Commissioner of Public Works or designee or his inspector shall inspect service pipes before trenches are backfilled. When a trench is backfilled before an inspection is made, water will not be turned into the service line.

§ 259-32. Defective service.

In all premises where water from the mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and fixtures are not of the standard pattern prescribed in the rules and regulations of the Town Board, or where such devices and fixtures for the prevention of damage to the service or of waste of water, as are prescribed in said rules and regulations, are lacking from said system, the owners of said premises shall, at any time when so ordered by the Commissioner of Public Works or designee, make such changes in and additions to said system or fixtures for said water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.

§ 259-33. Protection from freezing.

- A. Service pipes in buildings shall be located in the parts thereof best protected from frosts. In buildings where there is no cellar, the pipes shall be carried to the center of the building or to an unexposed part, previous to being carried upward.
- B. In all cases where the service pipe passes through areas or basements having windows, gratings or traps open to the weather, the openings shall be closely covered and the windows and doors closed to the outside during the cold weather. In all exposed situations, the service pipes and fixtures shall be properly wrapped with felt or other nonconducting substance and surrounded by a box packed with nonconducting substance, and if necessary to protect said service from freezing, said protection shall be at the expense of the owner, and in case he neglects to protect his service as aforesaid, the Commissioner of Public Works or designee may shut off the water therefrom. It shall be

the duty of the plumber to protect from frost in compliance with this rule all work done by him. He will not be released from the responsibility as to this duty by having the owner protect such work for him.

§ 259-34. Town liability.

The Town of Glenville shall not be liable for any damage or loss of any kind, to property or persons, which may arise from or be caused by any change in or increase of water pressure from any cause whatever.

§ 259-35. Limitation of use.

Consumers shall use water subject to the following limitations:

- A. Water may be used for sprinkling purposes unless prohibited by the Commissioner of Public Works or designee. The Commissioner of Public Works or designee may, whenever he deems it advisable, prohibit the use of water entirely for sprinkling or for any other purpose other than household consumption, and the Commissioner of Public Works or designee may fix hours during which water may so be used, and shall cause to be published in the official newspaper of the Town a notice setting forth the hours during which the public may use water for other than household consumption. No person will be allowed to sprinkle premises opposite or adjoining his own.²⁰
- B. Any person who shall be found guilty of violating this section shall be guilty of a misdemeanor.

§ 259-36. Waste of water.

Water must not be used for any other purpose on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks.

§ 259-37. Temporary lines. ²¹

If water mains are laid in streets having temporary lines, the owner or owners must immediately disconnect these temporary lines and make new connection at no expense to the Town or any water district. Backflow protection shall be provided as set forth in Article IV, Cross-Connection Control, of this Chapter 259.

§ 259-38. Supply to contractors; fee. ²²

20. Editor's Note: Original Subsection B, re: hose specifications, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

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

Water shall be furnished to builders or contractors as such for construction purposes only upon application to the Commissioner of Public Works or designee for, and receiving, a permit therefor in writing. Said application shall state in detail the uses for which water is desired, the name of the owner of the property and the street number, name of plot and the lot on which water is to be used. A fee as set from time to time by resolution of the Town Board²³ will be charged for the use of water for building purposes for each single dwelling. Permits under this rule shall terminate on November 1 of each year and may be revoked at any time by the Commissioner of Public Works or designee. Any person who shall be found guilty of using water or making connections with hydrants contrary to the provisions of this section shall be guilty of a misdemeanor.

§ 259-39. Meters. ²⁴

All water furnished to consumers shall be measured by meters purchased from the Commissioner of Public Works or designee and paid for by these consumers. Said meters shall become the property of the water districts in which they are installed. The cost of repairing any water meter shall be a charge against the consumer.

§ 259-40. Seals.

All meters installed by the Commissioner of Public Works or designee shall be sealed, and seals must not be broken by others than regular employees of the Town.

§ 259-41. Removal.

No meter shall be removed or disturbed by other than regular Town employees directed by the Commissioner of Public Works or designee.

§ 259-42. Testing. ²⁵

Upon application therefor accompanied by a uniform fee as set from time to time by resolution of the Town Board,²⁶ the owner or occupant of any property to which water is being furnished shall be entitled to have tested the meter through which said water is being measured. In the event such test shows said meter measures accurately within the limits established by the United States Bureau of Standards, then said application fee shall be retained by said district, otherwise it shall be returned to the person making the application and paying the fee.

23. Editor's Note: See Ch. 139, Fees.

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

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

26. Editor's Note: See Ch. 139, Fees.

§ 259-43. Reading of meters. [Amended 12-15-1993]

The Commissioner of Public Works or designee will read or cause to be read all water meters during the month of April of each year. For the purpose of this article, water rents shall be computed for one-year periods beginning April 1 and ending March 31 of each year.

§ 259-44. Collection of rents. [Amended 12-15-1993]

Water rents shall be paid annually and shall be due and payable in June of each year without penalty. After the 30th day of June, a penalty shall be added at the rate of 5%.

§ 259-45. Unpaid rents. [Amended 12-15-1993]

All water rents remaining unpaid after the 31st day of July in each year shall be added to and become a part of the general tax bill and shall carry an additional penalty of 5% and shall be collected with the following January Town tax.

§ 259-46. Cutting off supply.

In the event the Town Board shall deem it necessary in order to enforce the collection of water rents, it may elect and determine that the supply of water will be cut off and the use of such water disconnected as to any consumers of water who shall be in arrears for the period of 60 days after the same shall become due and payable. If the Town Board shall elect to shut off such supply of water, it shall cause to be served upon such consumers so in arrears a written notice to the effect that they are in arrears and that their water supply will be cut off unless, within 15 days after the service of such notice, such water rents are paid in full. Upon expiration of the fifteen-day period, it shall be the duty of the Commissioner of Public Works or designee to forthwith cut off the water supply of such consumers failing to comply with such notice by omitting to pay their rent so in arrears.

§ 259-47. Penalties for offenses. ²⁷

Any consumer violating any of the provisions of this article other than the payment of the rents provided for herein shall be liable to a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment, for each such violation.

§ 259-48. Payment for materials, equipment and services furnished by Town.

Payment for corporation stop, curb cock, curb box, water meter, cutting pavement and tapping of the main shall be paid for by the owner, and in default of such payment, the water supply will be shut off until such payment is made.

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

§ 259-49. Opening of fire hydrants. ²⁸

All street hydrants are under the control of the Commissioner of Public Works or designee. No person except an authorized agent or the Commissioner of Public Works or designee or a person holding a written permit signed by the Commissioner of Public Works or designee shall disturb any hydrant or any part thereof or take any water therefrom under any circumstances whatever, and any person who violates this provision shall be liable to a penalty as provided herein, and in addition thereto he shall pay to the Commissioner of Public Works or designee, on behalf of the water district involved, any damage done to said hydrant or the cost of restoring the same to its proper condition.

§ 259-50. Damage to fire hydrants. ²⁹

In case any damage to a street hydrant is done by any person taking water from said hydrant, such person shall pay such damages and all cost and expenses that may be incurred by reason thereof; on demand of the Commissioner of Public Works or designee.

§ 259-51. Obstructions; penalties. ³⁰

Any person placing any obstruction that will prevent free access to any fire hydrant shall be liable to a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

§ 259-52. Valves.

No person except an employee of the Town or Commissioner of Public Works or designee shall open, close or in any way interfere with any valve or gate in any water main, conduit or street pipe. Any person violating this section shall be guilty of a misdemeanor.

§ 259-53. Valve box.

Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or has covered a valve box or a valve chamber with dirt, paving, plank or other material, shall immediately replace the valve box and remove the obstruction. Any person violating this section shall be guilty of a misdemeanor.

§ 259-54. Service pipes maintained. [Amended 6-3-1969; effective 6-19-1969]

The owner of property to which water is introduced by a service pipe will be required to maintain in perfect order at his own cost and expense the service pipe from the curb box through his own premises, including all fixtures therein provided for delivering a supply of water for any purpose. The curb box must be kept in view and the top thereof even with the

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

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

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

surrounding grade at all times, and in serviceable condition. In case such service and fixtures are not kept in repair, the water may be shut off from the premises until the requirements of this section are complied with or the Commissioner of Public Works or designee may make the necessary repairs to conform to this section, charge the cost thereof to the owner of such property and shut off the water to such property until such charges are paid. If the cost of such necessary repairs made by the Commissioner of Public Works or designee are not paid within 60 days after being charged to the owner of such property, such cost shall be assessed against the property, which assessment shall constitute a lien and charge on such property and shall be collected as provided by law for the collection of delinquent taxes.

§ 259-55. Turning on water without permit.

No person or persons, without permission of the Commissioner of Public Works or designee or other authorized agent of the Town, shall turn on any water service which has been shut off by the Commissioner of Public Works or designee or such other authorized agent.³¹

§ 259-56. Inspectors may enter premises.

The Commissioner of Public Works or designee or any other employee designated by the Town Board may enter and must be permitted to enter upon any premises where water is being supplied, or upon any premises when application is made for a permit to connect plumbing and fixtures of the water service and all work in connection with such service.

§ 259-57. Scope.

Any provision of this article shall not be construed as in any way amending or affecting an ordinance of the Village of Scotia under which water is or may in the future be furnished by the Village of Scotia to water districts within the Town of Glenville, and insofar as any of the provisions contained in said ordinance of the Village of Scotia are inconsistent with this ordinance, the provisions of said ordinance of the Village of Scotia applicable thereto shall prevail.

§ 259-58. Penalties for offenses. [Added 12-7-1965³²]

Any violation of this article is hereby declared to be an offense and shall be punishable by a fine not to exceed \$250 and/or imprisonment for not more than 15 days for each separate violation.

31. Editor's Note: Original § 46-37, Residential swimming pools, and § 46-38, Public swimming pools, both of which followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

ARTICLE III
Regulations Applicable to Water District No. 11
[Adopted 4-6-1965 (Ch. 46, Art. II, of the 1966 Code)]

§ 259-59. Applicability.

The following rules and regulations will apply only to Water District No. 11 and shall be in addition to the rules and regulations established in Article II of this chapter. In any case where this article contradicts the article mentioned, this article shall govern.

§ 259-60. Enforcement; violations.

This article shall be enforced by the Commissioner of Public Works or designee of the Town of Glenville or, in the event that there is no Commissioner of Public Works or designee, by such person as designated as enforcement officer by the Town Board of the Town of Glenville. Any violations of the terms of this article shall be considered misdemeanors.

§ 259-61. Adoption of additional rules.

The Town Board of the Town of Glenville may adopt additional rules and regulations for such water district as may be necessary after due notice as required by law.

§ 259-62. Laterals.

No laterals may be installed and connected to the mains of Water District No. 11 except under the following conditions:

- A. The engineer for the system shall report completion by sections of the system so that it is safe to connect various premises. He will determine the composition of a section. He will not report each system complete until the main has been installed, flushed, chlorinated, flushed again and tested.
- B. After the above steps have been completed, owners shall apply to the Town Clerk for a permit for those homes not connected to a previously existing water district. The owner, or his agent, when applying for a permit, must furnish the correct street or lot number and front footage of his premises (both sides when a corner lot).
- C. After receipt of a permit, the owner or agent may contract with a private contractor to dig laterals under the following regulations: connections to main line should be three-fourths-inch or one-inch; be made of Type K copper tubing from curb cock to building; be a minimum of five feet deep; include a gate valve in cellar, street side of meter. Meters should be kept readily accessible to meter readers, and the curb box is to be maintained by property owner.
- D. After the lateral has been completed, the Commissioner of Public Works or designee should be notified and the water may be turned on only by the Commissioner of Public Works or designee and after an inspection at each installation. This inspection should be made under the following conditions:

- (1) Before the lateral has been backfilled.
 - (2) Each installation shall have a No. 2 meter and backflow device that are working.³³
 - (3) There shall be no cross-connections to existing wells or other systems, and there shall be no submersible inlets.
- E. Those premises located in a previous water district must be inspected for cross-connections and submersible inlets. This inspection will be at the initiation of the Commissioner of Public Works or designee and the inspection will be made by the Commissioner of Public Works or designee.
- F. Violation. Failure to comply by the owner or his agent with the directions of the Commissioner of Public Works or designee shall constitute good and sufficient reason to delay water service to any premises and will constitute a violation of this article.
- G. All service laterals larger than one inch belong to the property owner.³⁴

ARTICLE IV
Cross-Connection Control
[Adopted 5-4-2005 by L.L. No. 1-2005]

§ 259-63. Purpose.

The purpose of this article is:

- A. To protect the public potable water supply of the Town of Glenville from the possibility of contamination by isolating within its customer's internal distribution system or its customer's private water system such contaminations or pollutants which could backflow into the public water supply system; and
- B. To comply with the requirements of the New York State Sanitary Code 5-1.31.

§ 259-64. Definitions.

For the purpose of this article, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

AIR GAP SEPARATION — A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than one inch.

APPROVED CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be

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

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

bronze or other noncorrodible, nonsticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED DOUBLE-CHECK VALVE ASSEMBLY — An assembly of at least two independently acting approved check valves including tightly closing shutoff valves on each side of the check valve assembly and suitable test cocks plus connections available for testing the watertightness of each check valve.

APPROVED REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE — A device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the check valves shall be less than the supply pressure. In case of leakage of either valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged.

APPROVED WATER SUPPLY — Any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, City of Schenectady or the Town of Glenville. In determining what constitutes an approved water supply, the Department of Public Health of the State of New York (herein called "State Health Department") shall have the final judgment as to its safety and potability.

AUXILIARY WATER SUPPLY — Any water supply on or available to the premises other than the Town water supply.

COMMISSIONER — Commissioner of Public Works of the Town of Glenville, or his authorized representative.

CONSUMER — Any person to whom water is sold and furnished from the Town of Glenville.

CONTAMINATION — An impairment of the quality of the Town water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree which creates a hazard to the public health.

CROSS-CONNECTION — Any unprotected connection between any part of the Town waterworks system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

NONTOXIC SUBSTANCE — Any substance of a nonpoisonous nature that may create a moderate or minor hazard to the water supply system.

PERSON — Any natural person, firm, association, organization, partnership, trust or association or persons, joint venture, corporation, or company, and includes the United States, the State of New York, the County of Schenectady, any special purpose district, and any officer or agent thereof.

PREMISES — Integrated land area including improvements thereon undivided by public thoroughfares or water distribution mains of the Town of Glenville and where all parts of the premises are operated under the same management and for the same purpose.

PROTECTIVE DEVICE — Any of the following devices:

- A. Air gap separation.
- B. Approved reduced pressure principle backflow prevention device.
- C. Approved double-check valve assembly.

SERVICE CONNECTION — The terminal end of a service connection from the Town water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected takeoffs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.

SHALL — Is mandatory; "may" is permissive.

TOWN — Town of Glenville.

TOWN WATER SUPPLY — Approved water supply sold and delivered to consumers' premises through the waterworks system of the Town of Glenville.

TOXIC SUBSTANCE — Any substance (liquid, solid or gaseous), including raw sewage and lethal substances, that when introduced into the water supply system creates or may create a danger to the health and well-being of the consumer.

§ 259-65. Protection required; type of protection.

- A. Auxiliary water supply. Each service connection from the Town water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the Town water supply.
 - (1) If the auxiliary water supply is handled in a separate piping system with no known cross-connection, the Town water supply shall be protected by an approved double-check valve assembly installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the Commissioner may order the Town water supply protected by an air gap separation or an approved reduced pressure principle backflow prevention device installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the Commissioner may order the Town water supply protected by an air gap separation or an approved reduced pressure principle backflow prevention device installed at the service connection.
 - (2) If the auxiliary water supply is handled in a separate piping system and cross-connections are known to exist between the Town water supply and the auxiliary water supply which cannot presently be eliminated, the Town water supply shall be protected by an approved reduced pressure principle flow prevention device installed at the service connection to the premises. When the

auxiliary supply may be contaminated the Commissioner may order the Town water supply protected by an air gap separation installed at the service connection.

- B. Toxic or hazardous substances. Should a facility be rated hazardous, a reduced pressure zone device would be required independent of a separate system handling the auxiliary water system. We would also require a reduced pressure zone device if the facility were rated nonhazardous and the auxiliary water system did not meet the water quality requirements of the Sanitary Code.
- C. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Town water supply is handled in such a manner as to constitute a cross-connection, the Town water supply shall be protected by an approved double-check valve assembly.

§ 259-66. Discontinuation of water service; notice.

- A. Except as provided in Subsection A(3), delivery of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state:
 - (1) The conditions or defects which must be corrected;
 - (2) The manner in which the stated conditions or defects are to be corrected; and
 - (3) The date on or after which delivery of water will be discontinued, and which shall not be less than 15 nor more than 90 days following the date of delivery of mailing of the notice. The Commissioner may grant the consumer an extension of an additional period not to exceed 90 days if he determines the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.
- B. The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of, or employed in, the place of business of the consumer; or, if the consumer has no place of business, then at the place of residence of the consumer if known, or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found, service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of consumer for water service in the records of the Town.
- C. Once discontinued, delivery of water shall not be resumed until any protection device required by this article and approved by the Commissioner has been properly installed, or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the Commissioner.

§ 259-67. Right of entry.

For the purpose of making any inspections or discharging the duties imposed by this article, the Commissioner shall have the right to enter upon the premises of any consumer. Each

consumer, as a condition of the continued delivery to his premises of water from the Town water supply, shall be considered as having stated his consent to the entry upon his premises of the Commissioner for the purposes stated herein.

§ 259-68. Presently installed devices.

All presently installed prevention devices which do not meet the requirements of this article but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall except for the inspection and maintenance requirements under § 259-69, be excluded from the requirements of these rules so long as the Commissioner is assured that they will satisfactorily protect the Town's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this article.

§ 259-69. Enforcement; penalties for offenses.

- A. Violations. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any premises in violation of any provision of this article or to fail in any manner to comply with a notice, directive or order of the Commissioner of Public Works, Town Engineer, Superintendent of Water, Sewer and Solid Waste, the Town Building Inspector, or the designee of any one of the them, requiring compliance with this article.
- B. Penalties. Any person, firm or corporation who shall fail to comply with a written order of the Commissioner of Public Works, Town Engineer, Superintendent of Water, Sewer and Solid Waste, the Town Building Inspector, or the designee of any one of them, within the time fixed for compliance therewith, and any person, firm or corporation who shall violate any of the applicable provisions of this article shall be guilty of a violation which shall be punishable by a fine of \$500. Each day that a violation continues shall be deemed a separate offense.

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[HISTORY: Adopted by the Town Board of the Town of Glenville 4-4-2001, as revised 5-15-2002 and 3-17-2004. Subsequent amendments noted where applicable.]

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Alternate members of Planning Board and Zoning Board of Appeals — See Ch. 9.	Massage businesses — See Ch. 175.
Animals — See Ch. 88.	Mobile home parks — See Ch. 184.
Blasting — See Ch. 97.	Individual septic disposal systems — See Ch. 213.
Building construction and fire prevention — See Ch. 101.	Sewers — See Ch. 217.
Environmental quality review — See Ch. 132.	Sidewalks — See Ch. 221.
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Flood damage prevention — See Ch. 151.	Street standards — See Ch. 238.
Freshwater wetlands — See Ch. 156.	Subdivision of land — See Ch. 242.
	Water — See Ch. 259.

**ARTICLE I
Purpose**

§ 270-1. Intent.

- A. This chapter, which includes both the zoning text and the Zoning Map, has been adopted in order to advance the goals, policies, and recommendations of the Town of Glenville Comprehensive Plan. The Comprehensive Plan serves as the planning policy document for the Town of Glenville, while this chapter establishes land use regulations to advance these policies. It is the intent of the Town of Glenville Town Board that all planning and zoning decisions be made in accordance with the Comprehensive Plan and/or a comprehensive planning process.
- B. In general terms, this chapter is adopted as a means to protect the health, safety, and general welfare of the Town and its residents. It has been designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to make provision for, so far as conditions permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public amenities and infrastructure.
- C. This chapter has also been crafted to encourage certain types of development in areas where the land is well suited for such development, and/or where such development has already occurred, and/or where infrastructure is available to support both the type and intensity of the proposed use. In encouraging development in designated areas, it is the intent that nearby properties and/or neighborhoods are not significantly impacted as a result, either through environmental impacts, visual effects, or through a reduction in property values.

§ 270-2. Objectives.

In addition to the above general purposes, this chapter, either directly or indirectly, is designed to advance the following objectives:

- A. Maintain the quality and quantity of the Town of Glenville and Village of Scotia's drinking water via protection of the underlying Schenectady (Great Flats) Aquifer. This is to be accomplished by preventing the siting of potentially harmful land uses over the recharge areas of the aquifer, and by minimizing pollution threats to streams and rivers that comprise the aquifer's watershed.
- B. Protect various natural features throughout the Town, including state and federal wetlands, flood-prone areas, stream corridors, and view sheds known to be important to the community and/or region.
- C. Encourage the establishment of additional parklands, open space, and recreational opportunities.
- D. Maintain the rural character of those areas in western Glenville where public water has not been installed, and/or where soil conditions, slopes, and/or the presence of environmentally sensitive features pose limitations to development.
- E. Preserve scenic vistas known to be important to local residents as well as passersby, particularly in western Glenville where the topography is visually appealing, and wherever unspoiled views of water bodies are present.
- F. Preserve historic structures and maintain areas and buildings of distinctive character.
- G. Minimize traffic congestion, particularly along arterials and collector roads that are meant to serve through traffic (i.e., NYS Route 50, NYS Route 5, NYS Route 147, Glenridge Road, Freemans Bridge Road, Maple Avenue, Alplaus Avenue, Swaggertown Road, etc.). This is to be accomplished via the minimization and/or consolidation of curb cuts, encouragement to build access roads, maximization of sight distance for new driveways along these roads, etc. as part of the review of planning and zoning-related applications.
- H. Increase housing options so as to accommodate a broader spectrum of demographic groups, including senior citizens, single-parent households, minorities, young married couples, and other low- to moderate-income socioeconomic groups.
- I. Decrease the property tax burden upon residents by increasing the nonresidential tax base through well-conceived and appropriately scaled and located commercial and industrial development.
- J. Provide additional appropriately scaled and sited recreational and commercial development opportunities along the Mohawk River so that the public may benefit from improved access to this resource.
- K. Foster community identity and character by focusing on the Route 50/Glenridge Road area known as the "Town Center." This is to be accomplished by encouraging a pedestrian-scale, downtown-type development scenario through the construction of sidewalks, access roads, bicyclist accommodations, public open space, increased landscaping, aesthetically pleasing building design standards, minimization and

standardization of sign design and construction, the location of parking to the side and rear of buildings, etc.

- L. Improve the appearance of the Town through the use of building design standards, particularly in the Town Center area, along commercial corridors, and in the gateway areas of the Town where motorists are exposed to a first impression of Glenville.
- M. Encourage pedestrian and bicycle design features and structures throughout the commercial and higher density residential areas of Glenville.
- N. Ensure that development and building activities on the border of other municipalities do not conflict with existing land use patterns of those adjacent municipalities. This is particularly true along the borders of the Village of Scotia.

ARTICLE II Terminology

§ 270-3. Definitions.

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

ABANDON — To voluntarily cease the use and maintenance of land, buildings or structures which have been a nonconforming use, or to change from one nonconforming use to another, or to a conforming use.

ABOVEGROUND STORAGE FACILITY — Any tank, pipe or vessel, used singularly or in combination, at least 90% of which is above the surface of the ground and is used for the purpose of material holding, storage or containment.

ABOVEGROUND STORAGE TANK — Any stationary tank which is not entirely covered with earth or other material, or any tank which can be inspected in a subterranean vault.

ACCESSORY APARTMENT — A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping.¹

ACCESSORY BUILDING OR STRUCTURE — A building or structure devoted to an accessory use that is located at least 10 feet from the principal building and on the same parcel as the principal building. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered part of the principal structure. [Added 4-5-2006 by L.L. No. 3-2006; amended 9-3-2008 by L.L. No. 4-2008]

ACCESSORY USE — A use which is: [Amended 9-3-2008 by L.L. No. 4-2008]

- A. Conducted or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this chapter; and is

1. Editor's Note: The former definition of "accessory building, detached," which immediately followed this definition, was repealed 9-3-2008 by L.L. No. 4-2008.

- B. Clearly incidental to, subordinate to, and serves the principal use; and is
- C. Either in the same ownership as the principal use or is clearly operated or maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

ACCESS ROAD — A paved surface, other than a publicly owned street, which provides vehicular access from a street or private road to a lot.

ACT OF NATURE — An extraordinary and unexpected natural event, such as a hurricane, tornado, earthquake, blizzard, flood, mudslide, lightning strike, etc. **[Added 9-3-2008 by L.L. No. 4-2008]**

ADULT BOOKSTORE — An establishment or business, whether retail or wholesale, having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes for sale or viewing on premises, and which establishment is customarily not open to the public generally, but excludes any minor by reason of age due to the presence of sexually explicit materials.

ADULT ENTERTAINMENT CABARET — A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainers, and which establishment customarily excludes any minor by reason of age.

ADULT THEATER — A theater that customarily presents motion pictures, films, videotapes or slide shows, and which establishment customarily excludes any minor by reason of age due to the sexually explicit nature of the pictures, shows, etc.

ADULT USE — Any establishment or business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, including but not limited to adult bookstores, adult theaters, and adult entertainment cabarets.

ADVERTISING SIGN — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. **[Added 4-5-2006 by L.L. No. 3-2006]**

AFFORDABLE HOUSING — One or more residential dwelling units made available for sale or rent at a price established in conformance with §§ 270-87E and 270-87F.

AGGREGATE INCOME — The gross annual income of all members of a household from any source whatsoever for the last full calendar year, excluding the earnings of working minors attending school full-time.

AGRICULTURE — The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

AIRPORT — Any area of land which is used for or intended for the landing or taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or

taxiways, aircraft facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMENDED SOIL — Soil brought to a development site to enhance plant growth. Exact composition may vary but typically contains approximately 33% clay, 33% silt, and 33% sand.

APARTMENT — A building or portion of a building providing complete housekeeping facilities for one family, in which the occupants do not own the building.

ARCADE — A repetition of arches lined up for a porch or roof over a portico, side aisle, or structural system.

ARCHEOLOGICAL INVESTIGATION — The investigation of cultural resources is divided into three phases varying in intensity and detail. The phases are as follows:

A. Phase I: Reconnaissance.

- (1) Phase IA: Literature Search and Sensitivity Study.
- (2) Phase IB: Field Investigation.

B. Phase II: Site Evaluation.

C. Phase III: Data Recovery.

AREA, LAND — The term "land area," when referring to the required area per dwelling unit means "net land area," the area exclusive of street and other public open space.

AREA VARIANCE — The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

ASSISTED-LIVING FACILITY — A nonmedical institution occupied primarily by senior citizens in which room, board, laundry, some forms of personal care, and often recreational services are provided. Assisted-living facilities are licensed by the New York State Department of Health. Assisted-living facilities exist under several names, including independent living facilities, assistive-living facilities, domiciliary care facility, care home, community-based care facility, residential care facility, etc. Nursing homes and convalescent homes are not considered assisted-living facilities.

AUTOMOBILE DEALERSHIP — Establishments primarily engaged in the retail sale of new vehicles where service and repairs are incidental to the use. Sale of used vehicles is permitted but can consist of no more than 20% of the total number of vehicles for sale.

AUTOMOBILE REPAIR SHOP — Any area of land, including any structure or structures thereon, that is or are used or designed to be used for the general repair of motor vehicles.

This shall include mechanical and electrical repair, body and fender work, body alignment, welding repairs and painting of vehicles.

AVERAGE LIVABLE FLOOR AREA — The area, in square feet, of all floor levels of any dwelling unit, measured from the inside of all walls. In calculating this figure, all porches, patios, garages, breezeways, terraces and other attached and detached accessory buildings or structures shall be excluded.

BALUSTER — A small bulging column, supporting a parapet.

BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes. For the purposes of this chapter, a basement is not the same as a "cellar" (see "cellar" definition).

BED-AND-BREAKFAST ESTABLISHMENT — A house, or portion thereof, where short-term lodging rooms and meals are provided.

BILLBOARD — A structure used for display or which directs attention to a business, commodity, service or entertainment generally conducted, sold or offered elsewhere than upon the same lot where the billboard is located. ³

BONUS/INCENTIVE ZONING — A system by which explicit incentives or bonuses are granted on condition that specific physical, social, or cultural benefits or amenities would be offered to the community.

BUFFER AREA — A strip of land established to protect one type of land use from another land use that is incompatible in use and/or scale.

BUILDING — Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING, COMPLETELY ENCLOSED — A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or common walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED — A building surrounded by an open space on the same lot.

BUILDING ENVELOPE — The area within the required setbacks upon which buildings can be erected.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Rooftop HVAC units, refrigeration units, and similar features, if they are the highest point of the building, are to be measured in determining building height.

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

BUILDING PERMIT — A written authorization from the Building Inspector or Deputy Building Inspector allowing the construction, alteration, extension, or relocation of the building or structure.

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

BULK — The combined effect of the arrangement, volume and shape of a building or group of buildings; also called "massing."

BULK STORAGE — The holding or containment of dry, semi-dry or liquid materials in large quantities as defined in Environmental Conservation Law or in related sections of this chapter, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption. ⁴

CALIPER — The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at 12 inches above the ground for larger sizes.

CAMPGROUND — An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents and cabins. A campground is to be used for recreational purposes, and it is designed to foster an open air or natural character. Recreational equipment, rest rooms, camping equipment sales, and other facilities commonly associated with camping are permitted, but they must be clearly incidental to the primary use.

CARE HOMES — Facilities offering any of the following types of care:

- A. Skilled nursing care: includes, in addition to room and board, those nursing services and procedures employed in caring for the sick which require specialized training, judgment, technical knowledge and skills.
- B. Personal care: includes, in addition to room and board, personal assistance such as help in walking and getting in and out of bed; assistance in bathing, dressing and feeding; preparation of a special diet; and similar personal care.

CAR WASH — A building, or portion thereof, containing facilities for washing automobiles, using production-line methods or other mechanical devices; or providing space, water equipment, or soap for the complete or partial hand washing of automobiles, whether by operator or by customer.

CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. For the purposes of this chapter, a cellar is not the same as a "basement" (see "basement" definition).

CERTIFICATE OF OCCUPANCY — A written certificate issued by the Building Inspector or Deputy Building Inspector following an inspection which verifies that the provisions of this chapter have been met, that the plan, drawings, and specifications submitted with the building

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

permit have been complied with, and that the requirements of the New York State Uniform Fire Prevention and Building Code have been met.

CHANNEL — A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water.

CEILING RATE — Prices for ownership and rental housing which, if exceeded, would not qualify a housing unit as affordable housing.

CHLORIDE SALT — Any bulk quantities of chloride compounds and other deicing compounds, excluding liquid chlorides, intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over 8% of the mixture. If any portion of a bulk quantity of chloride compounds or chloride-and-sand mixture is intended for application to roadways, then the entire bulk quantity is road salt. A bulk quantity of chloride means a quantity of 1,000 pounds or more, but does not include any chloride compounds in a solid form, including granules, which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

CLEAR CUT — The indiscriminate removal of trees, shrubs or undergrowth, usually for the purpose of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

CLUB, PRIVATE — An organization catering exclusively to members and their guests, or premises and building for social, recreational, or athletic purposes, which are not conducted primarily for gain, provided there are no vending stands, merchandising or commercial activities except as required generally for the purpose of such club.

CLUSTERING — Refers to the efficient utilization of land by concentrating development in higher densities, while preserving large areas as open space. In subdivisions, this technique refers to reducing the average lot size of a subdivision while keeping portions of the subdivision undeveloped.

COMMERCIAL — An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMERCIAL SOLID WASTE FACILITY — A facility that receives any solid waste from off-site, except for municipally operated facilities.

COMMERCIAL VEHICLE — Every type of motor driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, including trailers and semitrailers, and tractors when used in combination with trailers and semitrailers, except where such vehicle is used as a recreational vehicle or is used on a day-to-day basis by a family.

COMMUNITY BENEFITS/AMENITIES — As used in Article XII of this chapter, community benefits/amenities refer to affordable housing. While the state's zoning statutes provide for cash payments in lieu of incentives such as affordable housing, developers should be aware that this option is not available in the Town of Glenville.

COMPREHENSIVE PLAN — A comprehensive statement, or part thereof, in words, maps, illustrations or other permanent media of communication setting forth the community objectives, policies and standards to guide and regulate public and private use of land, public facilities, housing and transportation.

CONDITIONAL USE PERMIT — An authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

CONDOMINIUM — An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

CONSTRUCTION — Clearing, dredging, excavating, and grading of land and other activity associated with the erection or expansion of buildings, structures, or other types of real property such as bridges, dams and roads. **[Added 9-3-2008 by L.L. No. 4-2008]**

CONSTRUCTION AND DEMOLITION DEBRIS — Solid waste resulting from the construction, remodeling, repair and demolition of structures and roads and solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm-related cleanup. Such waste includes but is not limited to bricks, concrete and other masonry materials, wood, wall coverings, plaster, drywall, plumbing fixtures, insulation, roofing shingles, asphalt pavement, glass, electrical wiring and metals that are incidental to any of the above.

CONTRACTOR'S SIGN — A sign identifying the architect, engineer or contractor placed upon the property when work is being performed during the course of construction only. **[Added 4-5-2006 by L.L. No. 3-2006]**

CONTRACTOR'S YARD — A lot or piece of land on which vehicles, tools and equipment used in construction by contractors are parked and/or stored. This term also includes contractor's office and storage buildings on site.

CORNER LOT — See "lot, corner."

CORNICE — The roof overhang; generally the edge.

COVERAGE — That percentage of the land area covered by the combined footprint of all buildings and structures, on that portion of the lot within the same zoning district as the main building.

CRITICAL ROOT ZONE — Includes the area within a radius equal to one foot for every one inch of diameter of the tree trunk (measured at breast height). The radius is measured outward from the trunk at ground level. The critical root zone is not the same as the dripline.

CULTIVAR — Plants that have been specifically propagated, either through cloning or from seed, to exhibit certain distinguishing characteristics such as fruitlessness, form, and pest/disease resistance.

CURB CUT PERMIT — Required approval from the New York State Department of Transportation for work conducted within the right-of-way of a state road.

DAY-CARE CENTER — A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to at least seven children, including children of the adult provider. For the purposes of this chapter, day-care centers are permitted within the following zoning districts by site plan review only: Suburban Residential, Multi-Family Residential, Professional/Residential, Community Business, and General Business.

dB(A) — The sound pressure level in decibels measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency component of sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

DBH (diameter at breast height) — Tree trunk diameter as measured in inches at a height of 4 1/2 feet above the ground or, in the case of a tree that is divided into multiple trunks below 4 1/2 feet, as measured at the most narrow point beneath the point of division.

DENSITY — The number of dwelling units per acre of land area.

DENSITY BONUS — The amount of additional density allowed in a development by the Town Board pursuant to Article XII of this chapter.

DIRECTIONAL SIGN — Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and which is placed on the property to which or on which the public is directed. Such a sign contains no advertising copy. [Added 4-5-2006 by L.L. No. 3-2006]

DRIPLINE — A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DRIVE-IN ESTABLISHMENT — A place of business being operated for the sale and purchase at retail of food and other goods, services, or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles, or which allows the consumption of any food or beverage in automobiles on the premises, or elsewhere on the premises, but outside any completely enclosed structure.

DUPLEX — See "dwelling, two-family."

DWELLING — A building, or portion thereof, but not a mobile home, designed or used exclusively for residential occupancy, including single-family dwellings and multiple-family dwellings, but not including hotels and motels.

DWELLING, ATTACHED — A dwelling which is joined to another dwelling at one or more sides by a common wall.

DWELLING, DETACHED — A dwelling which is entirely surrounded by open space on the same lot.

DWELLING, MULTIFAMILY — A building, or portion thereof, containing three or more dwelling units.

DWELLING, SINGLE-FAMILY — A building designed or used exclusively for occupancy by one family. Such dwelling may contain two dwelling units, if, and only if, it is constructed and operated as an accessory apartment, pursuant to § 270-51 of this chapter.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EASEMENT — A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

EAVES — The beam ends creating a cornice; the lower portion of a sloping roof, near the wall but projecting beyond as an overhang to drip water away from the walls.

EMPLOYEES — The maximum number of employees on duty at any one time, including shift changes, where the parking demand of overlapping shifts typically exceeds the demand of any one shift.

ENCLOSED MANUFACTURING — Any industrial process contained entirely within an enclosed building whereby the nature, size or shape of articles or raw materials is changed into a product which generally could be stockpiled and/or shipped by rail or truck.

EP TOXICITY — Extraction procedure toxicity, which is a federally specified test that is designed to identify wastes likely to leach hazardous concentrations of particular toxic constituents into the groundwater as a result of improper management.

FACADE — The outside face of a building.

FAMILY — One or more persons related by blood, marriage or adoption; also, up to 10 unrelated minors living in a group care facility run by a New York State approved public social agency, or mental hygiene agency or private nonprofit agency, occupying the premises and living as a single housekeeping unit. This term shall not be deemed to include a group occupying a boardinghouse, lodging house, club, fraternity, hotel or similar premises.

FAMILY CHILD-CARE HOME — A private residence where care, protection and supervision are provided, for a fee, at least twice a week to no more than six children at a time. For the purposes of this chapter, family child-care homes are not subject to the provisions herein; family child-care homes are to be treated as single-family homes.

FARM — Any parcel of land containing at least five acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels. It shall include trees and tree products.

FASCIA — The end of a cornice on a house.

FAST-FOOD RESTAURANT — See "restaurant, fast-food."

FENCE — A structure forming a barrier at finished lot grade between lots, between a lot and a street or alley, or between portions of a lot or lots.

FERTILIZER — Any commercially produced mixture generally containing phosphorus, nitrogen and/or potassium, which is applied to the ground to provide nutrients to plants.

FIRST FLUSH — The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid runoff of accumulated pollutants.

FLOATING ZONE — A zoning district that is established in this chapter but does not appear on the Zoning Map until it is actually in place. Until that particular district is established, in accordance with standards set forth in this chapter, it "floats" without actually regulating the use of any specific land.

FLOOD — A temporary rise in stream flow or stage that results in significant adverse effects in the immediate vicinity.

FLOODPLAIN — The land adjacent to a body of water that has been or may be hereafter covered by floodwater; often referred to as the "hundred-year floodplain," which denotes a one-percent chance of a flood occurring in any given calendar year.

FLOODPROOFING — A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

FLOOR AREA — See "gross floor area."

FLOOR AREA RATIO — Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

FUNGICIDE — Any substance used to destroy or inhibit fungus growth.

GARAGE, PRIVATE — Any structure at least 14 feet in width and 20 feet in length that is configured and situated such that it can accommodate an automobile.

GARAGE, PUBLIC — A garage conducted as a business. The rental of storage space for more than two passenger cars or for one commercial vehicle not owned by a person residing on the premises shall be deemed a business use.

GARAGE SALES — Every type of sale or offering for sale of 10 or more new, used or secondhand items of personal property at any one residential premises at any one time. The term "garage sale" shall include all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market," or any similar casual sale of tangible property which is advertised by any means whereby the public is or can be made aware of the sale.

GARDEN APARTMENT — A building, not over three stories in height, used principally for apartment dwelling units.

GASOLINE SERVICE STATION — Any lot, including structures thereon, that is used for the sale of gasoline, and any other motor vehicle fuel together with oil and other lubricating

substances, the sale of motor vehicle accessories, and may include facilities for lubricating, washing or other servicing and minor repair of motor vehicles, but shall not include painting, body work, storage, rental or sales of vehicles of any type.

GATEWAY — Major vehicular Town entranceway.

GENERAL AQUIFER RECHARGE ZONE — The land outside the primary recharge zone through which runoff and precipitation flow directly and rapidly into the ground, also to be known as "Zone III." (See Schenectady Aquifer Protection Zones Map, Plate #1, dated February 1990.)

GENERAL SERVICE — A commercial establishment, the primary concern of which is the rendering of service and repair activities on equipment and appliances rather than the sale of goods. Such establishments include but are not limited to watch, clock, radio, television, computer, home appliances, and bicycle repair. **[Added 9-3-2008 by L.L. No. 4-2008]**

GRADING AND LAND DISTURBANCE PERMIT — Required Town approval for all land alterations including grading, cutting, filling, vegetation removal, and building construction in which one acre or more of land is to be altered.

GREENSPACE — That portion of land shown on a development plan, Master Plan or Official Map the purpose of which is intended for open space preservation, recreation (active or passive), landscaping or parkland. Unless otherwise required by the Planning or Town Board, said lands shall be undisturbed and seeded and planted with appropriate materials or left in their natural state.

GROSS FLOOR AREA — The sum of the area enclosed by the outside faces of exterior walls surrounding each floor used for dwelling purposes, excluding any areas used for a garage, cellars, attics, porches (either open or enclosed), patios and breezeways. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production of processing of goods, or to business or professional offices.

GROUNDWATER — Any water beneath the land surface in the saturated zone of soil.

HANGING SIGN — Any sign suspended from a ceiling or overhang. **[Added 4-5-2006 by L.L. No. 3-2006]**

HAZARDOUS MATERIAL — Any substance listed in either 6 NYCRR Part 371, or 6 NYCRR Part 597, alone or in combination, including but not limited to petroleum products, organic chemical solvents, heavy metal sludge, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathogenic or infectious wastes or any material exhibiting the characteristics of ignitability, corrosivity, reactivity or EP toxicity.

HAZARDOUS WASTE FACILITY — A facility that receives any hazardous materials from off-site.

HEIGHT OF BUILDING — See "building height."

HERBICIDE — Any man-made substance used to destroy or inhibit plant growth.

HOME OCCUPATION — An occupation or profession which is clearly incidental and secondary to the use of the dwelling unit for residential purposes. See § 270-45, Home occupations, for requirements.

HOSPITAL — Unless otherwise specified, the term "hospital" shall be deemed to include a sanitarium, preventorium, clinic, and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOSPITAL, ANIMAL or VETERINARY CLINIC — An establishment for the temporary occupation by sick or injured animals for the purpose of medical diagnosis and treatment.

HOTEL or MOTEL — An establishment which is open to transient guests, in contrast to a boarding-, rooming, or lodging house, and is commonly known as a hotel or motel in the community in which it is located, and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, on-site restaurant, recreational facilities, and the use and upkeep of furniture.

HUMAN EXCRETA — Human feces and urine.

INTERMUNICIPAL WATERSHED RULES AND REGULATIONS BOARD — This Board is comprised of the chief elected official of each of the municipal jurisdictions in Schenectady County served by the Schenectady Aquifer and established to enforce and administer the Intermunicipal Watershed Rules and Regulations and to conduct the central review function of actions taking place within the designated protection zones. The Board was established by adoption of "An Agreement for Intermunicipal Cooperation for an Aquifer Protection Program," and was previously known as the "Watershed Committee."

INTERNAL BUFFERING — Landscaping or similar features intended to lessen the visual and environmental effect of large expanses of parking lots.

JUICE BAR — A public or private establishment which presents totally nude dancers, strippers, male or female impersonators or exotic dancers, or other similar entertainers, but does not serve alcoholic beverages of any kind, and which establishment customarily excludes any minor by reason of age.

JUNKYARD — The use of more than 20,000 square feet of any lot, or portion of a lot, outside of a building, for the storage, keeping, or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL — Any premises on which dogs or cats are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

KEYHOLE/FLAG LOT — A lot or parcel with less frontage on a public street than is required by the restrictions of the zoning district in which it is located.

LANDFILL — A disposal facility or part of one at which solid waste, or its residue after treatment, is intentionally placed in or on land, and at which solid waste will remain after closure of the facility.

LARGE COMMERCIAL ESTABLISHMENT — A commercial building of 20,000 square feet or more of gross floor area.

LAUNDROMAT — A business premises equipped with individual clothes washing and/or drying machines for use by retail customers, exclusive of any laundry facilities provided as an accessory use in an apartment.

LIGHT ASSEMBLY — Any plant for the making, processing, assembly or handling of materials or products, which does not involve the reduction, conversion or manufacturing of primary raw materials; which is confined to the making of finished products or parts thereof from component parts and semi-finished products and which is conducted entirely within an enclosed building and does not include any open-storage use or outdoor manufactory operation.

LINEAR DISTANCE — The shortest horizontal distance from the nearest point of a structure or object to the boundary of any aquifer protection zone, or to the edge, margin or steep bank forming the ordinary high water line of a water body. In reference to Article VII of this chapter, it is the shortest horizontal distance between two points.

LODGING FACILITIES — A privately owned building or group of buildings used primarily for providing sleeping accommodations for automobile travelers. Motels, hotels, motor inns, suites, bed-and-breakfasts and similar for-gain operations constitute "lodging." For the purposes of this chapter, boardinghouses, rooming houses, and charity-sponsored sleeping accommodations do not constitute "lodging."

LOGO — Any picture, shape or drawing, with or without letters or words used to identify a product, service, business or organization. ⁸

LOT — A portion or parcel of land considered as a unit devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. A lot may or may not be the land shown as a lot of a duly recorded plat.

LOT AREA, GROSS — The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

LOT, CORNER — A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect at an interior angle of less than 135°. Each street line shall be considered a front lot line. The interior lot line most nearly parallel to the rear of the principal structure shall be deemed to be the rear line, and the rear and side yard requirements shall be calculated accordingly.

LOT COVERAGE — Determined by dividing that area of a lot which is covered by buildings, including covered porches and accessory buildings, by the gross area of that lot.

LOT, INTERIOR — A lot, other than a corner lot or through lot, wherein frontage is provided on only one street.

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

LOT LINE — A line dividing one lot from another lot or from a street or alley.

LOT OF RECORD — Any lot which has been established as such by plat, survey, record, or deed prior to the effective date of this chapter, as shown in the records of the Office of the Assessor, Town of Glenville.

LOT, THROUGH — A lot that has a pair of opposite lot lines, both with street frontage, but not a corner lot. On a through lot, both street lot lines shall be deemed front lot lines.

LOT WIDTH — The horizontal distance between side lot lines, measured at the front property line.

MARINA — A facility for storing, servicing, fueling, berthing, and launching of private watercraft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

MOBILE HOME — Any vehicle or similar portable structure having been constructed with wheels (whether or not such wheels have been removed) and having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for permanent dwelling or sleeping purposes.

MONUMENT SIGN — A permanent sign of solid construction with architecturally complimentary pillars or posts supporting a sign/advertisement area between said posts or pillars. 9

MOTEL — See "hotel or motel."

MOTOR VEHICLE — Any passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by an engine that uses fossil fuels or electricity.

MULTIPLE DEVELOPMENT SITE — A property containing four or more offices, commercial establishments or industrial establishments, or combinations thereof, which are located in a single building or in two or more buildings developed as part of a single integrated development.

MULTIPLE-FAMILY DWELLING — See "dwelling, multifamily."

MUNICIPAL WATER PURVEYOR — The local official responsible for the operation, maintenance and provision of the public water supply in each of the communities served by the Schenectady Aquifer also to be known as the "Superintendent of Water" in the City of Schenectady, the Superintendent of Public Works in the Village of Scotia, the Commissioner of Public Works in the Town of Glenville, the Commissioner of Public Works in the Town of Niskayuna and the Commissioner of Public Works in the Town of Rotterdam.

NONCONFORMING BUILDING OR STRUCTURE — Any building or structure which:

- A. Does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk, area, and similar dimensional requirements for the zoning district in which such building or structure is located; or

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

B. Is used, designed, or intended for a nonconforming use.

NONCONFORMING LOT — Any lot that does not meet the minimum lot size requirements of the zoning district in which it is located.

NONCONFORMING USE — Any use of a building, or structure, or tract of land, otherwise lawfully established but which does not conform to the regulations for the district in which such is located, either at the effective date of this chapter or as a result of subsequent amendment(s) thereto.

NOT-FOR-PROFIT — An entity organized and existing under the Not-for-Profit Corporation Law of the State of New York, established for charitable, education, or humanitarian purposes and not for making money. **[Added 2-21-2007 by L.L. No. 1-2007]**

NOT-FOR-PROFIT RECREATION FACILITY — A building(s) and/or property, owned or operated by a not-for-profit group, whose principal use is recreation. Recreation uses typical of such a facility include but are not necessarily limited to tennis, swimming, basketball, racquetball, soccer, baseball, hockey, and fitness. Activities may occur indoors or outdoors, but there shall be no motorized sports or discharge of firearms on the property, either indoors or outdoors. YMCAs, YWCAs, and youth sports organizations are typical examples of not-for-profit recreation providers. **[Added 2-21-2007 by L.L. No. 1-2007]**

NURSING OR CONVALESCENT HOME — See "care homes."

OFFICE — A building wherein services are performed involving predominantly administrative or clerical operations.

OFFICIAL ZONING MAP — The map(s) included with this chapter showing the boundaries of the various zoning districts, including the map(s) illustrating separately the boundaries of the aquifer protection overlay district(s). The Zoning Map may also be in digital format via the Town of Glenville Geographic Information Systems database.

ON-SITE DISPOSAL SYSTEM — Any system used for the disposal of sewage on a site or parcel of land.

OPEN SPACE — An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OPEN SPACE, COMMON — Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

OPEN STORAGE — The holding of a material in a way that the material is exposed to the elements of nature.

OUTDOOR RECREATION FACILITIES — Any number of structures or uses of land that permit or encourage ball playing, bicycle riding, skateboarding, in-line skating, jogging, cross-country skiing, ice skating, and other out-of-doors activities that one typically finds in a

park-type setting. For the purposes of this chapter, facilities that promote the use of motorized vehicles meant to propel riders or passengers for recreational purposes (i.e., go-karts, motorcycles, snowmobiles, all-terrain vehicles, etc.) are not permitted within the Riverfront Recreation/Commercial District.

OUTDOOR STORAGE — The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

OWNER — The titleholder of record of real property, or if he/she is deceased, then his/her estate.

PARCEL — A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person, persons, corporation, business, governmental entity, etc.

PARK — A public park or recreational area, owned or operated by the Town, county, state, federal government, nonprofit or public agency.

PARKING SPACE — An off-street space available for the parking of one motor vehicle and having an area of not less than 9 1/2 feet by 18 feet, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access to a street or alley.

PEEP SHOWS — A theater which presents material in the form of live shows, films or videotapes presented by coin- or token-operated, or electronically or mechanically controlled, still or motion-picture machines, projection viewed from an individual enclosure, for which a fee is charged, and which establishment customarily excludes any minor by reason of age due to the sexually explicit nature of the shows, films, or videotapes.

PERMITTED BY RIGHT — Those uses permitted in a zone that are allowed without obtaining site plan review approval or a conditional use permit.

PERSONAL SERVICE — An office, store or other place of business catering to the needs of a customer with only incidental sale of merchandise, such as normally conducted by a barber, beautician, tailor, dressmaker or leather artisan. Tattoo parlors and body-piercing establishments are not considered personal services for the purposes of this chapter.
[Amended 9-3-2008 by L.L. No. 4-2008]

PERSONAL WIRELESS SERVICE FACILITY — Structures and facilities for the provision of personal wireless services, including, but not limited to any freestanding tower greater than 35 feet in height, and any accessory structures thereto.

PERSONAL WIRELESS SERVICES — Cellular telephone, personal communications services, other mobile radio services, and any other FCC-licensed wireless common carriers.

PESTICIDE — Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant, and being those substances defined as pesticides pursuant to Environmental Conservation Law § 33-0101 et seq.

PILASTER — A rectangular support projecting slightly from a wall, treated architecturally as a column, and used primarily for ornamental purposes.

PLANNED DEVELOPMENT DISTRICT — A tract of land which contains or will contain one or more principal buildings, developed under single ownership or control, the development of which is reasonably compatible with adjacent parcels, and with the intent of this chapter. After the prescribed review, permission may be granted to develop the tract under modified land use regulations and design standards according to the requirements of Article VI of this chapter.

PLAN (PLOT or SITE) — The design of a development, including a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities.

POLE SIGN — A sign supported above the ground by one or more poles, as distinguished from a billboard or ground sign. **[Added 4-5-2006 by L.L. No. 3-2006]**

POLITICAL SIGN — A sign which directs attention to a candidate, issue, cause or political party prior to a primary, special or general election. ¹¹

PORTICO — A porch or vestibule, roofed but partly open on at least one side.

PRIMARY RECHARGE ZONE — Those land areas of general aquifer recharge that contribute groundwater to the public wells, including and encompassing the wellhead protection zone, also to be known as Zone II (see Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

PRINCIPAL BUILDING — See "building, principal."

PRIVATE STREET — A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent property owners. This definition shall not apply to driveways.

PROFESSIONAL OFFICE — An office maintained by an individual or firm for the practice of one or more of the following professions only: physician, dentist, lawyer, engineer, architect, teacher or accountant.

PROPERTY LINES — The lines bounding a lot of record.

PROTECTION ZONES — Specific areas, also known as Zones I through IV, that define a hierarchy of aquifer sensitive land as designated and described herein and delineated on the Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990.

PUBLIC HEARING — An open forum that affords citizens the opportunity to voice opinions on actions being taken by the local governing body.

A. For example, public hearings may be required for the following activities:

- (1) The adoption of local laws and ordinances;
- (2) The adoption of zoning regulations;
- (3) Various planning and zoning applications such as area variances, subdivisions, conditional use permits, site plan review, etc.;
- (4) The adoption of a municipal budget.

B. Local governing bodies may also conduct a hearing at any time on any subject on which they wish to obtain the views of the public.

PUBLIC STREET — All public property reserved or dedicated for motor vehicle traffic, with or without accommodations for pedestrians and bicyclists.

QUALIFYING INCOME — Pursuant to Article XII, the income needed to pay the principal and interest payments on a fixed-rate, thirty-year mortgage for 70% of the sales price of affordable housing, at current mortgage rates. In calculating the qualifying income, the yearly

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

mortgage payments (including insurance and property taxes), must not exceed 30% of the applicant's/household's yearly gross income.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING — A lot or land or part thereof used for the purpose of extracting stone, minerals, gravel, or topsoil for sale, as a business operation, and exclusive of the process of grading a lot preparatory to the construction of a building.

RADIATION — Ionizing radiation, that is, any alpha particle, beta particle, gamma ray, X-ray, neutron, high-speed proton and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared or ultraviolet light.

RADIOACTIVE MATERIAL — Any material in any form that emits radiation spontaneously.

RECHARGE AREAS — An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

RECREATIONAL VEHICLE — Every type of motor-driven vehicle used primarily for recreational purposes and including living and/or sleeping facilities.

RESIDENTIAL — Pertaining to the use of a one-, two- or multiple-family dwelling as a place of residence.

RESTAURANT — An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tearooms, outdoor cafes, fast-food restaurants, coffee shops and banquet/reception halls.

RESTAURANT, FAST-FOOD — Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or the establishment includes a drive-up or drive-through service facility or offers curbside service.

RETAIL BUSINESS — A commercial activity designed for and primarily characterized by the direct on-premises sale of goods and services to the ultimate consumer, generally involving stock-in-trade such as normally associated with department stores, food markets and similar establishments, but also including financial institutions, business and professional offices and services, including on-premises manufacturing, processing, servicing, preparation and wholesale business transactions customarily associated therewith, but clearly incidental thereto. This term shall not include restaurants, motor vehicle businesses, places of public assembly or medical centers.

RIGHT-OF-WAY — An area or strip or land, either public or private, on which an irrevocable right-of-passage has been recorded.

ROADSIDE PRODUCE STAND — A structure not exceeding a footprint of 600 square feet for the display and sale of agricultural products, including Christmas trees, flowers, soil, loam, mulch, etc., but not including chemicals such as herbicides, fertilizers, pesticides, etc.

RV PARKS — Any lot of land upon which two or more designated sites are located for occupancy by recreational vehicles owned by the general public as temporary living quarters for recreation or vacation purposes. Recreational equipment, rest rooms, and other facilities commonly associated with RV parks are permitted, but they must be clearly incidental to the primary use.

SALVAGE YARDS — A lot or portion of a lot where four or more unregistered, old or secondhand motor vehicles are being accumulated for disposal, resale of used parts or reclaiming certain materials such as metal, gas, fabric and the like.

SCHENECTADY AQUIFER — Also known as the "Great Flats Aquifer," the saturated and overlying unsaturated geologic formations generally existing in the Mohawk Valley lowland areas within the municipal boundaries of the City of Schenectady, Village of Scotia and the Towns of Glenville, Rotterdam, and Niskayuna.

SCHOOL — A facility that provides a curriculum of elementary and secondary academic instruction, is licensed by New York State, and contains structures in which to conduct instruction.

SEPTAGE — The contents of a septic tank, cesspool or other individual wastewater treatment work that receives domestic sewage wastes.

SETBACK — The minimum horizontal distance between the line of a building or structure and the front, side, or rear property line.

SEWAGE — Any liquid, semiliquid or solid human or animal waste matter from a domestic, commercial, private or industrial establishment or other place with such groundwater infiltration and surface water as may be present, including mixtures of sewage with industrial wastes or other wastes as defined in § 17-0105 of Article 17 of the New York State Environmental Conservation Law.

SHOPPING CENTER — A grouping of retail business and service uses on a single site with common parking facilities.

SIGN — Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixture, colors, illumination or projected images. "Sign" does not include the flag of any nation, organization nations, state or city, or fraternal, religious or civic organizations. "Sign" does not include merchandise, pictures or models of products or services incorporated in a window display, works of arts which in no way identify a product or scoreboard located on an athletic field. ¹²

SITE PLAN — A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

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

SITE PLAN REVIEW — The formal review process outlined in Article XVI of this chapter in which a site plan is reviewed and evaluated by the Glenville Environmental Conservation Commission and ultimately, the Planning and Zoning Commission.

SLUDGE — Any solid, semisolid or liquid waste generated from a wastewater treatment plant, water supply treatment plant or air pollution control facility but does not include the treated effluent from a wastewater treatment plant.

SOLID WASTE — All putrescible and nonputrescible materials or substances that are discarded or rejected, including but not limited to garbage, refuse, industrial and commercial waste, sludge, rubbish, tires, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal; but not including those exclusions contained in 6 NYCRR 360-1.2(a)(4), and any amendments thereto.

SOLID WASTE MANAGEMENT FACILITY — Any facility employed beyond the initial solid waste collection process, including, but not limited to, transfer stations, bailing facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, facilities for the disposal of construction and demolition debris, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators and other solid waste disposal, reduction or conversion facilities, as defined in Environmental Conservation Law § 27-0701 et seq.

SPECIFIED ANATOMICAL AREAS — Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — Human genitals in a state of sexual stimulation or arousal; acts of human masturbation; sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

SPILL — Any unpermitted releasing, spilling, discharging, leaking, pumping, pouring, emitting, emptying or dumping of a petroleum product, or any other hazardous material so that such substance, products or materials may enter the environment, regardless of whether such entry was the result of intentional or unintentional action or omission.

STABLE, PRIVATE — Any accessory building in which horses are kept for private use and not for hire, remuneration or sale.

STATE ENVIRONMENTAL QUALITY REVIEW ACT or SEQR — The implementing regulations of the State Environmental Quality Review Act (New York State Environmental Conservation Law § 8-0113) as set forth under Title 6 of the New York Compilation of Rules and Regulations (6 NYCRR 617) which provide for incorporating environmental review within the decision making of any agency of any governmental unit in the State of New York. The terms "action," "agency," "applicants," "approval," "environmental assessment form" or "EAF," "environmental impact statement" or "EIS," "involved agency," "lead agency," "Type I action" and "unlisted action" shall have the meanings set forth in Section 617.2 of SEQR.

STATE POLLUTION DISCHARGE ELIMINATION SYSTEMS (SPDES) PERMIT — The SPDES program was created to maintain New York's waters with reasonable standards of purity. New York State law requires a permit for the following activities:

- A. Constructing or using an outlet or discharge pipe (referred to as a "point source") that discharges wastewater into the surface waters or ground waters of the state.
- B. Constructing or operating a disposal system such as a sewage treatment plant.
- C. Discharge of stormwater.

STORAGE — The relatively permanent keeping of merchandise, personal property, building material, unregistered vehicles, vehicle parts, junk or garbage at a premises.

STORMWATER MANAGEMENT AND EROSION CONTROL PLAN — A plan which fully indicates the necessary land protection and structural measures, including a schedule of the timing of their installation, which will effectively describe how post development runoff will not exceed predevelopment runoff and minimize soil erosion and sediment yields.

STORY — That portion of a building between the surface of any floor and the surface of the floor next above it; or if there is no floor above it, then the space between any floor and the ceiling next above it.

STREAM CORRIDOR — Those areas where surface waters flow sufficiently to produce a defined channel or bed. The channel or bed may be intermittent and need not contain water year-round.

STREET — A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designed as a street, avenue, highway, road, boulevard, lane, throughway or however otherwise designed, but does not include driveways to buildings. A street may or may not include accommodations for pedestrians and bicyclists.

STRUCTURAL SOIL — Soil mix that is a load-bearing matrix of coarse stone aggregate, topsoil, and binding polymer that can be extended out under impervious pavement from landscape areas to increase rootable soil volume.

STRUCTURE — That which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground, or which is attached to something having permanent location on the ground.

SUBDIVISION — The division of any parcel of land into two or more buildable lots, blocks or sites, with or without streets or highways, and includes resubdivision.

SUBDIVISION, MAJOR — Any division of land not classified as a minor subdivision, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION, MINOR — Any division of land containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities.

SWIMMING FACILITIES — Indoor or outdoor facilities that offer swimming and related water recreation, whether pool-based, lake-/pond-based, or river-based. For the purposes of this chapter, the facility must be available to the public either at no charge, or by a nominal daily fee. Private swim clubs that limit use to members do not constitute a swimming facility unless public access is guaranteed via a nominal daily fee.

TARGET RATES — Pursuant to Article XII, prices for ownership and rental of affordable housing which are to be used to guide the Town Board in determining the extent of density bonuses to be granted.

TEMPORARY SIGN — A sign which is intended to advertise community or civic projects, real estate for sale or lease or other special events on a temporary basis. ¹³

TOE OF FILL — The line where the taper of the fill meets the existing grade.

TOP OF THE RIVERBANK — A linear feature that defines the boundary between the sloping channel of a river or stream and the usually less sloping adjacent land that is only impacted by the river or stream during times of flooding. The top of the riverbank is usually in a state of flux as stream channels change due to erosion and siltation.

TOWN OF GLENVILLE FLOOD DAMAGE PREVENTION ORDINANCE¹⁴ — Town of Glenville local law intended to minimize public and private losses due to flood conditions in specific areas.

TOWN SEPTIC SYSTEM PERMIT — A permit issued by the Town Engineering Department to install or repair a septic system.

TOWNHOUSE (ROWHOUSE) — A building containing two or more dwelling units, each of which has primary ground floor access to the outside, and which are attached to each other by common walls without openings. A standalone townhouse is considered a two-family dwelling, provided there are no more than two dwelling units within the structure. Two or more townhouse structures per lot, or any townhouse containing three or more dwelling units, is considered a multifamily use.

TOXIC SUBSTANCE — Any compound or material which is, or may be, harmful to human health, as defined by § 4801, Subdivision 2, of the New York State Public Health Law.

TRANSITIONAL USE — A permitted use or structure that by nature or level or scale of activity acts as a transition or buffer between two or more incompatible uses.

TRANSITIONAL YARD — See "yard, transitional."

TRIBUTARY WATERSHED ZONE — Land outside the aquifer area that contributes runoff over land and/or through surface streams for groundwater recharge, also known as Zone IV (see Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

UNDERGROUND INJECTION — The subsurface emplacement of fluids through a bored, drilled or driven well, or through a dug well, where the depth of the dug well is greater than

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

14. Editor's Note: See Ch. 151, Flood Damage Prevention.

the surface dimensions, including, but not limited to, the use of this procedure for the production of oil or gas or the excavation of minerals.

UNDERGROUND STORAGE FACILITY — Any tank, pipe or other vessel at least 10% of which is beneath the surface of the ground and is used for the purpose of material holding, storage or containment, except those used for public water and sewer.

UNDERGROUND STORAGE TANK — Any tank completely covered with earth or other material such as concrete, pavement or other material which visually restricts the identification of leaks. Tanks in subterranean vaults accessible for inspections are considered aboveground tanks.

USE OF PROPERTY — The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

USE, PERMITTED — A use which may be lawfully established.

USE, PRINCIPAL — The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be a use or building permitted by right, by site plan approval, or by conditional use permit.¹⁵

VARIANCE, AREA — A mechanism which allows an individual to build on his/her property in a way that is otherwise prohibited by this chapter.

VARIANCE, USE — A mechanism which allows for the establishment of a land use which is not permitted within a particular zoning district.

VIEW SHED — The geographic region within which visibility of a particular object or area begins.

WALL SIGN — A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building or structure.¹⁶

WAREHOUSING — An use engaged in storage and wholesale of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WASTE TREATMENT FACILITY — Any facility used for treating, neutralizing, stabilizing or disposing of sewage, but excluding small-scale septic systems and leach fields serving fewer than five residential units.

WATER BODY — Any river, stream, spring, pond, lake, reservoir or channel of water or any man-made culvert which flows directly into one of the aforementioned.

15. Editor's Note: The definition of **USE VARIANCE**, which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See **VARIANCE, USE**.

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

WATERSHED — The geographic region within which water drains to a particular river, stream, or body of water.

WELLHEAD PROTECTION ZONE — The surface extent of the cone of depression, immediately adjacent to the public wells, also known as Zone I (see Schenectady Aquifer Protection Zones Map, Plate #1, dated February, 1990).

WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as “hydrophytic vegetation.”

WETLANDS DISTURBANCE PERMIT — A permit issued by either the NYS Department of Environmental Conservation (state wetlands) or the Army Corps of Engineers (federal wetlands) authorizing the disturbance of a wetland.

YARD — A space unoccupied by structures on the same lot with a building or structure.

YARD, CORNER SIDE — A side yard line which adjoins a public street.

YARD, FRONT — A yard situated between the principal building and the front line of the lot and extending the full width of the lot.

YARD, INTERIOR SIDE — A side yard line which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, REAR — A yard situated between the principal building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE — A yard situated between the principal building and the side line of the lot and extending from the front yard line to the rear lot line. Any lot line not a rear line or a front line shall be deemed a side line.

YARD, TRANSITIONAL — That yard which must be provided on the more permissively or intensively zoned lot in instances where said lot abuts a less intensively zone lot (i.e., where a General Business lot abuts a Suburban Residential lot).

ZONING DISTRICT — A portion of the territory of the Town within which certain uniform zoning regulations and requirements, or various combination thereof, apply under the passing of this chapter.

ZONING OFFICER — The Building Inspector and Deputy Building Inspector of the Town of Glenville or a duly appointed representative thereof.

ARTICLE III

Yard Regulations, Height Restrictions and Accessory Uses

§ 270-4. Purpose.

The various zoning districts of the Town of Glenville, as well as the attendant lot and area regulations, are detailed in Article V of this chapter. The lot and area regulations and the

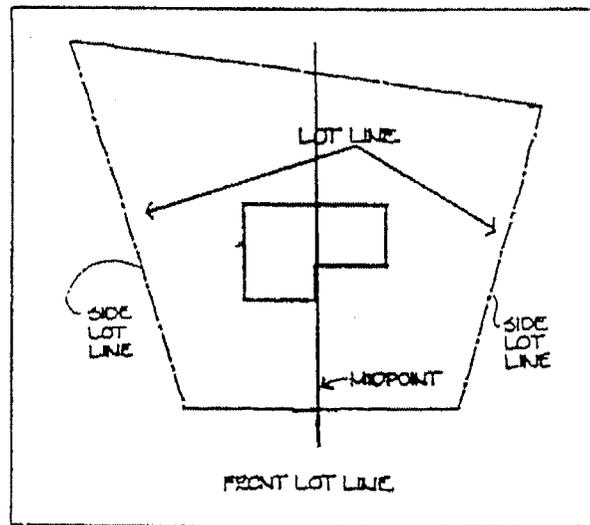
requirements for accessory uses prescribed in this article are designed to complement the dimensional requirements of Article V, and to address miscellaneous development scenarios.

§ 270-5. Conflicting provisions.

In the event that conflicting provisions are discovered within this chapter relative to required yard, lot, and other dimensional requirements, the regulations or provisions which are more restrictive or which impose the higher standard shall apply.

§ 270-6. Lot requirements.

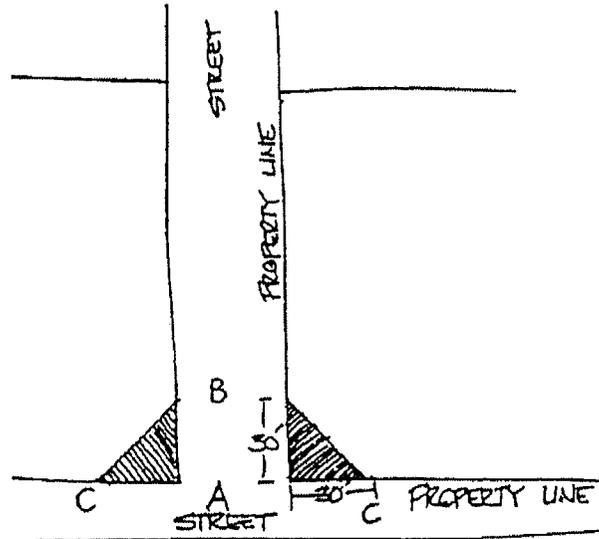
- A. Number of dwellings per lot. Not more than one detached single-family or two-family dwelling shall be located on a lot. Detached single- and two-family dwellings may share a lot with buildings used for other purposes.
- B. Lot width measurement. Minimum lot widths are prescribed in Article V. The width of a lot is to be measured along the front property line.
- C. Lot depth measurement. Minimum lot depths are prescribed in Article V. There may be occasions when the depth of a lot is not uniform across the entire width of the lot. In these instances, lot depth is to be calculated by taking the average depth of the lot along each side lot line, and perpendicular from the midpoint of the front property line. This will result in the averaging of three numbers. The average must exceed the minimum lot depth requirement in order for the lot to be considered legal relative to lot depth.



- D. Keyhole/Flag lots. Keyhole lots that legally exist at the time of adoption of this chapter are allowed to continue as nonconforming lots. However, by applying the minimum lot width standard as noted above in § 270-6B, the creation of new keyhole lots is prohibited.

E. Obstruction of corner lots. At all street intersections, no obstruction to vision exceeding three feet in height above the finished grade of the street at the property line will be allowed in the roughly triangular area which is formed by the linear connection of the following three points:

- (1) Point A: the intersection of the pavement of the two streets.
- (2) Point B: a point 30 feet up one of the streets from Point A.
- (3) Point C: a point 30 feet up the other street from Point A.



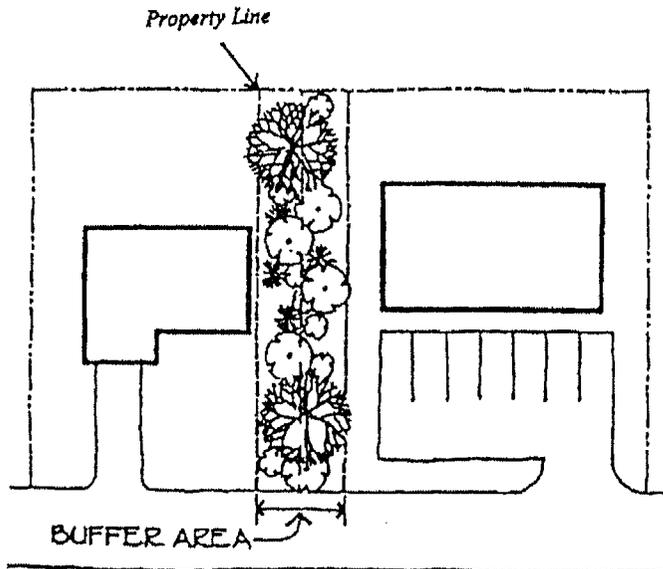
§ 270-7. Yard requirements.

- A. Front yards. In determining the minimum front yard setbacks for lots, the front yard is the area generally located between the street and the principal structure, regardless of the orientation of the structure or the location of the driveway(s).
- B. Front yards for corner lots. On lots located on a street corner with an angle no larger than 120° , the minimum front yard setback must be met for the yard along both streets. For corner lots where the angle of the street intersection is greater than 120° , the front yard shall be considered the area between the front of the building and the street that most closely parallels the front of the building.
- C. Side and rear yards for corner lots. On corner lots in which it has been determined that two front yards exist, the rear yard shall be the area between the rear of the house or structure and the lot line most parallel to the rear of the house or structure. In determining what constitutes the rear of the house or structure, it is the side of the house or structure opposite the front door or main entrance. The remaining yard becomes the side yard by default.

- D. Yard requirements for attached accessory structures. All accessory structures that are attached to the principal building (i.e., attached garages, attached covered patios, etc.) shall comply with the yard setback requirements of the principal building.
- E. Yard requirements for buildings not parallel to lot lines. Often residences and buildings are not oriented so that they are parallel to the front, rear, or side lot lines. Regardless of the building orientation, all points on the wall of a building must meet the applicable minimum front, rear, and side yard setback requirements.
- F. Extension of building line where setbacks are presently substandard. In those instances where a building does not meet one or more of the minimum yard setback requirements, the building may be extended or added to without the need for an area variance, provided the building extension or addition does not decrease the already substandard yard setback.
- G. Use of yards. Every part of a required yard setback must be free of permanent buildings and structures, except for the maximum allowed projections of the following:
- (1) Open fire escapes: six feet into the side or rear yard setback only; not allowed in front yards.
 - (2) Awnings and movable canopies: six feet.
 - (3) Cornices or eaves: three feet.
 - (4) Uncovered steps and porches (not including decks): six feet.
 - (5) Ornamental features or facade projections: six feet.
 - (6) Flags and banners mounted on the structure: eight feet.
- H. Prohibited uses within yards. Unless otherwise permitted in this chapter, yards are not to be used for the storage of merchandise, equipment, building materials, junk, garbage, unregistered vehicles, vehicle parts, signs, unused fencing, etc.
- I. Screening of dumpsters and utilities. Dumpsters, ground-level exterior heating and air-conditioning units, and similar items and utilities used for commercial or industrial uses shall be screened from public rights-of-way and from residentially zoned or residentially developed properties via vegetation and/or solid fencing.
- J. Trucks within residential districts. Trucks with a carrying capacity of one ton or more may not be parked overnight on any residentially zoned property, except for trucks which are used as part of an agricultural operation or trucks used for the maintenance or upkeep of multifamily residential properties. In these instances, such trucks must either be parked within a barn, garage or similar structure, or if parked outside, located no closer than 75 feet to any dwelling or property line.
- K. RVs, campers, boats, etc. within residential districts. RVs, campers, popup campers, boats, snowmobiles, all-terrain vehicles, and similar vehicles, as well as trailers for hauling such vehicles, are not permitted within any residential front yard, unless enclosed within a garage, boathouse, or other structure that is in compliance with this chapter. Also, any such vehicles located in side or rear yards are to be parked on an existing

driveway, or on an apron of concrete, brick, block, asphalt, crushed stone, or any other finished surface that prevents the growth of grass or weeds.

- L. Transitional yard requirements adjacent to industrial and warehousing uses. Where the side or rear lot line of a property in which an industrial or warehousing use is proposed abuts a property that is either already developed for nonindustrial or nonwarehousing purposes, or is zoned for something other than industrial or warehousing use, a minimum fifty-foot-wide buffer is to be maintained between the developed portion of the industrial or warehousing site and the abutting side or rear property line. This buffer is to remain free of buildings, structures, parking, roadways, dumpsters, etc. Further, the Planning and Zoning Commission and/or Zoning Board of Appeals may require landscaping, fencing, berming, and other forms of screening within this buffer area.



- M. Transitional yard requirements adjacent to commercial uses. Where the side or rear lot line of a property in which a commercial use is proposed abuts a property that is either already used for residential or park use, or is zoned for residential or park use, a minimum thirty-foot-wide buffer is to be maintained between the developed portion of the commercial site and the abutting side or rear property line. This buffer is to remain free of buildings, structures, parking, roadways, dumpsters, etc. Further, the Planning and Zoning Commission and/or the Zoning Board of Appeals may require landscaping, fencing, berming, and other forms of screening within this buffer area.
- N. Setbacks on properties with buildings in excess of 20,000 square feet of gross floor area. When a structure in excess of 20,000 square feet of gross floor area is proposed on a lot adjacent to property zoned Suburban Residential, Rural Residential and Agricultural or Multi-Family, a side and rear yard building setback of 100 feet or greater must be provided.

§ 270-8. Height limitations.

- A. General. Rooftop HVAC units, refrigeration units, venting apparatus, fans and similar features are subject to the height limitations of the zoning district in which the property is located.
- B. Exceptions. The maximum height of structures for each zoning district is prescribed in Article V of this chapter. However, the following uses are exempt from the height restrictions of this chapter: flagpoles, radio antennas, television antennas, personal wireless service facilities, steeples, electric transmission towers and cables, spires or cupolas, chimneys, water tanks, cooling towers, and sports broadcasting towers, except as specified in § 270-8C of this article below.
- C. Farm structures. Farm structures are also exempted from the height restrictions, except that no farm structure can exceed 75 feet in height. **[Amended 4-5-2006 by L.L. No. 3-2006]**
- D. Height limitations in the vicinity of airports.
- (1) Airports and their surrounding areas are subject to all applicable federal, state, county and local regulations, including the height limitations as prescribed in Article V of this chapter.
 - (2) For buildings and structures on or in the immediate vicinity of airports in which a runway approach plan has been established by appropriate authorities, the maximum height of buildings is to be determined by the requirements set forth in such approach plan.
 - (3) For buildings and structures within 10,000 linear feet of the boundaries of an airport in which a runway approach plan has not been established, the maximum height of buildings is to be determined by the following:
 - (a) For an airport having the longest runway less than 3,950 in length, buildings and structures located just beyond the boundaries of the airport shall not be in excess of 15 feet in height; and for every 200 linear feet of additional distance from the airport boundaries, the height of the buildings and structures may be increased by not more than 10 feet.
 - (b) For an airport having a runway of 3,950 feet or more in length, buildings and structures just beyond the boundaries of the airport shall not be in excess of 15 feet in height; and for every 200 linear feet of additional distance from the airport boundaries, the height of buildings and structures may be increased by not more than five feet.
 - (c) Where a runway has been designated as the instrument runway, the height of buildings and structures in the first 10,000 linear feet beyond the airport boundaries may be increased by not more than four feet for every 200 linear feet of additional distance from the airport boundaries.

- (d) Buildings and structures exceeding the above height limitations shall be considered obstructions to air navigation unless found not to be obstructions by the FAA or other appropriate agency.

§ 270-9. Accessory uses and structures.

A. Permitted accessory uses and structures in residential zoning districts:

- (1) Private garages not attached to the dwelling. **[Amended 9-3-2008 by L.L. No. 4-2008]**
- (2) Carports.
- (3) Private swimming pools.
- (4) Decks and patios.
- (5) Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, and similar outdoor recreation facilities for use by the residents and their guests, but not for commercial gain.
- (6) Storage sheds and similar outbuildings for the storage of lawn maintenance equipment, tools, bicycles, toys, swimming pool equipment and supplies, etc.
- (7) Receive-only antennas.
- (8) Doghouses and similar shelters for household pets.
- (9) Outdoor fireplaces and barbecue pits.
- (10) Heat pumps, air-conditioning units, and similar climate-control and utility devices typically located outside of the house.
- (11) Rolloffs and other temporary dumpsters designed to hold discarded building materials, provided the roll-off or dumpster does not remain on the property for more than 31 days in any six-month period.
- (12) Barns, silos, stables, coops, crop bins, milk houses, and similar structures on properties used for farming purposes.

B. Permitted accessory uses and structures in nonresidential zoning districts:

- (1) Private and public garages.
- (2) Carports.
- (3) Swimming pools.
- (4) Decks and patios.
- (5) Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, ball fields, outdoor fireplaces, barbecue pits, and similar outdoor recreation facilities.

- (6) Storage buildings, sheds, and similar outbuildings that house equipment, vehicles, and materials for the tenant(s) of the principal structure.
 - (7) Receive-only antennas.
 - (8) Outhouses and portable bathrooms in association with temporary events of a duration of not more than 14 days.
 - (9) Utility structures and heating and air-conditioning units.
 - (10) Dumpsters.
 - (11) Barns, silos, stables, coops, crop bins, milk houses, and similar structures on properties used for farming purposes.
- C. Location. No permitted accessory use or building shall be located in any front yard.
- D. Height. No accessory building or structure shall exceed 15 feet in height in a residential zoning district, unless the accessory structure is a roof-mounted receive-only antenna, or if the structure is used in association with a farm.
- E. Setback for swimming pools. All swimming pools and their associated equipment and structures (i.e., decks, pumps, etc.) must be located at least 10 feet from side and rear property lines. **[Amended 9-3-2008 by L.L. No. 4-2008]**
- F. Accessory structures in the RA Zoning District: **[Added 9-3-2008 by L.L. No. 4-2008¹²]**
- (1) All accessory structures less than 280 square feet in size must be located a minimum of five feet from side and rear property lines.
 - (2) All accessory structures 280 square feet up to 1,200 square feet in size must be located a minimum of 10 feet from side and rear property lines
 - (3) No more than 20% of the lot may be covered by accessory structures.
- G. Accessory structures in all other residential zoning districts: **[Added 9-3-2008 by L.L. No. 4-2008]**
- (1) All accessory structures less than 280 square feet in size must be located a minimum of five feet from the side and rear property lines.
 - (2) All accessory structures 280 square feet up to 576 square feet in size must be located a minimum of 10 feet from side and rear property lines.
 - (3) No more than 20% of the lot may be covered by accessory structures.
 - (4) The combined footprint of all accessory structures may not exceed 75% of the footprint of the dwelling.

12. Editor's Note: This local law also repealed former Subsections F through J, regarding setbacks for residential accessory structures, setbacks for nonresidential accessory structures, footprint of residential accessory uses, lot coverage and location of garages, respectively, and provided for the redesignation of former Subsection K as Subsection J.

- H. Setbacks for residential decks. All decks associated with a residential use must be located a minimum of 10 feet from side and rear property lines. **[Added 9-3-2008 by L.L. No. 4-2008]**
- I. Setbacks for all other permitted accessory structures/uses. With the exception of swimming pools and of those noted in Subsections F, G and H, all permitted accessory structures/uses must be located a minimum of five feet from the side and rear property lines. **[Added 9-3-2008 by L.L. No. 4-2008]**
- J. Dumpsters. All dumpsters associated with a nonresidential use 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 and/or solid fencing sufficient to hide the dumpster from public view. **[Amended 9-3-2008 by L.L. No. 4-2008]**

ARTICLE IV
Districts and Boundaries

§ 270-10. Establishment.

The Town of Glenville is hereby divided into the following zoning districts:

RA District	Rural Residential and Agricultural
SR District	Suburban Residential
RM District	Multi-Family Residential
PR District	Professional Residential
CB District	Community Business
GB District	General Business
RDT District	Research, Development and Technology
LC District	Land Conservation
PPL District	Public Park Lands
RRC District	Riverfront Recreation/Commercial
AZ District	Airport Zoning
PD District	Planned Development
TCO District	Town Center Overlay

§ 270-11. Categorization of districts.

Certain provisions of this chapter refer to "residential" or "commercial" districts. For purposes of distinguishing the types of districts, certain zoning districts can be categorized or grouped as follows:

- A. Residential districts: RA, SR, and RM.
- B. Commercial districts: PR, CB, GB, RRC, and TCO.
- C. Industrial/Warehousing districts: RDT.

§ 270-12. Zoning Map.

The location and boundaries of the zoning districts established by this chapter are set forth on the map entitled "Town of Glenville Zoning Map," which is incorporated into this chapter. Such map, together with everything shown thereon, and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein, and shall be on file in the Town Clerk's office. Said map is also available in digital format, via the Town of Glenville Geographic Information Systems database.

§ 270-13. Interpretation of district boundaries.

- A. District boundary lines are the center lines of highways, streets, alleys, watercourses, and easements; or right-of-way lines of railroads, and expressways; or parcel lines; or such lines extended, unless otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the map measuring at right angles from the center line of the street or highway.

ARTICLE V

Uses Permitted and Dimensional Regulations by District**§ 270-14. RA Rural Residential and Agricultural District.**

The following apply to the RA Rural Residential and Agricultural District:

- A. Purpose: to maintain low-density residential and agricultural development in areas that are considered rural, and to accommodate outdoor recreation facilities and other land uses which are dependent on a rural setting.
- B. Uses permitted by right:
 - (1) Single-family dwellings.
 - (2) Home occupations.
 - (3) Agricultural activities/farms.
 - (4) Roadside produce stands (not exceeding a building footprint of 600 square feet).
 - (5) Cemeteries.
 - (6) Commercial logging.
- C. Uses permitted by site plan review: **[Amended 4-5-2006 by L.L. No. 3-2006]**
 - (1) Churches, synagogues, rectories, and other religious uses and institutions.
 - (2) Personal wireless service facilities.
- D. Uses permitted by conditional use permit: **[Amended 4-5-2006 by L.L. No. 3-2006]**
 - (1) Two-family dwellings.
 - (2) Bed-and-breakfast establishments.
 - (3) Veterinary clinics, animal hospitals and kennels, and animal training facilities.
 - (4) Boarding stables and riding academies.
 - (5) Accessory apartments.

- E. Uses permitted by conditional use permit which also require site plan review: **[Added 4-5-2006 by L.L. No. 3-2006]**
- (1) Recreation facilities, including swim clubs, golf courses and driving ranges, Nordic and alpine ski areas, and hunting/fishing/game clubs.
- F. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

§ 270-15. SR Suburban Residential District.

The following apply to the SR Suburban Residential District:

- A. Purpose: to accommodate relatively dense single-family development, and related uses, in those areas of Glenville where public water is available, where soil conditions are generally favorable for the siting of a septic system and where adequate roads, drainage systems and related infrastructure are already in place.
- B. Uses permitted by right:
- (1) Single-family dwellings.
 - (2) Home occupations.
 - (3) Cemeteries.
- C. Uses permitted by site plan review:
- (1) Day-care centers.
 - (2) Churches, synagogues, rectories and other religious uses and institutions.
 - (3) Personal wireless service facilities.
 - (4) Not-for-profit recreation facility. **[Added 2-21-2007 by L.L. No. 1-2007]**
- D. Uses permitted by conditional use permit:
- (1) Two-family dwellings.
 - (2) Bed-and-breakfast establishments.
 - (3) Roadside produce stands (not exceeding a building footprint of 600 square feet).
 - (4) Accessory apartments.
- E. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

§ 270-16. RM Multi-Family Residential District.

The following apply to the RM Multi-Family Residential District:

- A. Purpose: to provide for a form of housing, other than conventional single-family housing, in those areas where multifamily development already exists, or in areas where infrastructure and services are readily available and can accommodate dense residential growth.
- B. Uses permitted by right:
 - (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Home occupations.
- C. Uses permitted by site plan review:
 - (1) Multifamily dwellings.
 - (2) Townhouses.
 - (3) Assisted-living facilities.
 - (4) Bed-and-breakfast establishments.
 - (5) Day-care centers.
 - (6) Personal wireless service facilities.
- D. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

§ 270-17. PR Professional Residential District.

The following apply to the PR Professional Residential District:

- A. Purpose: to provide for a compatible mixture of private residences and professional offices in areas currently in transition from residential to commercial, and in areas, particularly along busy roads, where new single-family home development is unlikely to occur. It is further intended that the scale and layout of both new development and converted structures in this district do not significantly increase traffic volumes, nor introduce traffic conflicts via an increase in the number of driveways.
- B. Uses permitted by right:
 - (1) Single-family dwellings
 - (2) Two-family dwellings.
 - (3) Home occupations.
 - (4) Cemeteries.

C. Uses permitted by site plan review:

- (1) Medical offices (i.e., doctors, dentists, chiropractors, psychiatrists, etc.).
- (2) Law offices.
- (3) Engineering offices.
- (4) Architect/Landscape architect offices.
- (5) Accountant/Financial planning offices.
- (6) Real estate offices.
- (7) Insurance/Brokerage offices.
- (8) Instructional services.
- (9) Computer consultants.
- (10) Churches, synagogues, rectories and other religious uses and institutions.
- (11) Day-care centers.
- (12) Museums.
- (13) Libraries.
- (14) Accessory apartments.
- (15) Bed-and-breakfast establishments.
- (16) Personal wireless service facilities.

D. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

§ 270-18. CB Community Business District.

The following apply to the CB Community Business District:

- A. Purpose: to provide for the basic community services, employment, convenience shopping and recreation for persons residing in nearby residential areas and the local community. It is further intended to provide additional housing opportunities within mixed-use buildings.
- B. Uses permitted by site plan review:²¹

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

- (1) Retail businesses, not to exceed 20,000 square feet of gross floor area.
 - (2) Banks, professional, medical, governmental and general offices not to exceed 20,000 square feet of gross floor area.
 - (3) Personal services such as barbershops, beauty salons, nail salons, and similar uses, excluding tattoo parlors.
 - (4) Public and private clubs, fraternities and lodges.
 - (5) Day-care centers.
 - (6) Residential dwelling units within the same building as any other use permitted within this district, provided the residence(s) is (are) not located on the ground floor.
 - (7) Bed-and-breakfast establishments.
 - (8) Nurseries, garden shops and florists.
 - (9) Museums.
 - (10) Libraries.
 - (11) Personal wireless service facilities.
- C. Uses permitted by conditional use permit which also require site plan review:²²
- (1) Restaurants, cafes and other eating establishments, excluding fast-food restaurants.
 - (2) Commercial recreation facilities, including health, tennis, racket, swimming and similar clubs.
- D. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

§ 270-19. GB General Business District.

The following apply to the GB General Business District:

- A. Purpose: to provide for a wide variety of commercial uses that serve both local and regional needs in those areas where easy access is available, and where residential neighborhoods will not be significantly disturbed.
- B. Uses permitted by site plan review:²³
- (1) Retail businesses.
 - (2) Offices.

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

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

- (3) Personal and general services.
 - (4) Public and private clubs, fraternities and lodges.
 - (5) Multifamily dwellings.
 - (6) Museums.
 - (7) Libraries.
 - (8) Day-care centers.
 - (9) Shopping centers.
 - (10) Indoor and outdoor recreation facilities.
 - (11) Human services/social services offices and facilities.
 - (12) Hotels, motels, bed-and-breakfast establishments, tourist homes and boardinghouses.
 - (13) Residential dwelling units within the same building as any other use permitted within this district, provided the residence(s) is (are) not located on the ground floor.
 - (14) Personal wireless service facilities.
 - (15) Commercial recreation facilities, including health, tennis, racket, swimming, and similar clubs.
 - (16) Laundromats.
- C. Uses permitted by conditional use permit:²⁴
- (1) Veterinary clinics, animal training facilities, kennels and animal hospitals with completely enclosed pens or kennels.
- D. Uses permitted by conditional use permit which also require site plan review:²⁵
- (1) Restaurants, food services, taverns and nightclubs.
 - (2) Automobile dealerships.
 - (3) Automobile repair shops.
 - (4) Gasoline service stations.
 - (5) Car washes.
- E. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

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

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

§ 270-20. RDT Research, Development, and Technology District.

The following apply to the RDT Research, Development and Technology District:

- A. Purpose: to accommodate emerging technology firms, manufacturing, assembly, warehousing and similar uses in areas where industrial and warehousing uses have historically located, and where infrastructure is already in place to serve such uses. Additionally, this zoning district is designed to accommodate certain commercial uses that complement research, development, and technology-related uses.
- B. Uses permitted by site plan review:²⁶
- (1) Light assembly.
 - (2) Retail outlets associated with warehousing or light assembly.
 - (3) Offices.
 - (4) Enclosed warehousing and distribution facilities.
 - (5) Enclosed manufacturing.
 - (6) Vehicle and equipment rental agencies.
 - (7) Automobile dealerships.
 - (8) Automobile repair shops.
 - (9) Gasoline service stations.
 - (10) Car washes.
 - (11) Food and beverage processing and distribution facilities.
 - (12) Printing and publishing offices and shops.
 - (13) Indoor recreation facilities.
 - (14) Outdoor recreation facilities.
 - (15) Personal wireless service facilities.
- C. Uses permitted by conditional use permit:²⁷
- (1) Motor vehicle sales, repair, service and fueling operations.
- D. Uses permitted by conditional use permit which also require site plan review:²⁸

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

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

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

- (1) Research and development facilities.
 - (2) Chip-fab plants and research facilities.
 - (3) Medical research facilities and institutions.
 - (4) Contractor's offices, shops and yards.
 - (5) Heavy machinery and transportation equipment sales, repair or storage.
 - (6) Freight/trucking terminals.
 - (7) Adult uses.
- E. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

§ 270-21. LC Land Conservation District.

The following apply to the LC Land Conservation District:

- A. Purpose: to minimize the construction and placement of buildings and structures in areas that are sensitive to development due to the presence of regulated wetlands, flood-prone areas, steep slopes, etc.
- B. Uses permitted by right:
- (1) Public and private parks, preserves and open spaces.
 - (2) Bird sanctuaries and wildlife refuges.
 - (3) Bike and pedestrian trails.
 - (4) Interactive structures associated with the above uses.
 - (5) Agricultural activities. (Permitted activities are restricted to those allowed by NYS Department of Environmental Conservation permit, or similar activities permitted by state and/or federal agencies. Clear cutting is not permitted.)
 - (6) Private docks. (Permitted activities are restricted to those allowed by NYS Department of Environmental Conservation permit, or similar activities permitted by state and/or federal agencies. Clear cutting is not permitted.)
 - (7) Commercial logging. (Permitted activities are restricted to those allowed by NYS Department of Environmental Conservation permit, or similar activities permitted by state and/or federal agencies. Clear cutting is not permitted.)
- C. Dimensional regulations. The only dimensional regulations that apply are those relating to accessory structures. The regulations pertaining to location, height, yards and site coverage of such accessory use in the Suburban Residential District shall apply.

§ 270-22. PPL Public Park Lands District.

The following apply in the PPL Public Park Lands District:

- A. Purpose: to identify publicly owned parks, preserves, recreation areas and open spaces, and to preserve and enhance those very features which led to the acquisition/establishment of these publicly owned properties.
- B. Uses permitted by right:
 - (1) Publicly owned parks, preserves, recreation areas and open spaces.
 - (2) Structures and facilities typically associated with such uses.
- C. Dimensional regulations. Dimensional regulations do not apply within the Public Park Lands District.

§ 270-23. RRC Riverfront Recreation/Commercial District.

The following apply in the RRC Riverfront Recreation/Commercial District:

- A. Purpose: to provide for public and privately sponsored water-dependent or water-enhanced development which promotes and supports recreational opportunities and commerce on the Mohawk River/Barge Canal and its adjacent shoreline, while at the same time preserving the riverfront environment as much as possible.
- B. Uses permitted by site plan review:
 - (1) Marinas.
 - (2) Lodging facilities.
 - (3) Swimming facilities.
 - (4) Outdoor recreation facilities.
 - (5) Campgrounds.
 - (6) RV parks.
 - (7) Restaurants, excluding fast-food restaurants.
 - (8) Bike paths.
- C. Uses permitted by conditional use permit which also require site plan review:²⁹
 - (1) Marinas.
 - (2) Lodging facilities.
 - (3) Campgrounds.

²⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (4) RV parks.
 - (5) Restaurants, excluding fast-food restaurants.
- D. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

§ 270-24. AZ Airport Zoning District.

The following apply to the AZ Airport Zoning District:

- A. Purpose: to provide for continued private and public use of the Schenectady airport and for potential expansion within the current boundaries of the airport. Further, the airport district has been established to encourage certain type of ancillary development, which is often associated with publicly owned airports.
- B. Uses permitted by right:
 - (1) Fixed-base operator facilities.
 - (2) Passenger terminals and associated parking lots.
 - (3) Aircraft fueling operations and facilities.
 - (4) Control towers, weather monitoring stations and similar airport structures and uses.
 - (5) Offices in association with aviation activities.
 - (6) Charter operations.
- C. Uses permitted by site plan review:
 - (1) Aviation and space-related museums.
 - (2) Automobile rental operations.
 - (3) Cargo/freight movement operations.
- D. Uses permitted by conditional use permit which also require site plan review:³⁰
 - (1) Automobile rental operations.
 - (2) Cargo/freight movement operations.
- E. Dimensional regulations. The Table of Dimensional Regulations is included at the end of this chapter.

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

ARTICLE VI
Planned Development Districts (PDD)

§ 270-25. Purpose.

The purpose of the PDD District is to facilitate increased flexibility to achieve more desirable development through the use of more creative and imaginative design of residential, mixed use and commercial areas than is presently achievable under conventional land use techniques and zoning regulations and to preserve, adapt and improve existing open space, land uses, and neighborhoods, consistent with the recommendations of the Town's Comprehensive Plan. The implementation of planned development shall be established on a floating zone basis with attendant controls and regulations intended to provide the means to accomplish the intended purposes and goals set out herein.

§ 270-26. Classifications.

- A. The following classifications of Planned Development Districts (PDD) are hereby established:
- (1) Residential (RPD).
 - (2) Mixed Use (MUPD).
 - (3) Commercial (CPD).
 - (4) Recreation/Tourism (RTPD).
 - (5) Waterfront (WPD).
- B. The above-listed classifications may be considered on a floating zone basis, such that the uses of the planned development are permitted in place of the uses of the underlying zoning district(s) unless otherwise specified. The restrictions, controls and incentives of the relevant planned development classification shall apply to the Planned Development District to the exclusion of the underlying zoning classification.

§ 270-27. General development standards.

- A. No earth work, land clearing, construction or development shall take place on any property in a Planned Development District except in accordance with the subdivision and/or site plan approved by the Planning and Zoning Commission in accordance with this article and the procedures and standards for site plan approval set forth in this article.
- B. In cases in which a proposed project also involves the subdivision of land, no development may proceed until the Planning and Zoning Commission has granted final subdivision approval in accordance with the standards and procedures of this chapter and Chapter 242, Subdivision of Land.
- C. Unless restricted otherwise herein, minimum yard setbacks, allowable lot coverage, maximum height or other dimensional requirements for any of the structures devoted to uses listed in this article shall be set by the Planning and Zoning Commission and

delineated on the approved plan rather than determined by any other provisions of this chapter, but shall in no event be less restrictive than those dimensions set forth on the preliminary site plan submitted in accordance with § 270-106 of this chapter, and upon which the Town Board placed reliance in approving the planned development amendment.

- D. On-site parking and access requirements shall be determined by the Planning and Zoning Commission based upon the off-street parking requirements in this chapter and reasonable planning standards. Parking and access requirements shall not be less than those shown on the preliminary site plan unless the Town Board shall, by resolution, consent to any such reduction.
- E. Common property in a Planned Development District is a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owner and the occupants of the individual building sites or the public in general. Where common property exists, the ownership of such property shall be either public or private. Where such property exists in private ownership, the applicant must address the issue of ownership and maintenance of such permanent open space lands. The Town Board may establish such conditions on ownership and maintenance, as it deems necessary, to assure the preservation of such lands for their intended purpose. A percentage of the acreage of any Planned Development District shall include land for recreational purposes and/or preserved as natural open space. Such areas shall encompass land having meaningful ecological, aesthetic and recreational characteristics, with access, shape, dimensions, location, topography and nature and extent of improvements suitable in the opinion of the Town Board for the intended purposes. Minimum percentages of common property shall be afforded each Planned Development District classification as follows:
- (1) Residential: 40%.
 - (2) Mixed Use: 35%.
 - (3) Commercial: 30%.
 - (4) Recreation/Tourism: 40%.
 - (5) Waterfront: 40%.
- F. A Planned Development District may be authorized where the Town Board finds that the development will be beneficial, compatible and harmonious with the surrounding land uses and not have a significant impact upon the environment. The siting of a Planned Development District shall also be consistent with the purpose of this chapter and the goals and objectives of the Comprehensive Plan.

§ 270-28. Development standards by classification.

- A. Residential Planned Development District (RPD). The RPD is predominantly intended to encourage flexible residential development with provisions for recreation, community uses, services and activities normally accessory to residential use, while maximizing the preservation of natural vegetation and character (e.g., existing contours). Clustering, open

space preservation, and the most efficient utilization of transportation systems, utilities and public services are intended to be achieved by the RPD. The intent is to support creative and desirable private residential development by providing incentives and flexibility, which encourage the use of innovative planning and design techniques.

- (1) Requirements. The RPD shall be beneficial, compatible and harmonious with the surrounding land uses, the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan.
 - (2) Permitted uses. Within the RPD, the following residential uses or residential accessory uses shall be permitted: any residential or accessory use permitted by right, site plan review and conditional use permit in the RA, SR and RM Districts.
- B. Mixed Use Planned Development District (MUPD). The Mixed Use Planned Development District (MUPD) is intended to provide a flexible mixture of usage among residential, commercial services and institutional uses while maximizing the preservation of natural vegetation and character (e.g., existing contours). The commercial uses provided in this district should provide convenient services to the residential uses therein. Clustering, open space preservation, elimination of sprawling complexes and developments, and the most efficient utilization of transportation systems, utilities and public services are intended to be achieved by the MUPD.
- (1) Requirements. The MUPD shall be beneficial, compatible and harmonious with the surrounding land uses, the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan.
 - (2) Permitted uses. Within the MUPD, the following uses shall be permitted:
 - (a) Any use permitted by right, site plan review, and conditional use permit in the SR and RM Districts.
 - (b) Residential condominiums or residential cooperatives and bed-and-breakfasts.
 - (c) Nursing homes, proprietary rest homes and retirement communities.
 - (d) Golf courses and clubs.
 - (e) Parks, playgrounds, basketball courts and trails.
 - (f) Health clubs, spa facilities or other indoor recreation facilities.
 - (g) Any other residential or commercial use where it can be demonstrated that such use will be beneficial, compatible and harmonious with the residential uses of the MUPD and the surrounding area and where it is further demonstrated that the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan are maintained and furthered.
- C. Commercial Planned Development District (CPD). Commercial Planned Development Districts (CPD) are intended to consist primarily of commercial uses, although residential uses are permitted. Clustering of development, elimination of sprawl, the efficient and cost-effective use of public utilities, services and transportation systems, and the

preservation of open space and natural character (e.g., existing contours) are all intended to be achieved.

- (1) Requirements. The CPD shall be beneficial, compatible and harmonious with the surrounding land uses, the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan.
 - (2) Permitted uses. Within the CPD, the following uses shall be permitted: any use permitted by right, site plan review, and conditional use permit in the GB, CB, PR, RM and SR Districts.
- D. Recreation/Tourism Planned Development District (RTPD). The Recreation/Tourism Planned Development District is intended to encourage the development of a centralized area of recreational, cultural, entertainment and tourism facilities.
- (1) Requirements. The RTPD shall be beneficial, compatible and harmonious with the surrounding land uses, the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan.
 - (2) Permitted uses. Within the RTPD, the following uses shall be permitted:
 - (a) Community or regional recreation facilities, including stadiums, arenas, field houses, playing fields, skating rinks, tennis centers, swimming pools, golf courses, equestrian racetracks or other recreation facilities.
 - (b) Health clubs, spa facilities or similar types of indoor recreation facilities.
 - (c) Parks, playgrounds and trails.
 - (d) Theaters, cinemas, concert halls, museums, amphitheaters, performing arts centers or similar types of entertainment or cultural facilities.
 - (e) Hotels, motels, bed-and-breakfasts, inns, and restaurants.
 - (f) Multifamily dwellings.
 - (g) Conference and/or trade exposition centers.
 - (h) Any use not specifically identified above but otherwise permitted by right, site plan review and conditional use permit in the zoning district that is to be changed to RTPD to accommodate the development.
 - (i) Any other commercial use where it can be demonstrated that such use will be beneficial, compatible and harmonious with the uses of the RTPD and the surrounding area and where it is further demonstrated that the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan are maintained and furthered.
- E. Waterfront Planned Development District (WPD). The Waterfront Planned Development District is designed to provide flexible residential and/or commercial development with predominantly water-dependent or water-enhanced uses, while maximizing the preservation of natural vegetation and character (e.g., existing contours). Clustering, open

space preservation, water access and the most efficient utilization of the waterfront, transportation systems, utilities and public services are intended to be achieved by the WPD. The intent is to support creative, desirable and coordinated development by providing incentives and flexibility, which encourage the use of innovative planning and design techniques.

- (1) Requirements. The WPD shall be beneficial, compatible and harmonious with the surrounding land uses, the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan.
- (2) Permitted uses. Within the WPD, the following uses shall be permitted:
 - (a) Multifamily dwellings.
 - (b) Residential condominiums or residential cooperatives, motels, hotels, inns, bed-and-breakfasts.
 - (c) Swimming pools.
 - (d) Beach clubs, marinas and yacht clubs.
 - (e) Parks, playgrounds, trails and other outdoor recreation facilities.
 - (f) Stores and shops for the conduct of retail business.
 - (g) Restaurants and banquet facilities.
 - (h) Museums, outdoor theaters, marine centers/parks, aquariums or similar types of entertainment or cultural facilities.
 - (i) Any use not specifically identified above but otherwise permitted by right, site plan review and conditional use permit in the existing underlying zoning district.
 - (j) Any other water-dependent or water-enhanced use where it can be demonstrated that such use will be beneficial, compatible and harmonious with the uses of the WPD and the surrounding area and where it is further demonstrated that the purpose of this chapter and the goals and objectives of the Town Comprehensive Plan are maintained and furthered.

§ 270-29. Initiation of application.

Any person or corporation having ownership of the property, or a possessory interest entitled to exclusive possession, or a contractual interest or future ownership, may file for a Planned Development District amendment. The approved project plan shall be binding on the project land and owner(s).

§ 270-30. Preliminary application.

The applicant shall submit 23 copies of a preliminary site plan (see § 270-31), together with a written application for a change in district to a Planned Development District.

- A. Review by the Glenville Environmental Conservation Commission (GECC). The GECC shall review the preliminary development plan and make a SEQR recommendation to the Planning and Zoning Commission as to whether the proposal will have a significant potential adverse environmental impact.
- B. Review by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the preliminary development plan with the applicant. After the application has been duly reviewed, the Planning and Zoning Commission shall make a written finding of fact and shall submit same, together with recommendations, to the Town Board.
- (1) Findings required. The Planning and Zoning Commission may recommend establishment of a Planned Development District, provided that the preliminary development plan establishes that:
- (a) The uses proposed will not be detrimental to surrounding uses, but will have a beneficial effect, which could not be achieved under another district.
 - (b) Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
 - (c) The proposed zoning change is in conformance with the general intent of this chapter and the Town of Glenville Comprehensive Plan.
 - (d) Existing and proposed streets are suitable and adequate to carry anticipated traffic within and in the vicinity of the proposed development.
 - (e) Existing and proposed utilities are adequate for the proposed development.
 - (f) Each phase of the proposed development, as it is intended to be built, contains the required parking spaces, landscaping and utilities necessary for creating and sustaining a desirable and stable environment.
- (2) Public hearing by the Town Board. Following receipt of the report by the Planning and Zoning Commission or, if no report is completed, within 62 days after receipt of preliminary development plans, the Town Board shall conduct a public hearing on the proposed project and the proposed change of zoning. The public hearing on the proposed Zoning Map amendment to Planned Development District shall be given public notice as required for all Zoning Map amendments. After the public hearing, the Zoning Map may be amended, but such action shall only have the effect of granting permission for preparing site plans for development of the specific proposal incorporating any conditions or modifications requested by the Town Board. The Town Board may deny approval of the Zoning Map amendment and any preliminary development plans.

§ 270-31. Preliminary site plan.

The application for a Zoning Map amendment to Planned Development District shall include the following preliminary development plan:

- A. Survey showing existing features of the property, including contours, buildings, structures, large trees, street utilities, rights-of-way and land use.
- B. Vicinity map showing property lines and land use within 1,000 feet of the site, drawn to a scale of one inch equals 500 feet or larger.
- C. Proposed site plan showing building locations, land use, open space, traffic circulation, parking, pedestrian walks, landscaping and utilities.
- D. Proposed construction sequence for buildings, parking, utilities and landscaping.
- E. Preliminary architectural drawings for buildings, elevations, and summary of building type, floor area, number of stories and material,
- F. Preliminary engineering plans, including street improvements, drainage systems and utilities.
- G. Any additional maps, data or background information requested by the Planning Department, Planning and Zoning Commission or Town Board.

§ 270-32. Approval of site plans.

Within six months of Town Board approval of the Zoning Map amendment and preliminary development plan, the applicant shall file for site plan review in accordance with the procedures of Article XVI of this chapter. The Planning and Zoning Commission shall examine the site plans for substantial compliance with the preliminary development plan and any conditions or modifications requested by the Town Board. The Planning and Zoning Commission shall review the site plans as required by Article XVI of this chapter. The Planning and Zoning Commission may approve, deny, or approve with conditions the site plan application. However, any changes to the site plan that differ from the preliminary development plan are subject to § 270-34 of this article.

§ 270-33. Approval of final site plans.

Before building permits are issued for the project, the Building Inspector or Deputy Building Inspector and the Planning and Zoning Commission shall review the final site plans for the planned development. The Planning and Zoning Commission shall approve the final site plans only if they are in substantial compliance with the approved preliminary site plan. Following final Planning and Zoning Commission approval, the Building Inspector may issue building permits. He may issue a certificate of occupancy for any completed building or structure in the planned development if the completed building or structure conforms to the requirements of the approved final plans and all other applicable ordinances and regulations.

§ 270-34. Changes in approved site plans following Zoning Map amendment.

No changes may be made in the approved site plans except upon application as noted below:

- A. Minor changes. Inconsequential changes in location, siting, and height of buildings and structures may be authorized by the Planning and Zoning Commission if required by engineering or other unforeseen circumstances.
- B. Other changes. Any amendments to the use of property, any rearrangement of lots, blocks and building tracts, any changes in common open spaces, and all other changes to the final site plan must be approved by the Town Board and Planning and Zoning Commission. No amendments may be made to the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town.

§ 270-35. Phasing construction of planned development.

The applicant may phase construction of the planned development over a period of up to four years. The plan must be specific with regard to phasing and timetable. Further, the construction and provisions of all of the common open spaces and public and recreation facilities, which are shown on the final site plan, must proceed at the same rate as the construction of dwelling units. The Building Inspector or Deputy Building Inspector shall examine the rate of construction and may revoke the building permit and recommend to the Town Board revocation of the planned development amendment, if he finds that the rate of construction of dwelling units is greater than the rate at which common open space has been provided.

ARTICLE VII
Intermunicipal Watershed Rules and Regulations

§ 270-36. Purpose.

The Schenectady (Great Flats) Aquifer is arguably the most important natural resource to the Town of Glenville and Schenectady County. Since the aquifer is the sole source of drinking water to over 150,000 county residents and roughly 16,000 Glenville residents, it is imperative that this resource be protected from potential contamination. It is, therefore, the intent of these regulations to minimize the likelihood of incompatible land uses from locating in the various recharge areas of the aquifer.

§ 270-37. Applicability. [Amended 4-18-2007 by L.L. No. 3-2007]

This article shall apply to any lands, premises and uses within the respective protection zones created by Article 11, Title 1, §§ 1100-1107 of the NYS Public Health Law and shown on the Intermunicipal Watershed Rules and Regulations Schenectady Aquifer Protection Zones Map, Plate No. 1, dated February 1990, and the Intermunicipal Watershed Rules and Regulations Municipal Property Inventory Maps dated February 1990. Said map, or series of maps, all notations or other information shown thereon are part of this article and are located in the office of the Town Clerk. This article is intended to be superimposed on the existing underlying zoning districts to supplement the underlying development standards with additional requirements designed to protect the aquifer and the municipal water supply. This article shall in no way exempt any existing or proposed land uses or development activities

from complying with the Intermunicipal Watershed Rules and Regulations contained in Article 11, Title 1, §§ 1100-1107 of the NYS Public Health Law.

§ 270-38. General provisions.

- A. The manufacture, use, storage, disposal or discharge of any products, materials or by-products, such as wastewater, solid waste, hazardous waste or any pollutant, within the identified protection zones which may adversely affect the quality of water supply sources must conform to the requirements of these rules. Where groundwater deterioration is likely to be caused by land development, municipal officials shall ensure that appropriate zoning or other controls are carried out to prevent groundwater contamination.
- B. Accidental spills.
- (1) Within any of the herein defined protection zones, any person who is the owner of, or in actual or constructive possession or control of, a hazardous material, or any agent or employee thereof, or any person in a contractual relationship therewith, who is responsible for or has knowledge of any spill, as defined in Article II, of any petroleum, hazardous material, toxic substance or radioactive material to the ground surface or any water body, which is likely to have any adverse effect on water quality or quantity, shall notify the appropriate municipal water purveyor, and the New York State Departments of Environmental Conservation and Health, as described in the following Subsections B(2) and (3) of this section. The municipal water purveyor shall notify all other appropriate agencies and the Watershed Board of any spill.
 - (2) All spills shall be reported to the appropriate municipal water purveyor and the New York State Department of Environmental Conservation within two hours of such spill, or when knowledge of such spill is obtained, and shall be addressed in accordance with the provisions of Article 12 of the Navigation Law, §§ 170 through 197, and Article 17 of the New York State Environmental Conservation Law. Cleanup of spills is the responsibility of the owners; in case of material in transit, cleanup is the responsibility of the carrier.
 - (3) The State Department of Health shall be advised of any spills within 12 hours.
- C. SPDES permits. Within any of the protection zones, all applicants for the permit pursuant to the New York State Pollutant Discharge Elimination System (SPDES) shall simultaneously submit a copy of the application to the New York State Department of Environmental Conservation and the appropriate municipal water purveyor. The municipal water purveyor shall send a copy of this application to the Watershed Board for its information.
- D. Exceptions. Exception to the rules and regulations may be granted by the Commissioner of the New York State Department of Health after appropriate study and review, based on prior usage and unique local conditions if, in his judgment, the health and safety of the consuming public will be protected because of treatment provided or other remedial

action taken. Such exceptions shall be in writing. Hearings may be held at the Commissioner's discretion.

E. Protection zone boundary adjustments.

- (1) When the location of a protection zone boundary, as shown on the adopted Schenectady Aquifer Protection Zone Maps, Plate #1, dated February, 1990, is disputed by any owner or abutter affected by said boundary, the owner or abutter, at his own expense, may engage a licensed engineer or professional hydrogeologist to conduct such investigations as are necessary to determine if a discrepancy exists in the mapped boundary.
- (2) The owner or abutter shall submit all pertinent findings to the appropriate municipal water purveyor. The municipal water purveyor shall transmit the submission to the Watershed Board. The Watershed Board shall investigate and hear evidence regarding the proposed adjustment and make a recommendation to the appropriate municipality. The appropriate municipality shall, in turn, hear evidence regarding the proposed boundary zone adjustment and make a recommendation to the Commissioner. The Commissioner shall act to grant, grant with conditions or deny a boundary adjustment request.
- (3) All amendments and adjustments to a protection zone boundary or designation, granted by the Commissioner, shall be officially recorded on the Intermunicipal Watershed Rules and Regulations Schenectady Aquifer Protection Zones Maps, Plate #1, dated February, 1990. The Board shall transmit to the Commissioner of the New York State Department of Health a copy of any such recorded amendments or adjustments.

F. Nonconforming buildings, structures and/or uses.

- (1) Nonconforming buildings, structures or uses of land may be continued subject to the owner of such building, structure or use of land demonstrating compliance with conditions set forth in Subsections F(2) and F(3) of this section.
- (2) No nonconforming building, structure or use of land shall be enlarged, altered or extended in any manner without a site plan review and specific prior approval by the municipal water purveyor. No nonconforming building, structure or use of land may be modified in any way which is determined, by the local water purveyor, to increase its threat to the groundwater or otherwise contravene the purpose and

intent of these Watershed Rules and Regulations; however, in no event shall a nonconforming building, structure or use be permitted to expand, enlarge or extend the capacity to store or handle any materials or substances which may be a threat to the Schenectady Aquifer, including, but not limited to, pesticides, fertilizers, chloride salt, septage, sewage, sludge, solid waste, hazardous materials or radioactive materials.³¹

- (3) If any nonconforming use is stopped for a period of six months or more, it shall permanently desist. Any new building, structure or use of land shall conform to the purpose, intent and literal provisions of this article and any amendment thereto. A nonconforming use of land may only be changed to a conforming use of land.

G. Compliance conditions.

- (1) Provide a written report to the appropriate municipal water purveyor with the following information at least annually and/or on the occurrence of the following:
 - (a) Change in operation.
 - (b) Any intended sale(s) of property.
 - (c) Results of state agencies' programs, including, without limitation, test results and audits from such programs as Petroleum or Chemical Bulk Storage, Resources Conservation and Recovery Act (RCRA), etc. The owner shall be responsible to immediately remove the contamination from the aquifer.
 - (d) Accidental spills (see § 270-38B of this article). Develop and carry out a plan to protect the aquifer from potential contamination associated with land use activities. The plan must be approved by the appropriate municipal water purveyor and must include:³²
 - [1] Restrictions or management of activities on the property;
 - [2] Dams/Berms (revised drainage control) planned;
 - [3] Identification and development of operating procedures for potential pollution activities (i.e., changing oil of a car); and
 - [4] Disposal procedures for hazardous material.
- (2) Should implementation of the plan described in Subsection G(1) above not prevent contamination of the aquifer or any portion thereof, the owner shall immediately cease the offending activity and initiate remedial actions to remove the contamination from the aquifer as required by the agency having jurisdiction.

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

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

§ 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.
 - (2) The storage or handling of any septage, sewage, sludge, animal wastes, human excreta, hazardous material or radioactive material, except for existing single-family residences, to which the relevant restrictions of these regulations shall apply and except for fuels and chemicals necessary for pumping and treatment of water supply wells, is prohibited.
 - (3) The bulk storage of coal or chloride salts is prohibited.
 - (4) The use of pesticides for commercial/agricultural purposes is prohibited.
 - (5) No filling, excavation or dredging, other than those activities specifically referred to in Subsection A(1), above, is permitted without prior approval of the appropriate municipal purveyor. An application for such an approval must be accompanied by a site plan. The approval shall not be granted unless the applicant can demonstrate that the proposed activity will not result in adverse water quantity impacts or the contravention of water quality standards set forth in 6 NYCRR Part 703.
- B. Zone II, Primary Recharge. 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 III and IV shall also apply to Zone II. In addition:
- (1) Uses that pose a substantial risk to groundwater quality because of associated storage, use or handling of hazardous materials, as defined by 6 NYCRR Part 595 and Part 612, are prohibited. These uses include, but are not limited to, motor vehicle repair and body shops, trucking or bus terminals, coin or commercial laundries, dry-cleaning and dyeing establishments, furniture stripping and refinishing operations, printing and photographic processing plants, salvage yards and the storage for sale of gasoline, diesel fuel, heating oil, lubricants, antifreeze, solvents or agricultural or industrial chemicals.
 - (2) The commercial excavation or extraction of soils, sands and gravels, except for those existing mining operations authorized by the New York State Department of Environmental Conservation under Article 23, Title 27 of the Environmental Conservation Law, is prohibited.
 - (3) The introduction into an existing on-site disposal system of any hazardous material is prohibited.
 - (4) The establishment of any solid waste management or waste treatment facility is prohibited.

- (5) The installation of any underground storage facility is prohibited.
 - (6) The interment of human or animal remains is prohibited.
 - (7) The dumping or disposing of snow or ice collected off site from roadways or parking areas is prohibited.
 - (8) Approval is required from the appropriate municipal building inspector before the installation of any new on-site disposal system or the replacement or expansion of any existing on-site disposal system. Conditions for approval shall include an approved engineering plan, a site-specific soils analysis, verification of the site's percolation rate and inspection of the site before backfilling. A copy of the approval will be sent to the water purveyor.
 - (9) The appropriate municipal water purveyor must be notified before the spreading, application or use of any pesticide for commercial and agricultural purposes. Notification shall include a description of the area to be covered and identification of the type and volume of the material to be used.
- C. Zone III, General Recharge. 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 Zone IV shall also apply to Zone III. In addition:
- (1) The construction, installation, maintenance or use of any aboveground storage facility that discharges any petroleum product, hazardous material or toxic substance into the groundwater or into any water body except as allowed by a valid SPDES permit is prohibited.
 - (2) The establishment of any raw waste landfill, ash landfill, construction/demolition landfill, junkyard, salvage yard or dump is prohibited.
 - (3) Underground injection is prohibited, with the sole exception of underground injection activities specifically and directly related to development or maintenance of water supply wells. Except for single-family residences, proposals to undertake water supply, well development or maintenance-related underground injection require prior review and approval from the appropriate municipal water purveyor.
 - (4) The aboveground discharge, land application or disposal of any septage, sewage, sludge, animal wastes, animal remains or human excreta is prohibited, except for agricultural uses consistent with appropriate best management practices which have been endorsed by the Watershed Board. (See the Schenectady Aquifer Schenectady Intermunicipal Watershed Rules and Regulations Administrative Procedures Manual filed at each municipal clerk's office.)
 - (5) The dumping or disposing of snow or ice collected off site from roadways or parking areas into or within 100 feet of any water body is prohibited.
 - (6) The open storage of pesticides for wholesale, retail or commercial agricultural purposes is prohibited.

- (7) The bulk storage of coal or chloride salts is prohibited except in structures designed to prevent the entrance of precipitation and constructed on low-permeability pads which control seepage and runoff.
- (8) The owner of any aboveground or underground storage facility existing on the effective date of this article shall notify the appropriate municipal water purveyor and all other appropriate agencies of any leak or spill promptly on its discovery. The owner shall immediately undertake any such actions as may be necessary to prevent contamination of the groundwater. The municipal water purveyor shall send this information to the Watershed Board and all other involved or interested agencies.
- (9) The drilling, construction, installation, discontinuance and abandonment of all individual or private water supply wells shall comply with the requirements and standards of the Department of Health (see 10 NYCRR Subpart 5-2).
- (10) Any underground storage facility that is out of service for more than one year shall be removed. Any liquid residue shall be removed from the facility and all connecting lines shall be securely capped or plugged.
- (11) Sanitary sewer lines, pipes and mains shall not allow exfiltration or infiltration to exceed 200 gallons per inch of pipe diameter per mile per day for any section of the sewerage system. (See Recommended Standards for Wastewater Facilities, 1990 Edition, Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers, Section 33.9.)

D. Zone IV, Tributary Watershed.

- (1) The discharge or disposal of any hazardous material or radioactive material except as may be authorized pursuant to a permit issued by the New York State Department of Environmental Conservation or the New York State Department of Health is prohibited.
- (2) The discharge, land application, burial or disposal of any septage, sewage, sludge, animal wastes, animal remains or human excreta within 100 feet of any water body is prohibited, except as allowed by a valid permit issued by the New York State Department of Environmental Conservation or the New York State Department of Health or for agricultural uses consistent with appropriate best management practices which have been endorsed by the Board. (See the Schenectady Aquifer Schenectady Intermunicipal Watershed Rules and Regulations Administrative Procedures Manual filed at each Municipal Clerk's office.)
- (3) The dumping or disposing of snow or ice collected off site from roadways or parking areas within 50 feet linear distance of any water body is prohibited.
- (4) The open storage of agricultural chemicals and pesticides within 50 feet linear distance of any water body is prohibited.
- (5) The open storage of coal or chloride salts within 50 feet linear distance of any water body is prohibited.

§ 270-40. Inspections.

- A. Each municipality which has protection zones, or portions of protection zones, within its municipal jurisdiction shall make periodic inspections of all properties within the boundaries of such zones, consistent with all constitutional limitations, to verify conformance with this article. These inspections shall be conducted by the municipal water purveyor, or designated municipal official, having jurisdiction at least one time annually. Before January 1 of each year the municipal water purveyor shall make a report to the Board describing the results of these inspections together with any other information relevant to the enforcement and administration of this article.
- B. Information necessary to demonstrate compliance shall be submitted at the request of the municipal water purveyor. The aforesaid shall cause copies of any provisions violated to be served on the person violating same, together with notices of such violations. If said person does not immediately comply, the municipal water purveyor shall promptly notify the Watershed Board and the State Commissioner of Health of such violations.
- C. The Watershed Board shall make annual reports to the State Commissioner of Health, before January 30, including such information on number of inspections, violations found, notices served, violations abated, the general condition of the resource and any other information relevant to the enforcement and administration of this article.

§ 270-41. Variances.

- A. Standards. An owner who experiences practical difficulty or unnecessary hardship because of the literal interpretation of the provisions of this article may request a hearing by the Commissioner of Health. The Commissioner may grant a variance from the requirements of this article if the Commissioner finds that the health, welfare and safety of the consuming public will be protected. In making this determination, the Commissioner shall consider the following factors and make findings regarding each:
 - (1) Whether the use or activity to be authorized by the waiver or variance is in harmony with the purpose and intent of this article.
 - (2) Whether a substantial change will be produced in the general condition of the resource or a substantial risk to groundwater quality or quantity will be created because of the variance.
 - (3) Whether the hardship or difficulty can be alleviated by some other method that is feasible for the applicant to pursue.
 - (4) Whether the variance requested is the minimum variance necessary to afford relief. To this end, the Health Department may grant a lesser variance than that applied for.
 - (5) Whether the hardship or difficulty has not been created by the applicant.
- B. Decision of the Commissioner. The Commissioner may request the municipal water purveyor and the Watershed Board to review any application for a variance before

reaching a determination regarding the request. The Commissioner may impose such conditions as he may deem necessary to serve the purpose and intent of this article.³³

- (1) The Commissioner shall act on all requests within 60 days of a variance application. Failure to act within this sixty-day period shall be deemed a denial of the application.
- (2) Every decision of the Health Department to grant, grant with conditions or deny a variance request shall be made in writing and served on the applicant and shall include all findings made regarding the aforementioned factors. All conditions shall be expressly set forth and the reasons for such conditions specified. Violations of the conditions of a variance shall be a violation of this article.
- (3) The issuance of a variance shall not authorize the establishment or extension of any use nor the construction of any structure but shall merely authorize the filing of an application for any permit or approval that may be required by the municipality within which such action is proposed.

C. Variance application procedure. Applications for a variance shall be submitted to the appropriate municipal water purveyor by registered mail and shall contain at least the following information:

- (1) The applicant's name, address and his interest in the subject property; or the owner's name and address, if different from the applicant, and the owner's signed consent to file the application.
- (2) The protection zone location, along with the street address and legal description of the subject property.
- (3) A narrative description of the proposed use or action together with any other pertinent information that may be necessary to adequately review the application.
- (4) A sketch plan illustrating all proposed site alterations, all structures existing on site, the existing uses and zoning of adjacent parcels, site contours and drainage patterns.
- (5) A statement articulating the hardship or difficulty imposed by the enforcement and administration of this article with specific reference to the factors listed in this article.
- (6) A statement assessing the potential impact on groundwater quality of the use or activity to be authorized by the waiver or variance.
- (7) A plan and annual report as described in § 270-38G, where applicable.

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

§ 270-42. Penalties for offenses. [Amended 4-18-2007 by L.L. No. 3-2007]

- A. The Town Board hereby exercises its authority under § 10, Subdivision 1(ii)(d)(3), of the Municipal Home Rule Law, and any other applicable provision of law now or hereinafter enacted, to supersede the applicable provisions of § 268, Subdivision 1, of the Town Law, and any other applicable or successor law, in order to impose a penalty and fine structure that best reflects the needs of the community and the importance of protecting the municipal water supply. For each violation of the provisions of this article, the owner, general agent, person in charge of the premises, architect, engineer and/or contractor of the building, structure or premises where such violation has been committed or exists shall be guilty of an offense punishable by a fine or penalty of not less than \$250 nor more than \$5,000 or by imprisonment for a period not to exceed six months or both, for a conviction of a first offense; upon conviction of a second violation, where the offense is committed within a period of five years of the first offense, a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent violation where the offense is committed within a period of five years of the first and second offense, a fine of not less than \$1,500 nor more than \$15,000 or by imprisonment for a period not to exceed six months, or both. Each day such violation continues following notification by the Town or service of a summons shall constitute a separate offense punishable in like manner. The Town Board shall have such other remedies as are allowable by law.
- B. Any person, firm or corporation who violates, disobeys, refuses to comply with or resists the enforcement of any provision of these Intermunicipal Watershed Rules and Regulations or the terms of any permit or other approval granted hereunder shall also be subject to those penalties specified in Article 11, Title 1, § 1103, of NYS Public Health Law as may be applicable, in addition to the penalties enumerated herein.

§ 270-43. (Reserved) ³⁰

ARTICLE VIII
Supplemental Regulations

§ 270-44. Multiple-family dwellings.

- A. Zoning district and lot requirements.
- (1) Multifamily dwellings are permitted in the Multi-Family District, General Business District, and the five different Planned Development Districts.
 - (2) A minimum lot size of three acres is required for all multifamily developments.
 - (3) Density of development over the entire site shall not exceed 20 units/acre.
 - (4) Total building coverage will not exceed 35% of the entire parcel.
 - (5) No building or structure will be located closer than 30 feet to any street lot line.

30. Editor's Note: Former § 270-43, Amendments, was repealed 4-18-2007 by L.L. No. 3-2007.

- (6) No building or structure will be located closer than 40 feet to any side or rear property line.
- (7) No building or structure will be located closer than 20 feet to the edge of the pavement of any interior access drive, except where such drive is designed for loading or maintenance purposes.
- (8) No building or structure will be located closer than 30 feet to any other building or structure.

B. Building requirements.

- (1) No building will exceed 35 feet in height.
- (2) No apartment or other multifamily dwelling unit will be constructed which contains less than 500 square feet of net floor area.
- (3) No more than six dwelling units will be permitted per townhouse building.
- (4) No more than eight dwelling units will be permitted per condominium building.
- (5) No more than 18 dwelling units will be permitted per garden apartment.
- (6) No more than 32 dwelling units will be permitted within any apartment building occupied exclusively by senior citizens.

§ 270-45. Home occupations.

- A. Purpose. The intent of this section is to accommodate small-scale owner-occupied businesses, trades or professions within residential areas. However, in accommodating such activities, it is the intent that there be no appreciable degradation of the character of residential neighborhoods in which these activities occur.
- B. Specific regulations. Home occupations are permitted by right in RA, SR, RM, and PR Districts, provided the occupation meets all of the following conditions:
 - (1) A home occupation shall be deemed to include the following:
 - (a) The office of an engineer, lawyer, architect, certified public accountant or other similar professional occupations (with the exception of physicians and dentists) which do not generally involve a significant amount of parking demand or client turnover, and in which such office may only employ one person in addition to that resident individual engaged in the home occupation; and
 - (b) A craft shop, an artist, dressmaker, teacher and tutor, in which no person other than that resident individual engaged in the home occupation will be employed.
 - (2) The home occupation must be clearly incidental and accessory or secondary to the residential use of the property.

- (3) In the event that the home occupation involves teaching, tutoring, or similar personal instruction and/or care, no more than two students or clients will be permitted in the dwelling at any one time.
- (4) In no case will more than one person, in addition to that resident individual engaged in the home occupation, be employed at any one time.

- (5) No more than 15% of the gross floor area of the dwelling unit nor 20% of the gross floor area of the dwelling unit and accessory structures will be used in the operation of the home occupation. **[Added 9-3-2008 by L.L. No. 4-2008]**
- (6) There will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, nonilluminated and not exceeding four square feet in area.
- (7) No additions or alterations to the residence's driveway or parking area will be permitted in association with the home occupation.
- (8) No more than 40 vehicle trips per day will result from the operation of the home occupation. For the purposes of this chapter, an arrival counts as one vehicle trip, as does a departure.
- (9) No equipment or process will be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference above and beyond what is expected of a typical single-family home.
- (10) Prior to starting a home occupation, the homeowner must apply for and receive a home occupation permit from the Building Department. The fee for a home occupation permit will be in accordance with the fee schedule for the Town of Glenville.²⁷ **[Amended 9-3-2008 by L.L. No. 4-2008]**

§ 270-46. Personal wireless service facilities.

- A. Purpose. The purpose of these regulations is to promote the health, safety and general welfare of the residents and landowners of the Town of Glenville; to provide standards for the safe provision of personal wireless service facilities consistent with applicable federal and state regulations; to minimize the total number of personal wireless service towers in the Town by encouraging shared use of existing tall buildings and other high structures; and to minimize adverse visual effects from personal wireless service towers by requiring careful siting, visual impact assessment and appropriate landscaping.
- B. Zoning districts in which permitted. Personal wireless service facilities are permitted in all zoning districts except Land Conservation, Public Park Lands, Riverfront Recreational Commercial, Airport and Town Center Overlay districts, subject to site plan review and all other provisions outlined herein.
- C. Performance bond or other security. Prior to site plan approval, a performance bond or other security sufficient to cover the full cost of the removal and disposal of the personal wireless service facility must be provided by the owner/operator. This cost will be determined by an estimate of the Town-designated engineer. Any such security must be provided pursuant to a written security agreement with the Town, approved by the Town Board and also approved by the Town Attorney as to form, sufficiency and manner of execution. The form of security shall be limited to those permissible under New York State Town Law § 277, Subdivision 9(c)(i) through (v).

27. Editor's Note: See Ch. 139, Fees.

- D. Site plan review. The construction of any new personal wireless service facility is subject to the Town of Glenville's site plan review procedures, as detailed in Article XVI of this chapter, as well as all other provisions outlined herein.
- E. Site plan review exception. Provided a personal wireless service tower has been approved by the Planning and Zoning Commission, and built in accordance with the approved plans, site plan review is not required for the erection of new antenna platforms on approved towers, or for the construction of additional accessory buildings. However, if the erection of a new antenna platform necessitates an increase in the height of the tower, site plan review is required.
- F. Public hearing and notice. Prior to a decision being made on the site plan review application, the Planning and Zoning Commission must conduct a minimum of one public hearing. Notice of said hearing is to be advertised in the official newspaper of the Town at least five days prior to the hearing. Additionally, all landowners whose property is located within 1,000 feet of the property line of the parcel on which a new personal wireless service facility is proposed must be notified of the hearing, by mail, at least five days prior to the hearing. **[Amended 4-5-2006 by L.L. No. 3-2006]**
- G. Materials to be submitted:
- (1) Completed site plan review for personal wireless service facilities application form.
 - (2) Full environmental assessment form.
 - (3) Visual environmental assessment form.
 - (4) Site plan or map with all the items spelled out in the site plan checklist portion of the application packet included on the plan/map. (See § 270-106D.) Additionally, the site plan must show all existing and proposed structures and improvements, including roads, buildings, tower(s), guy wires, anchors, parking and landscaping. Landscaping plans shall conform to Article XIX of this chapter.
 - (5) Grading plans for new structures and roads.
 - (6) Documentation on the proposed intent and capacity of the facility, as well as a justification for the height of the tower and the amount of clearing to be undertaken.
 - (7) Map and documentation showing the anticipated signal coverage of the facility, and discussing the expected needs for additional facilities within the Town over the next three years.
 - (8) Documentation that the applicant has explored usage of existing towers, tall structures and tower sites as an alternative to a new tower at a new tower site. Said documentation must include the financial, technical and/or physical reasons for not selecting an alternative tower, tall structure or tower site (see Subsections O and P of this section).

- (9) A Zone of Visibility Map to determine from where the tower may be seen.
 - (10) Pictorial representations of “before” and “after” views from key viewpoints both inside and outside of Glenville. Key viewpoints include, but are not limited to: interstate and state highways and other major roads, state, county and local parks and preserves, other public lands, historic sites normally open to the public, areas with a large concentration of residences and any other location where the site is visible to a large number of visitors or travelers. The Planning and Zoning Commission will determine the appropriate key sites at a presubmission conference with the applicant.
 - (11) Assessment of alternative facility designs and color schemes (see Subsection N of this section).
 - (12) A letter of intent from the applicant that the current facility owner and his/her successors will negotiate in good faith for shared use of the proposed facility by future personal wireless service providers, and that the tower will be designed to accommodate additional users (see Subsection Q of this section).
 - (13) A letter of intent from the applicant committing the current facility owner and his/her successors to notify the Building Inspector within 30 days of the discontinuance of use of the facility (see Subsection R of this section).
 - (a) Documentation that the applicant has notified the legislative bodies of every municipality that borders Glenville of its application for a new facility [see Subsection S(1) of this section].
- H. Lot size and setbacks. All proposed personal wireless service facilities and accessory structures must be located on a single parcel and must be set back from abutting parcels and street lines a distance sufficient to substantially contain on-site all ice-fall or debris from tower failure.
- (1) Lot size of parcels containing a facility will be determined by the amount of land required to meet the setback requirements.
 - (2) Personal wireless service towers must comply with all existing setback requirements of the underlying zoning district, or must be located with a minimum setback from any property line equal to 1 1/4 times the height of the tower, whichever is greater. Accessory structures shall comply with the minimum setback requirements for principal structures in the underlying zoning district.
 - (3) A waiver from the minimum setback may be granted by the Planning and Zoning Commission if such waiver would allow the new facility to be located on or adjacent to an existing tall structure or existing tower.
- I. Existing vegetation. Existing on-site vegetation must be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter at breast height (DBH) shall take place prior to the approval of the site plan.
- J. Screening. Deciduous or evergreen tree plantings may be at breast height (DBH) required to screen portions of the tower and accessory structures from nearby residential

properties as well as from public sites known to include important views or vistas. Where a tower site abuts a residential property or public property, screening is mandatory.

- K. Access. Adequate emergency and service vehicle access will be provided. Maximum use of existing roads, public or private, will be made. Road construction must, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill or no more than 10 feet beyond the edge of any pavement, whichever is less. Road grades must closely follow natural contours to minimize visual impacts and soil erosion potential. In instances where a steeper road grade would result in a lesser visual impact, the Planning and Zoning Commission can waive the requirement of closely following existing contours. However, the applicant must demonstrate that soil erosion will be minimized in instances where steeper road grades are being sought.
- L. Parking. Parking must be provided to assure adequate emergency and service access, and placed in a location that minimizes vegetation removal. The Planning and Zoning Commission will determine the number of required spaces based upon a recommendation from the Planning Department and/or applicant.
- M. Fencing. Sites of proposed new personal wireless service facilities must be adequately enclosed by a fence, the design of which shall be approved by the Planning and Zoning Commission, unless the applicant demonstrates to the Planning and Zoning Commission that such measures are unnecessary to ensure the security of the facility.
- N. New tower design. Alternative designs shall be considered for new personal wireless service towers, including lattice and monopole structures, as well as camouflaged or simulated tree-type towers. The design of a proposed new tower must comply with the following:
 - (1) Any new tower shall be designed to accommodate future shared use by other personal wireless service providers.
 - (2) Unless specifically required by other regulations, all personal wireless service towers must be comprised of materials, colors and textures designed to blend with natural surroundings.
 - (3) The maximum height of any new tower shall not exceed that which shall permit operation without artificial lighting of any kind or nature.
 - (4) The Planning and Zoning Commission may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, any new personal wireless service facility. The cost of the engineer's review is to be borne by the applicant.
 - (5) Accessory structures must be comprised of materials, colors and textures designed to blend with the natural surroundings.
 - (6) No portion of any facility or accessory structure shall be used for a sign or other advertising purpose, except for purposes of displaying the property owner or tenant's name, address, telephone number, etc.

- O. Shared use of existing tall structures or existing or approved personal wireless service towers.
- (1) At all times, shared use of existing tall structures (for example: municipal water towers, multistory buildings, church steeples, farm silos, etc.) and existing or approved towers shall be preferred to the construction of new towers.
 - (2) The Planning and Zoning Commission may consider a new personal wireless service facility when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant will be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a documented search ring (both within and outside of Glenville) of the proposed site and outlining opportunities for shared use of these existing facilities as an alternative to a proposed new facility. The report shall demonstrate good-faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use must be provided. The applicant may be required to provide maps of coverage areas in and around Glenville.
- P. Shared usage of an existing personal wireless service tower site for new tower. Where shared use of existing tall structures, and existing or approved towers is found to be impractical, the applicant must investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Any new personal wireless service tower proposed for an existing tower site will also be subject to the requirements of this section.
- Q. Future shared use of new personal wireless service towers. The applicant must design a proposed new personal wireless service tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Planning and Zoning Commission a letter of intent committing the new facility owner, and his/her successors, to negotiate in good faith for shared use of the proposed tower by other personal wireless service providers in the future. This letter, which shall be filed with the Building Inspector prior to issuance of a building permit, shall commit the new facility owner and his/her successors in interest to:
- (1) Respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
 - (2) Negotiate in good faith concerning future requests for shared use of the new tower, by other personal wireless service providers.
 - (3) Allow shared use of the new tower if another personal wireless service provider agrees in writing to pay charges.
 - (4) Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include, but is not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, and

depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

- R. Removal of personal wireless service facilities and accessory structures. The applicant shall submit to the Planning and Zoning Commission a letter of intent committing the facility owner, and his/her successor in interest, to notify the Building Inspector within 30 days of the discontinuance of use of the facility. This letter must be filed with the Building Inspector prior to issuance of a building permit. Obsolete or unused facilities, accessory structures and aboveground utilities must be removed from any site within four months of such notification. Failure to notify and/or to remove the obsolete or unused facility in accordance with these regulations will be a violation of this article and shall be punishable in accordance with § 270-157 of this chapter.
- S. Intermunicipal notification for new personal wireless service facilities. In order to keep neighboring municipalities informed, and to facilitate the possible sharing of personal wireless service facilities, the Planning and Zoning Commission will require that:
- (1) An applicant who proposes a new personal wireless service facility must notify in writing the legislative body of each municipality that borders the Town of Glenville (Towns of Clifton Park, Niskayuna, Charlton, Ballston, Rotterdam and Amsterdam, Village of Scotia and City of Schenectady). Notification must include a map showing the exact location of the proposed facility, and a general description of the project, including, but not limited to, the height of the tower and its capacity for future shared use.
 - (2) Documentation of this notification must be submitted to the Planning and Zoning Commission at the time of application.

§ 270-47. Mining and excavation.

- A. Where mining and excavation permitted. Only those mining operations that were active at the time of the adoption of this chapter are permitted within the Town of Glenville. Those mining operations that were active and operating under a valid NYSDEC permit at the time of the adoption of this chapter are allowed to expand, subject to NYSDEC approval and a conditional use permit from the Town of Glenville.
- B. Mining elements which can be considered.
- (1) In evaluating conditional use permit applications for the expansion of mining/excavation operations, the Zoning Board of Appeals can only consider the following items when placing conditions on the expansion of the mine:
 - (a) Entrances and exits from the mine on Town-controlled roads.
 - (b) Routing of mineral transport vehicles on Town-controlled roads.
 - (2) In an advisory capacity, the Town may also make recommendations to the New York State Department of Environmental Conservation as to the operation of the mine. The following items may be considered in the Town's recommendation to the NYSDEC:

- (a) Setbacks from property lines and rights-of-way.
- (b) Barriers designed to restrict access.
- (c) Dust control.
- (d) Hours of operation.
- (e) Reclamation.

§ 270-48. Adult uses.

Adult uses shall be permitted in Research, Development and Technology Zoning Districts, following site plan review and approval and the issuance of a conditional use permit.

A. Purpose.

- (1) In the execution of this section, it is recognized that there are some adult uses which, due to their very nature, have serious objectionable characteristics. In order to promote the health, safety and general welfare of the residents of the Town of Glenville, these regulations are intended to restrict adult uses to nonresidential areas of the Town. The objectionable characteristics of these uses are further heightened by their concentration in any one area, thereby having deleterious effects on adjacent areas; therefore, these regulations are intended to promote the health, safety and general welfare of the residents of the Town of Glenville by regulating the concentration of such uses. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.
- (2) To promote the health, safety, morals or general welfare of the community, including the protection and preservation of property, and the maintenance of property values.
- (3) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble, and the general atmosphere encompassing their operation, is of great concern to the Town of Glenville; therefore, these regulations shall accomplish the primary purpose of preventing and restricting their accessibility to minors.

B. Types of adult uses. For the purposes of this chapter, the following are considered adult uses:

- (1) Adult bookstores.
- (2) Adult entertainment cabarets.
- (3) Adult theaters.
- (4) Juice bars.

- C. Restrictions and conditions. The adult uses identified in Subsection B above are to be restricted as to location in the following manner, in addition to any other requirements of this chapter:
- (1) These uses are permitted only within the Research, Development and Technology Zoning District.
 - (2) Adult uses may not be located within a seven-hundred-fifty-foot radius of any dwelling.
 - (3) Adult uses shall not be located within a thousand-foot radius of another such use.
 - (4) Adult uses shall not be located within a thousand-foot radius of any school, church, or other place of worship, park, playground or playing field, youth center, bike path, public library or place of public assembly and recreation, or of a public or private recreational facility, restaurants or similar enterprises catering to or frequently attended by minors.
- D. Visibility and display of signs.
- (1) No adult use shall be conducted in any manner that permits the observation of any material depicting or relating to specified sexual activities or specified anatomical areas from any public way or property. This provision shall apply to any display, decoration, sign, banner, show window, screen or other opening.
 - (2) Sign prohibiting minors required. A sexually oriented business shall display one exterior sign giving notice that the premises is off limits to minors.
- E. Buffer area. Every building which houses a sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width, consisting of plantings; location, type and size to be determined by the Planning and Zoning Commission.

§ 270-49. Grading and site preparation.

The following apply to grading and site preparation:

- A. Purposes:
- (1) To minimize soil erosion and sedimentation and the potential impacts of erosion and sedimentation on streams, water bodies, and neighboring properties.
 - (2) To avoid excessive and/or unnecessary tree and vegetation removal from properties being considered for development.
 - (3) To minimize air quality degradation that can occur as a result of windblown sand and sediment associated with properties that are being cleared and graded for development.
- 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.

C. Exemptions. The following activities are exempt from the provisions herein:

- (1) Commercial logging activities, provided such activities are in compliance with § 270-60 of this chapter.
- (2) Mining activities that have a valid mining permit from the New York State Department of Environmental Conservation.

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.

§ 270-50. Ponds.

The following apply to ponds:

A. Purpose:

- (1) To minimize the associated hazard of large impoundments of water to those persons and properties located adjacent or down-gradient.
- (2) To provide an adequate separation between man-made ponds and wells and/or septic systems.

B. General requirements.

- (1) The provisions of this section apply to all man-made ponds or water impoundments, above existing grade, exceeding 500,000 gallons of water.
- (2) Ponds or water impoundments constructed for any purpose, and which hold or store 500,000 gallons or more of water, are required to be designed by a NYS-licensed engineer and be reviewed by the Schenectady County Soil and Water Conservation District.
- (3) The course and flow rate of any existing stream is not to be affected by the construction of any pond or water impoundment, unless a permit is issued by the New York State Department of Environmental Conservation authorizing such project.
- (4) All man-made ponds and water impoundments, regardless of storage capacity, must meet the front, rear, and side yard setbacks applicable to the principal structure of the zoning district in which the pond/impoundment is located.

§ 270-51. Accessory apartments.

The following apply to accessory apartments:

A. Purposes:

- (1) To provide homeowners with a means of obtaining, through rental income, companionship, security and income, and thereby enabling them to stay in their current home and neighborhood.
- (2) To add an inexpensive housing option to the Town's housing stock so as to meet the needs of small households of one or two people.
- (3) To make housing units available to individuals and couples, including relatives of the homeowner, who might otherwise have difficulty finding suitable housing within the Town.
- (4) To provide an affordable housing option while at the same time maintaining the character of residential neighborhoods by ensuring that any exterior changes made to a principal dwelling will, to a degree reasonably feasible, maintain the appearance of the dwelling unit.

B. Specific regulations.

- (1) Accessory apartments will be permitted only in single-family dwellings.
- (2) The principal dwelling unit in which the accessory apartment is located must be owner-occupied.
- (3) The accessory apartment unit cannot have a gross floor area which exceeds 750 square feet.
- (4) No more than one accessory apartment will be permitted on any one parcel.
- (5) No more than two individuals will be allowed to live in any one accessory apartment.
- (6) The accessory apartment must be entirely self-contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the accessory unit's occupant(s).
- (7) The accessory apartment unit's entrance and the principal dwelling shall share a common entrance. A vestibule, or such similar design feature, may then be utilized to provide separate entrances. There will be no new front entrance to the principal dwelling as a result of the establishment of an accessory apartment.
- (8) One off-street parking space will be provided for each accessory apartment. No additional driveways are permitted. Existing driveways may be widened or lengthened to accommodate the additional parking space.
- (9) The accessory apartment will conform to all the dimensional regulations of the principal dwelling as outlined in Article V of this chapter.

- (10) The applicant/owner must demonstrate that the existing septic system (if applicable) has the capacity to accommodate the additional tenant(s). In doing so, the applicant/owner shall consult with staff of the Town's Engineering Department.
- (11) Within 30 days of the completion of the accessory apartment, the owner(s) must record at the Schenectady County Clerk's office an amendment to the subject property's deed, noting that an accessory apartment unit is located on the premises, and that the right to let the accessory apartment ceases upon transfer of title. (The new title holder may re-lease the apartment, however, subject to the provisions herein.) Prior to the Town Building Inspector issuing a certificate of occupancy, the owner shall provide proof of the amended deed. The Town Assessor will note existence of an accessory apartment on the record of the property.

§ 270-52. Fences.

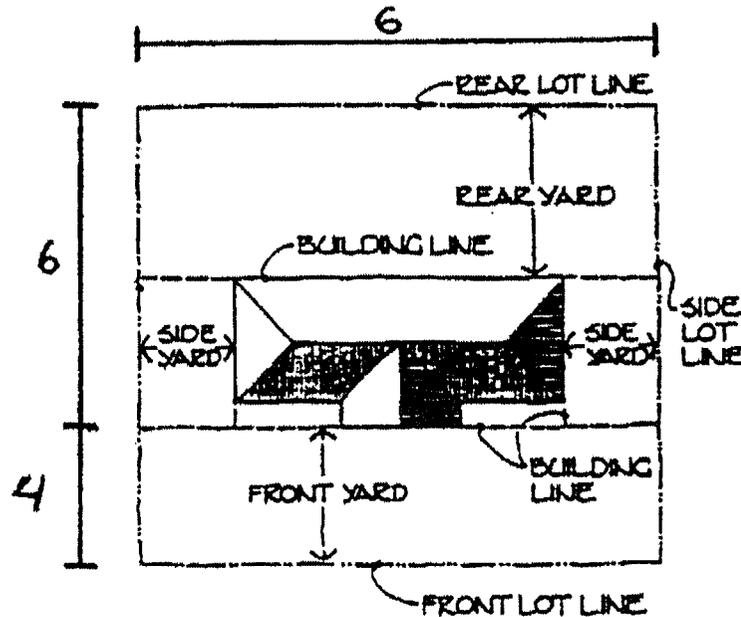
A. General.

- (1) Fences are permitted anywhere on a lot or parcel of land, provided the finished or ornamental side of the fence faces away from the lot on which it is located.
- (2) Fences are to be located entirely within the owner's property.
- (3) Fences will be maintained in good condition and will not be allowed to become dilapidated or deteriorate to a condition where they become a hazard to human health, or to the point where they negatively impact the character of the neighborhood.

B. Residential uses.

- (1) Fences associated with residential uses will not exceed six feet in height above ground level in the rear yard, or in side yards located to the rear of the front plane of the dwelling.
- (2) Fences on residential properties will not exceed four feet in height in the front yard, including along side lot lines to the front of the front plane of the dwelling.

Figure 4 - Height restrictions for fences on residential properties



- (3) Barbed wire, electric fences and any other type of fence that may be hazardous to human health are prohibited.
- C. Between residential and nonresidential uses.
- (1) Fences will not exceed eight feet in height in the rear or side yard.
 - (2) Fences may be constructed to a height of eight feet along the side property line, even in the front of the dwelling, provided they are constructed for screening purposes only. Otherwise, fences alongside property lines in front of the front plane of the principal structure will not exceed four feet in height.
 - (3) Barbed wire, electric fences and any other type of fence that may be hazardous to human health are prohibited.
- D. Commercial, industrial and utility-type uses.
- (1) Fences will not exceed 12 feet in height.
 - (2) Barbed wire and similar types of fencing used for security purposes are only permitted on the upper portion of the fence, above eight feet in height.
 - (3) If the fence is topped with barbed wire or a similar type of security fence, the top portion, if angled, will not intrude into or over neighboring properties.
 - (4) Electric fences are prohibited.

E. Agricultural uses.

- (1) Fences will not exceed 12 feet in height.
- (2) Barbed wire fences are permitted.
- (3) Electric fences are permitted, but must be clearly identifiable as an electric fence along public roads and along adjacent property lines in which a residence exists on the property.

§ 270-53. Junkyards.

The following apply to junkyards:

A. Where allowed.

- (1) Only the junkyards that were legally established at the time of adoption of this chapter are permitted.
- (2) Legally established junkyards are allowed to expand, provided fencing and gates have been erected per Subsection B below.

B. Fencing.

- (1) Every junkyard, and all activities associated with the junkyard, must be completely contained by a solid fence of at least eight feet in height. The height of the fence can be extended to 12 feet, but only the lower eight feet need to be constructed of a solid material.
- (2) When not in use, the junkyard must be secured by locking all gates. Further, the gate(s) must be solid so as to screen the contents of the junkyard from the street and all adjacent properties.

C. Lighting.

- (1) Any outdoor lighting associated with the junkyard must be positioned and directed towards the interior of the junkyard.
- (2) Outdoor lighting is permitted for security purposes only. In other words, outdoor lighting is not to be used so as to allow operation of the junkyard during non-daylight hours.

§ 270-54. Private swimming pools.

The following apply to private swimming pools:

A. Location.

- (1) An in-ground or aboveground swimming pool containing 24 inches or more water in depth at any point will be permitted as an accessory structure, and shall comply with all the required yard restrictions of the zoning district in which it is located.

- (2) Swimming pools will not be permitted in front yards.
- B. Size and lot coverage. The area of a swimming pool, including any raised deck, apron or platform and all accessory structures associated with the pool, is to be included when calculating lot coverage.
- C. Enclosures and lighting.
 - (1) The ornamental or decorative side of any enclosure, if applicable, will face away from the pool.
 - (2) Any lighting associated with swimming pools will be directed towards the pool and/or deck, and in no case will lighting be installed in such a way as to directly shine upon neighboring properties or streets.
- D. Compliance with other regulations/laws. At the time that an individual acquires a building permit application form for a swimming pool, he/she will be given a copy of the applicable state regulations pertaining to the construction and maintenance of swimming pools.

§ 270-55. Gasoline service stations, petroleum products and automobile repair businesses.

- A. General. Any business or use of land that involves the dispensing of petroleum products to the general public (with the exception of marinas or the waterfront sale of fuel to boaters) is subject to the regulations of this section, as is any business which services or repairs automobiles, including car dealerships.
- B. Paving, curbing and grading.
 - (1) The entire area used for parking, storage, loading and access must be paved.
 - (2) Grading for the paved areas of the property will be done in such a way as to prevent minor fuel spills from entering nonpaved areas, and to keep the spilled fuel from migrating off the site.
- C. Vehicle service areas and vehicle storage.
 - (1) All automobile repair and servicing activities, and all equipment associated with repairs and servicing, will be located within a building.
 - (2) All vehicles stored on the property must have a current valid registration, except for new cars for sale not yet purchased and registered.
 - (3) All automobile parts and dismantled vehicles must be stored in a building, or adequately shielded from motorists and adjacent properties via an enclosed, solid-fenced area.
- D. Access.

- (1) There will be no more than one driveway on each street abutting the property. Areas not meant for access are to be curbed or landscaped so as to direct traffic to the formal access driveways.
 - (2) Driveways are not to exceed 30 feet in width at the street's pavement edge.
 - (3) On corner lots, no driveways will be permitted within 50 feet of the intersection.
- E. Other applicable laws. Gasoline service stations and businesses which store and/or dispense petroleum products must comply with all other applicable federal, state and local laws and regulations. This includes compliance with Article VII of this chapter (Intermunicipal Watershed Rules and Regulations).

§ 270-56. Kennels, veterinary clinics and hospitals.

The following apply to kennels, veterinary clinics and hospitals:

A. General.

- (1) Adequate landscaping and/or fencing shall be provided to create a visual, sound and odor buffer between such facility and adjacent properties.
- (2) All animal and medical wastes shall be disposed of in a sanitary and environmentally safe manner, consistent in all respects with the requirements of the County and State Health Departments. On-site incineration is prohibited.
- (3) No burial site shall be located closer than 100 feet to any lot line, nor shall any such site be within 200 feet of any residence, stream or other water body or source of private or public water supply.

B. Location.

- (1) Veterinary clinics, animal training facilities, animal hospitals, and kennels with unenclosed exercise pens or kennels are permitted in the RA District upon conditional use permit approval.
- (2) Veterinary clinics, animal training facilities, and animal hospitals with completely enclosed exercise pens or kennels may be located in the GB District upon conditional use permit approval.

C. Setbacks.

- (1) All veterinary clinics, animal training facilities, animal hospitals, and kennels with unenclosed exercise pens or kennels shall be located no closer than 100 feet to any adjoining property line.
- (2) All veterinary clinics, animal training facilities, animal hospitals, and kennels with enclosed exercise pens or kennels shall be located no closer than 50 feet to any adjoining property line.

§ 270-57. Harboring of animals.

A. Agricultural-related animals.

- (1) As used in this chapter, agricultural-related animals include, but are not necessarily limited to: cows, pigs, horses, sheep, chickens and other fowl, turkeys, goats, minks and all other animals which are kept for the purpose of monetary gain.
- (2) Agricultural-related animals may only be harbored and raised within the Rural Residential and Agricultural Zoning District.
- (3) All structures used to house, care for, or feed agricultural-related animals must comply with the setback provisions for agricultural activities/farms, as prescribed for the Rural Residential and Agricultural Zoning District.
- (4) All new structures used to house, care for, or feed agricultural-related animals, and all structures containing manure, fertilizer, feed and other farm-related chemicals or by-products must be located at least 150 feet from any existing residence. This setback does not apply to any residence located on the same property as the agricultural structure.
- (5) All agricultural-related animals must be contained on the property via fencing or other means.

B. Domestic animals.

- (1) As used in this chapter, domestic animals include those animals which are typically deemed "pets," and which are usually found sharing a residence or residential accessory structure with people. Such animals include, but are not necessarily limited to: dogs, cats, rabbits, hamsters, gerbils, guinea pigs, songbirds, fish, turtles, frogs, hermit crabs, snakes, salamanders and ferrets.
- (2) Domestic animals may be kept in any zoning district.
- (3) Domestic animals are to be confined to the owner's property, or when off the owner's property, shall be controlled in such a manner as to not trespass onto lands of other nonconsenting property owners.
- (4) All provisions of Chapter 88, Animals, must be complied with. In the event that any provisions of this chapter conflict with provisions of Chapter 88, the provision which is the most restrictive shall apply.

§ 270-58. Agricultural-related uses.

- A. Intent. It is the intent of these provisions that an atmosphere of acceptance be maintained for agricultural activities within the Town of Glenville. Agriculture is recognized as an important part of the Town's economy, culture and rural atmosphere.
- B. Accessory buildings and uses. Accessory buildings and uses for agricultural properties must comply with the setback, bulk, and area requirements of the particular zoning district in which the property is located, unless otherwise stated herein.

- C. Roadside stands. Roadside stands, buildings and structures for the seasonal display and sale of agricultural products are permitted in the RA District under the following conditions:
- (1) Only agricultural products that are grown on the premises shall be sold.
 - (2) The stand is a seasonal operation, not open to the public more than six months in any calendar year.
 - (3) No such stand shall have a footprint in excess of 600 square feet
 - (4) Off-street parking spaces will be provided in accordance with Schedule A of this chapter (see "produce stand").
 - (5) Such roadside stands may be permitted in the SR District upon conditional use permit approval.
 - (6) All signs shall conform to Article IX of this chapter.
- D. Farm buildings.
- (1) Any new building or structure in which farm animals or poultry are kept, or in which manure, odor- or dust-producing substances are stored, shall be located at least 150 feet from any existing residence. This setback does not apply to any residence located on the same property as the agricultural structure. Such uses are permitted only in the RA District.
 - (2) Buildings for agricultural uses in the RA District shall be no greater than 75 feet in height.
- E. Stables for keeping horses or ponies. Stables in the RA District shall conform to the requirements of farm buildings as noted in Subsection D above.

§ 270-59. Garage sales.

- A. Frequency. No garage sale may be established for more than three consecutive days. All garage sales must be established for one specific premises or location, and only once within a six-month period.
- B. Location. All garage sales must be located on private property with adequate access and parking for such sale.
- C. Hours of sale. All garage sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m.
- D. Signs.
- (1) One on-site sign for the purpose of advertising the garage sale is permitted, but shall not exceed six square feet in size.
 - (2) Any sign erected or installed for the purpose of advertising such a garage sale shall be removed within 24 hours after the sale has concluded.

- E. Exemptions. The requirements of this section shall not be applicable to:
- (1) Sales for bona fide charitable, educational, cultural or governmental institutions, civic groups, service clubs, religious or other tax-exempt organizations.
 - (2) Persons selling goods pursuant to an order of process of a court of competent jurisdiction.
 - (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separated items do not exceed nine in number.
 - (4) Permitted roadside stands for the seasonal display and sale of agricultural products.

§ 270-60. Commercial logging.

- A. Commercial logging is permitted only in the Rural Residential and Agricultural (RA) Zoning District and the Land Conservation District. Within the Land Conservation District, commercial logging within freshwater wetlands is subject to approval by the New York State Department of Environmental Conservation in the case of state wetlands, and the Army Corps of Engineers in the case of federal wetlands.
- B. No commercial logging is to occur within 50 feet of any property line or public right-of-way, except if tree removal is necessary for access to the property or for the construction of a haul road.
- C. No commercial logging or construction of haul roads is to occur within 150 feet of any residence or year-round stream, river, pond or lake.
- D. Commercial logging and any other activities associated with logging (i.e., loading of haul vehicles, construction of haul roads, sawing of downed trees, etc.) is to occur only from 7:00 a.m. to 7:00 p.m.
- E. Clear cutting provisions for commercial logging.
- (1) Clear cutting is not allowed within Land Conservation zoned areas.
 - (2) Clear cutting is not allowed on slopes which exceed 10%.
 - (3) Clear cutting is not allowed within 200 feet of any year-round stream, river, pond, lake, state-regulated wetland or federal-regulated wetland.
 - (4) Areas which have been clear cut will be replanted with any type of native vegetation that stabilizes the soils in the area in which clear cutting has occurred. Replanting of vegetation must commence within one week of the completion of the clear cut.

§ 270-61. Receive-only antennas.

- A. No receive-only antennas will be placed in any front yard.

- B. All receive-only antennas will comply with the same rear and side yard setback requirements as the principal structure for the particular zoning district in which the property is located.
- C. All receive-only antennas will comply with the same maximum height requirements as the principal structure for the particular zoning district in which the structure is located.
- D. For receive-only antennas located in side yards, the antenna will be screened from public streets and adjacent properties to the maximum extent practical, while still allowing for unhindered signal reception. Screening may either be in the form of evergreen vegetation or fencing; or a combination thereof.
- E. Building permits are required for receive-only antennas. Applications for building permits will include construction drawings which show the proposed method of installation and a site plan depicting the location of the antenna relative to property lines and structures on the property.

§ 270-62. Unregistered and abandoned vehicles. ³⁵

- A. Purpose. The outdoor storage or placement of unregistered, abandoned, or junked motor vehicles, or parts thereof, can jeopardize public health, safety, and welfare. Such vehicles and junk constitute an attractive nuisance to children, which can result in injuries. Their outdoor storage is a blight on the Town's landscape, and their existence tends to depreciate the value of property in the neighborhood. Therefore, the purpose of this section is to ensure the health, safety, and welfare of the public through the prohibition and regulation of junked and/or abandoned motor vehicles and parts.
- B. Prohibition of outdoor storage.
 - (1) It shall be unlawful for any person, firm, or corporation to store or place, or cause to be stored or placed, any unregistered, abandoned, or junked motor vehicles, or parts thereof, anywhere, except within a wholly enclosed building or lawfully established junkyard, pursuant to § 270-53 of this chapter.
 - (2) Any unregistered, abandoned, or junked motor vehicles, or used parts thereof, shall be removed by the owner, occupant, lessee, agent, tenant, or other person, firm or corporation occupying, managing, or controlling the property on which the vehicle or junk is located.
- C. Auto repair and servicing facilities: no exceptions. Auto repair facilities, servicing operations, body shops, and gas stations must abide by the provisions of this section. Any and all unregistered or junked vehicles, or parts thereof, in association with an auto repair facility, servicing operation, body shop, or gas station must be stored indoors. Any outdoor storage of said vehicles and junk shall constitute a junkyard, which is prohibited unless already lawfully established at the time of adoption of this chapter.

35. Editor's Note: See Ch. 251, Abandoned Vehicles.

§ 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 (DBH).

§ 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.
- B. Evaluation. The Building Inspector, Deputy Building Inspector or Code Enforcement Officer may require independent expert evaluation to determine the compliance of a proposed use with these performance standards at the expense of the applicant before issuing a permit.
- C. Determination of violation. The Building Inspector, Deputy Building Inspector or Code Enforcement Officer shall investigate any written or alleged violation of performance standards. If reasonable evidence of a violation exists, the Building Inspector may then revoke the certificate of occupancy.
- 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.¹
- 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.
- F. Fire and explosion hazards; open burning. All activities involving, and all storage of, flammable and explosive materials shall implement adequate safety devices against the hazard of fire and explosion and shall be required to have installed on-site fire-suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited.
- G. Electrical disturbance. No electrical disturbance which adversely affects the operation of any equipment on any other property shall be permitted.
- H. Radioactivity. There shall be no possession of radioactive materials without issuance of a current license from one of the following: New York State Department of Health, New York State Department of Labor, New York State Department of Environmental Conservation or the Schenectady County Department of Health. Products and devices customarily used in residences and businesses that exhibit minute quantities of radiation (i.e., smoke detectors) are exempt from this provision.
- 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. Discharge of toxic or noxious matter. No activity shall permit any type of discharge either on- or off-site of any toxic or noxious matter in such concentrations as to be detrimental to or endanger the health of the public or any species of bird or mammal. For the purposes of this provision, "noxious" is defined as that which causes or tends to cause injury to health.
- N. 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

§ 270-66. Purpose.

- A. The purpose of this article is to create a more attractive business climate, protect property values, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas and provide a more enjoyable and pleasing community. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way and to provide more open space.
- B. Further, this article is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of a community are partially affected by the location, size and appearance of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

§ 270-67. Permits and exemptions.

Except as noted herein, no person will erect, alter or relocate any sign without first obtaining a permit from the Town Building Department. Signs not requiring a permit include the following:

- A. Residential occupant and address signs, whether freestanding or affixed to the dwelling or mailbox.

- B. Historical markers, tablets and statues, memorial signs and plaques, names of buildings, and dates of erection when cut into the building, statue, marker or sign.
- C. All traffic signs and other signs erected by governmental bodies.
- D. Signs required by law, such as motor vehicle repair registration numbers, vehicle dealership registration numbers, etc.
- E. Temporary signs.

§ 270-68. General provisions and prohibitions.

- A. No more than two external signs displaying the business name shall be allowed.
- B. No additional exterior signs advertising products or businesses shall be permanently attached to the building. All such signs shall be deemed temporary.
- C. Notwithstanding any other provision of this article, no sign will be placed in the right-of-way of any public highway or street.
- D. No new off-premises advertising signs, including billboards, will be permitted.
- E. No sign will be illuminated by periphery, flashing, intermittent, rotating or moving lights except if associated with a holiday display.
- F. No sign will impair, confuse or unduly affect vehicular, bicycle or pedestrian traffic due to its design, color, placement or lighting. No ground sign will impair visibility at street corners by sign placement within 30 feet of the edge of the pavement of any intersection.
- G. No sign will be erected on any roof.
- H. Streamers, ribbons, spinners or similar revolving or fluttering elements are not allowed.
- I. No sign will interfere with any public safety activity. Fire escapes, doorways, windows and other functional entrances or exits shall not in any way be obstructed.
- J. Signs will be lighted only by back lighting or direct lighting.
- K. No sign will be attached to any public utility pole.

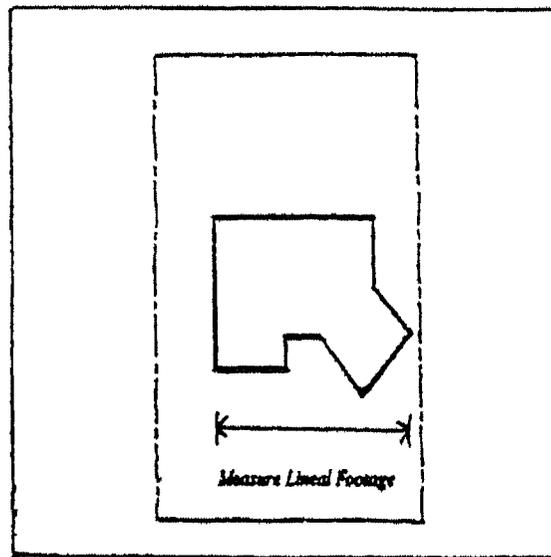
§ 270-69. Signs by zoning district/area.

- A. Residential zoning districts.
 - (1) Residential occupant and address signs (excluding mailboxes):
 - (a) Will not exceed two square feet in total sign display area.
 - (b) No more than one sign will be allowed per street frontage.
 - (c) May be affixed, in a permanent fashion, to the face of the dwelling, or said sign may be erected on a post not over four feet in height.

- (2) "For Sale" or "For Rent" signs:
 - (a) Will be no larger than six square feet in total sign display area.
 - (b) All signs will be set back at least 10 feet from the edge of the pavement.
 - (c) One sign will be allowed for every street frontage.
 - (d) Signs will not be illuminated.
 - (e) Signs must be removed within three days after the sale, lease or rental of said building or premises.
 - (3) Home occupation signs.
 - (a) Will not exceed four square feet in size.
 - (b) No more than one sign will be permitted per home occupation.
 - (c) May be affixed, in a permanent fashion, to the face of the dwelling or said sign may be erected on a post not over four feet in height, located at least 15 feet from the edge of the pavement.
 - (d) Will not be illuminated.
 - (4) Residential development identification signs (for subdivisions, apartment complexes, townhouse developments, condominium developments and planned developments):
 - (a) Will not exceed 32 square feet in total sign display area.
 - (b) No more than one sign will be permitted for each entrance to the development.
 - (c) Will be a ground sign and will be located at least 20 feet from the edge of the pavement.
 - (5) Places of worship and other nonprofit establishment signs.
 - (a) One ground sign only will be permitted at the establishment's main entrance.
 - (b) Said ground sign will not exceed 32 square feet in size.
 - (c) Said ground sign will be located at least 20 feet from the edge of the pavement.
 - (d) If the establishment has frontage on an additional street, one additional ground sign not to exceed 12 square feet will be allowed at that street's driveway.
- B. Professional/Residential, Riverfront Recreation/Commercial, Community Business, General Business, Research, Development, and Technology Districts (except for Scotia-Glenville Industrial Park, Corporations Park, the Navy Depot, Shopping Centers and Multiple Development Sites).

- (1) Wall, ground and pole/pylon signs are permitted, except in professional/residential districts, where pole/pylon signs are not permitted.
- (2) Pole signs and ground signs cannot be used in combination.
- (3) For every lineal foot of building facing the street frontage, two square feet of display area for wall signs will be allowed for interior lots, subject to the maximum sign allowances noted in Subsection B(5) and (6) below. [For buildings that do not allow a practical measurement of lineal footage due to an odd building configuration or orientation (see Figure 5 below), the method for measuring lineal building footage will be based on a straight-line distance, parallel to the street, measured between the two widest points of the building.]
- (4) Where a building fronts onto a second street, one additional square foot of wall sign display area for each additional lineal foot of such building frontage will be allowed, subject to the maximum sign allowances noted in Subsection B(5) and (6) below.
- (5) The total amount of square footage for all signs on any one lot is 150 square feet, except in professional/residential districts where the maximum is 15 square feet.
- (6) Individual pole signs and individual ground signs cannot exceed 65 square feet.

Figure 5 - Lineal footage for odd-shaped buildings



C. Scotia-Glenville Industrial Park, Corporations Park and the Navy Depot.

- (1) Wall, ground and pole/pylon signs are permitted. However, ground signs and pole/pylon signs will not be used in combination.

- (2) One pole/pylon sign identifying the park will be allowed at the park's main entrance. The names of individual tenants and businesses within the park are not permitted on the pole/pylon sign. Said pole/pylon sign will not exceed 75 square feet.
- (3) Signs directing traffic to individual businesses within the park will be allowed. For each business located within the park, two directional signs, each no greater than six square feet, will be allowed.
- (4) Two "For Sale" or "For Rent" signs will be allowed for every business or building which is up for sale and/or occupancy, and will be installed as either a wall sign or ground sign in the immediate vicinity of the available business or building. Further, each sign will be no larger than 30 square feet.

D. Shopping centers.

- (1) One pole/pylon sign, not to exceed 75 square feet, will be permitted at the shopping center's main entrance, subject to the following conditions:
 - (a) No advertising will be allowed by any occupant of the center on said pole/pylon sign.
 - (b) If the center has a minimum of 500 feet of frontage on another street, one additional pole/pylon sign will be allowed at the entrance/exit of that particular street.
- (2) For individual stores/businesses within the shopping center, the following signs will be permitted:
 - (a) One wall sign not to exceed two square feet per lineal foot of store frontage.
 - (b) One hanging sign perpendicular to the face of the store/business to facilitate pedestrian identification of the store/business, subject to the following:
 - [1] The sign will have a clearance of at least eight feet.
 - [2] The sign will not exceed four feet in width or 18 inches in height.

E. Multiple development sites.

- (1) For the purposes of this subsection, a multiple development site constitutes four or more offices, commercial establishments or industrial establishments, or combinations thereof, which are located in a single building or in two or more buildings developed as part of a single integrated development. Unlike a shopping center, multiple development sites are not typically retail in nature.
- (2) On multiple development sites, each individual establishment will be permitted to have wall and ground signs subject to the regulations herein, as well as one pole sign advertising the name of the development only. Said pole sign will be limited to 65 square feet.

§ 270-70. Additional specifications for certain sign types.

A. Wall/Facade signs.

- (1) The sign display area will not project more than 50% above any roof line, and no portion of the sign will project more than five feet above the roof line.
- (2) Wall signs projecting six or more inches laterally from the structure will have a clearance of at least eight feet.
- (3) All portions of said sign must be not less than 15 feet from all property lines.
- (4) If the property has at least 500 feet of frontage on a second street, a second sign will be allowed, subject to the above regulations.

B. Ground/Monument signs:

- (1) Will not be more than 10 feet in height.
- (2) Clearance will not be more than three feet.
- (3) All portions of said signs will be no closer than 15 feet to any property line.
- (4) Two signs per property will be allowed and will not exceed 65 square feet in total sign display area.

C. Pole/Pylon signs.

- (1) One such sign will be permitted per property. The maximum allowable sign area for pole/pylon signs varies depending on the zoning district or area.
- (2) If the property has at least 500 feet of frontage on a second street, a second pole/pylon sign will be allowed, subject to the regulations below.
- (3) Will not be more than 25 feet in height.
- (4) A clearance of not less than 10 feet will be maintained.
- (5) All portions of said sign will be not less than 15 feet from all property lines. If property lines should change, said signs will be brought into conformance with setback regulations within 30 days.

§ 270-71. Temporary signs.

A. General regulations.

- (1) Temporary signs do not require a permit from the Town Building Department.
- (2) In no case will a temporary sign exceed 20 square feet in size.
- (3) Temporary signs will not be attached to fences, trees, utility poles, rocks or other parts of the natural landscape.

- (4) Temporary signs (with the exception of holiday decorations) will not be illuminated.
- (5) Temporary signs will not be placed in a position which obstructs or impairs traffic, or in any manner that creates a hazard or disturbance to the health, safety and welfare of the public.

B. Regulations for specific uses.

- (1) Seasonal holiday decorations:
 - (a) Will not be operative for more than 45 days prior to or after the particular holiday.
 - (b) Will be located at least 10 feet from the edge of the pavement.
- (2) "Grand Opening"/"Coming Soon" signs:
 - (a) Will not exceed 20 square feet in size.
 - (b) Will not be operative for more than 30 days prior to the opening, or five days after the opening.
 - (c) Will be located at least 15 feet from the edge of the pavement.
- (3) Roadside agricultural signs:
 - (a) Will not exceed 12 square feet in size.
 - (b) Will not be operative for more than five days prior to the opening seasonal date of the business or longer than five days after the closing seasonal date of the business.
 - (c) Will be located at least 10 feet from the edge of the pavement.
- (4) Anticipated occupancy signs.
 - (a) Will not exceed 20 square feet in size.
 - (b) Will be removed within 14 days after the completion of construction or occupation.
 - (c) Will be located at least 15 feet from the edge of the pavement.
- (5) "Contractor's" signs.
 - (a) Residential properties.
 - [1] Only one such sign will be permitted per property.
 - [2] Will be permitted only during the construction period. Upon completion of construction, the sign is to be immediately removed.
 - [3] Will not exceed 12 square feet in size.

- [4] Will be located at least 10 feet from the edge of the pavement.
- (b) Nonresidential properties.
 - [1] Only one such sign will be permitted per property.
 - [2] Will not exceed 20 square feet in size.
 - [3] Will be removed within five days of completion of the project.
 - [4] Will be located at least 10 feet from the edge of the pavement.
 - [5] Will not be in place on any one property for a period which exceeds two years; whether it is for a consecutive two-year period or intermittently for two years.
- (6) Political/Campaign signs:
 - (a) Will not exceed 16 square feet in size.
 - (b) Will not be operative for more than 60 days prior to the election, or five days after the election.
 - (c) Will be located no closer than five feet to the edge of the pavement.
- (7) "For Sale"/"For Rent" signs:
 - (a) Will not exceed 12 square feet in size (except in residential zoning districts, where said signs will be limited to six square feet in size).
 - (b) Will be removed within three days after the premises/structure has been sold or rented.
 - (c) Will be located at least 10 feet from the edge of the pavement.
 - (d) Will contain the name, address or phone number of the owner or agent.
- (8) Garage sale signs:
 - (a) Will not exceed six square feet in size.
 - (b) Will be removed within 24 hours of the close of the garage sale.
- (9) Inflatable logos/gimmicks/corporate symbols:
 - (a) Will not be located in such a manner as to impede traffic flow or reduce the number of allotted parking spaces.
 - (b) Will be allowed two times per year, for each business, up to a maximum of 14 days for each time used.
 - (c) Will be located at least 30 feet from the edge of the pavement.
 - (d) Will not exceed 35 feet in height.

§ 270-72. Nonconforming signs.

A nonconforming sign will not be enlarged or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign will not cost more than 50% of the original cost of the sign. Should the maintenance, repair, or alteration cost exceed 50% of the original cost, said sign is to be removed.

ARTICLE X
Off-Street Parking and Loading

§ 270-73. Off-street parking.

A. General requirements.

- (1) The provisions outlined herein apply to all land uses, with the exception of single-family dwellings.
- (2) Minimum and maximum parking space requirements for specific uses are identified in Schedule A of this chapter.³⁶
- (3) For those uses not specified in Schedule A, the minimum and maximum number of parking spaces will be determined by the Planning Department, as noted in Schedule A.
- (4) For properties and buildings comprised of mixed uses, the minimum and maximum number of spaces will be the sum total of the minimum and maximum number of spaces required for each use on the property or within the building.
- (5) Whenever the size or intensity of any use or building is increased, or whenever there is a change in use which would result in an increased parking demand, additional parking spaces in accordance with Schedule A will be provided, and will be designed and located in conformance with this section.
- (6) All off-street parking areas will be surfaced with a dust-free, all-weather material and will be graded and drained so as to dispose of all surface water without erosion, flooding or negative impacts onto neighboring properties.
- (7) Parking areas will be kept in good condition. Smooth surfaces will be maintained, potholes repaired, markings repainted and litter removed on a regular basis so as to allow for safe and efficient vehicular and pedestrian movement within the parking area.
- (8) Any lighting associated with parking areas will be directed into the parking area and away from adjacent properties and public rights-of-way.
- (9) Adequate parking and maneuvering areas will be provided for buses, recreational vehicles and other large vehicles in association with those land uses which commonly attract such vehicles.

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

- (10) With the exception of automobile dealerships, parking areas will not be used to display vehicles for sale.
- (11) Handicapped parking spaces will be provided in accordance with the most recent standards of the American National Standards Institute (ANSI), which is on file with the Town Building Department and is available for review.

B. Dimensions for off-street parking spaces and aisles.

- (1) Every parking space will be at least 9 1/2 feet wide and 18 feet long.
- (2) Aisles for maneuvering within parking areas will be as follows:

Type of Parking	Aisle Width (feet)	
	One-Directional Flow	Two-Directional Flow
Parallel curb	10	24
30°	10	24
45°	11	24
60°	18	24
75°	22	24
Perpendicular	24	24

- (3) Handicapped parking: as determined by the most recent standards of the American National Standards Institute (ANSI), which is on file with the Town Building Department and is available for public review.

C. Location of parking areas and spaces.

- (1) All parking spaces required to serve residential uses will be located on the same property as the residential building or use.
- (2) Off-site parking is allowed for nonresidential uses, provided safe and efficient pedestrian access is afforded between the parking area and the nonresidential use/property. However, no pedestrian grade-level street crossings to accommodate off-site parking will be allowed on any street that exhibits a traffic volume in excess of 1,000 vehicles per day.
- (3) All parking lots/areas associated with nonresidential uses and multifamily uses will be located no closer than 25 feet to any street right-of-way, nor closer than 10 feet to the rear or side property lines.
- (4) Additionally, with the exception of entrance and exit driveways, only green space and vegetation will be permitted within the twenty-five-foot strip/setback between the parking lot and street right-of-way and must conform to the requirements set forth in Article XIX. A parking lot (including its entrance and exit driveways) serving a nonresidential or multifamily use may not be located any closer than 40

feet to the property line of a single- or two-family dwelling. However, the entrance and/or exit driveway may be located as close as 10 feet to the adjacent property line, if a greater distance would limit sight distance and result in a possible traffic hazard.

- (5) With the exception of single-family and two-family dwellings, all parking within the Community Business and Professional Residential Zoning Districts shall be located to one side of the principal building and/or to the rear of the lot. No more than 1/3 of the required parking may be located to the one side.

D. Entrances and exit requirements for parking lots with 20 or more cars.

- (1) For parcels containing less than 300 feet of frontage on a street, no more than two combination entrance and exit driveways will be permitted, and they will be no closer together than 35 feet at the street's pavement edge. The width of the driveway, measured at the throat (the point where the turning radii end and the parallel driveway boundaries begin), will not exceed 35 feet in width.
- (2) For parcels containing more than 300 feet of frontage on a street, one additional combination entrance and exit driveway will be permitted for each additional 200 feet of street frontage. The separation and driveway width requirements mandated in Subsection D(1) above also apply to this subsection.
- (3) Street access will be permitted only through designated driveways.
- (4) In those instances where one-way entrances and/or exits afford safer vehicular movement than a two-way entrance/exit arrangement, one-way entrances and/or exits may be permitted.
- (5) Entrances and exits will be permitted up to the side lot lines, but only if there is no single- or two-family dwelling located on the property adjacent to the driveway. In the case where there is an adjoining single- or two-family dwelling, the entrance/exit may be located no closer than 40 feet to the adjacent property line. However, the entrance or exit driveways may be located up to 10 feet from the adjacent property line, if a greater distance would limit sight distance and result in a possible traffic hazard.
- (6) On corner lots, two additional entrance/exits will be permitted on the side street, but only if they meet all other provisions contained herein.

§ 270-74. Off-street loading.

A. General requirements.

- (1) The provisions outlined herein apply to all land uses, with the exception of single-family dwellings.
- (2) Off-street loading and/or unloading spaces for commercial and/or industrial vehicles shall be provided on each lot where it is deemed that such facilities are necessary to serve the use or uses on the lot.

- (3) All off-street loading areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection from potholes, erosion and dust.
 - (4) All loading areas shall be on the same lot as the use which is to be served.
- B. Location.
- (1) All loading facilities shall be related to the building/use to be served to provide for loading and unloading of delivery and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of accessways, parking facilities, public streets or sidewalks.
 - (2) Loading spaces shall not face or be visible from the frontage street and shall not be located in a required front yard, nor a required side yard if adjoining a residentially zoned or developed property.
- C. Size. Each loading space shall not be less than 10 feet in width and 25 feet in length and have a minimum clearance of 14 feet.
- D. Access.
- (1) Each off-street loading space shall be designed for vehicular access by means of a driveway or driveways to a public street in a manner which is consistent with pedestrian safety and will least interfere with adjacent traffic movements and interior circulation.
 - (2) Loading and/or unloading facilities shall be designed so that trucks must not back in or out of nor park in any public right-of-way.
- E. Lighting. Lighting used to illuminate off-street loading areas shall be configured in a manner so as not to reflect upon adjoining properties or streets. Light sources shall be shielded and project downward.
- F. Screening.
- (1) Sufficient screening shall be provided along all lot lines abutting any residentially zoned or developed property to visually insulate the residential use from all operations, materials and vehicles within any loading space.
 - (2) Loading areas accessory to commercial uses, shopping centers or planned developments shall be so located and screened as to be visually insulated from public awareness.
 - (3) Screening material and methods shall conform to Article XIX of this chapter.

ARTICLE XI
Stormwater Management and Erosion Control
[Amended 6-20-2007 by L.L. No. 4-2007]

§ 270-75. Findings.

It is hereby determined that:

- A. Uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the community.
- B. Eroded soil endangers water resources by reducing water quality and causing the silting of streams, lakes and other water bodies, adversely affecting aquatic life.
- C. Stormwater runoff and sediment transports pollutants such as heavy metals, hydrocarbons, nutrients and bacteria to water resources, degrading water quality.
- D. Eroded soil necessitates repair and accelerates the maintenance needs of stormwater management facilities.
- E. Clearing, grading and altering natural topography during construction tends to increase erosion.
- F. Improper design and construction of drainage facilities can increase the velocity of runoff, thereby increasing streambank erosion and sedimentation.
- G. Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- H. Improperly managed stormwater runoff can increase the incidence of flooding and the severity of floods that occur, endangering property and human life.
- I. Substantial economic losses can result from these adverse impacts.
- J. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of land development activities.

§ 270-76. Purpose.

The purpose of this article is to safeguard persons, protect property, and prevent damage to the environment in the Town of Glenville, New York. This article will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any land development activity as it relates to erosion and sedimentation control and stormwater management. This article seeks to meet these purposes by achieving the following objectives:

- A. Meet the requirements of minimum control measures 4 (construction site stormwater runoff control) and 5 (postconstruction stormwater management) of the State Pollution Discharge Elimination System (SPDES) general permit for stormwater discharges from

municipal separate stormwater sewer systems (MS4s), Permit No. GP-02-02 or as amended or revised.

- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation (SPDES) general permit for construction activities GP-02-01 or as amended or revised.
- C. Minimize soil erosion and sedimentation impacts on streams, water bodies, and neighboring properties.
- D. Avoid excessive and/or unnecessary tree and vegetation removal.
- E. Minimize windblown soil associated with properties being cleared and graded for development.
- F. Maintain the integrity of watercourses and sustain their hydrologic functions.
- G. Minimize increases in the magnitude and frequency of stormwater runoff to prevent an increase in flood flows and the hazards and costs associated with flooding.
- H. Minimize decreases in groundwater recharge and stream base flow to maintain aquatic life, assimilative capacity, and water supplies.
- I. Facilitate the removal of pollutants in stormwater runoff to perpetuate the natural biological function of water bodies.

§ 270-77. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Glenville has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Glenville and for the protection and enhancement of its physical environment. The Town Board may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 270-78. Stormwater pollution prevention plan required; redevelopment projects; alternative practices; exemptions.

- A. Except as otherwise provided herein, no person shall commence or perform any land development activity as defined in § 270-79 herein without the review and approval of a stormwater pollution prevention plan (SWPPP) by the responsible board and/or the Stormwater Management Officer.
- B. Applicants shall also obtain all other permits required by state, federal, and local laws. Whenever the particular circumstances of proposed land development activity require compliance with special use, site plan, or subdivision procedures of the Town of Glenville, the responsible board shall integrate the requirements prescribed herein as appropriate and determine the adequacy of the SWPPP.

- C. Redevelopment projects. Redevelopment projects, as defined herein, provide an opportunity to reduce pollutant discharges and the rate and the amount of runoff leaving the redevelopment site, as well as to improve the quality of the runoff. However, the nature of the site, particularly in an urban location, may impose constraints that prevent implementation of full postconstruction compliance. Chapter 9 of the New York State Stormwater Management Design Manual sets forth the standards for compliance with water quantity and quality standards and specifications.
- D. Consideration shall be given to using alternative stormwater management practices such as rain gardens, pervious pavers, green roofs and other low-impact development techniques to reduce stormwater impacts.
- E. No SWPPP is required for the following exempt activities:
- (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (2) Agricultural operations conducted as a permitted principal or accessory use, including the construction of structures where the land disturbance is less than one acre.
 - (3) Routine maintenance activities that are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a stormwater management facility. This includes roadway drainage ditch maintenance (although erosion and sedimentation impacting waters of the United States is still a violation under the Clean Water Act).
 - (4) Mining as defined herein.
 - (5) The renovation/replacement of a septic system serving an existing dwelling or structure.
 - (6) Normal lawn and landscaping activities/maintenance.
 - (7) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
 - (8) Silviculture activities: the harvest of timber in accordance with a forest management plan prepared by a forest management professional. Activities include the selective cutting of timber, delimiting and trimming, felling, skidding, log haul road construction and maintenance, loading, stacking and temporary storage prior to transport from the site. (Note: One-time clear cutting, or the nonrecurring practice of timber harvesting, is not considered an exempt activity.)

§ 270-79. Definitions.

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

AGRICULTURE — The use of land for sound agricultural purposes, including farming, dairy, horse boarding, pasturing, grazing, horticulture, floriculture, viticulture, timber

harvesting, animal and poultry husbandry, and those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) — A person who has received training and is certified by CPESC Inc., or other professionally accredited association, recognized for its expertise in the erosion and sedimentation prevention field, to review, inspect and/or maintain erosion and sediment control practices.

CLEARING — Any activity that removes the vegetative surface cover.

COMMENCEMENT OF CONSTRUCTION — The initial disturbance of soils associated with clearing, grading, or excavating activities, or other construction activities.

EROSION — The wearing away of the land surface by action of wind, water, gravity, or other natural forces.

EROSION AND SEDIMENT CONTROL PLAN — A set of plans prepared by or under the direction of a licensed/certified professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

GRADING — Excavation of fill, rock, gravel, sand, soil or other natural material, including the resulting conditions therefrom.

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.

LICENSED/CERTIFIED PROFESSIONAL — A person currently licensed to practice engineering, or landscape architecture in New York State or who is a certified professional in erosion and sediment control (CPESC).

MINING — Any excavation subject to permitting requirements of the State Department of Environmental Conservation under the Mined Land Reclamation Law (Environmental Conservation Law, Article 23, Title 27).

NOTICE OF INTENT (NOI) — A permit application prepared and filed by an owner or operator with the Department of Environmental Conservation as an affirmation that a stormwater pollution prevention plan (SWPPP) has been prepared and will be implemented in compliance with the State Pollution Discharge Elimination System general permit for stormwater runoff for construction activity (GP-02-01).

OPERATOR — The person, persons, or legal entity which owns or leases the property on which the construction activity is occurring.

PERIMETER CONTROL — A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PHASING — Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

PROJECT, MAJOR — Any land development activity that disturbs one acre or more, including all commercial, industrial, or mixed-use development, as well as any residential development consisting of buildings that contain two or more dwelling units, or any land development activity not classified as a minor project. (The operator of a major project must submit an SWPPP that addresses water quality and quantity controls in addition to erosion and sedimentation controls.)

PROJECT, MINOR — Any land development activity associated with a permitted agricultural use or single family residential construction/subdivision that disturbs between one and five acres and is not discharging stormwater directly to a water body listed on New York State 2002 Section 303(d) list of impaired water bodies. (At present in Schenectady County, Collins Lake is the only water body on the list due to phosphorous levels associated with urban runoff.) (The operator of a minor project must submit an SWPPP that addresses, erosion and sedimentation controls.)

REDEVELOPMENT — Refers to the reconstruction or modification to any existing, previously developed land such as residential, commercial, industrial, institutional, or road or highway which involves soil disturbance.

SEDIMENT — Solid material, both mineral and organic, which is in suspension, is being transported, has been deposited, or has been removed from its site of origin.

SITE — A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT PERMIT — A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

SLOPES, STEEP — Ground areas with a slope greater than 15% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of 10 feet.

SLOPES, SEVERE — Ground areas with a slope greater than 25% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of 10 feet.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT PRACTICES (SMPs) — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER MANAGEMENT OFFICER — An employee of the municipality or officer designated by the municipality to accept and coordinate the review of stormwater pollution prevention plans and to inspect stormwater management practices.

STABILIZATION — Means covering or maintaining an existing cover over soil. Cover can be vegetative (e.g., grass, trees, seed and mulch, shrubs, or turf) or nonvegetative (e.g., geotextiles, riprap, or gabions).

STABILIZATION, FINAL — Means that all soil-disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

START OF CONSTRUCTION — The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling.

WATERCOURSE — Any body of water, including but not limited to lakes, ponds, rivers, streams, and intermittent streams.

WATERCOURSE BUFFER — A minimum horizontal distance of 50 feet away from and parallel to the high-water level or top of bank (whichever is easiest to accurately determine) of a watercourse. This minimum distance may be increased in consideration of site-specific soil conditions, existing water quality of the subject watercourse or other pertinent factors as determined by the Town's Planning and Zoning Commission, Town Planning Department, Stormwater Management Officer or New York State Department of Environmental Conservation.

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include those areas determined to be wetlands by the U.S. Army Corps of Engineers and/or the New York State Department of Environmental Conservation.

§ 270-80. Review and approval of land development activity.

- A. No application for land development activity that will disturb one or more acres shall be approved until the responsible board, municipal official and/or department has received, reviewed and determined that a stormwater pollution prevention plan (SWPPP) has been prepared in accordance with the specifications contained herein.
- B. Land development activity not subject to conditional use permit.
 - (1) For land development activity not subject to conditional use permit, site plan, or subdivision requirements, the Town Stormwater Management Officer, or designated agent, shall review the SWPPP to determine its completeness and conformance with the provisions herein. Within 30 days (60 business days if the SWPPP identifies practices or designs that deviate from the prescribed standards established by § 270-82.3 of this Code) of receipt of an SWPPP, the Town Stormwater Management Officer shall make a determination as to whether it is complete. If it is deemed incomplete, the applicant shall be notified in writing as to

the deficiencies in the plan and the requirements for completeness. Within 30 days after receiving a complete plan, the Town Stormwater Management Officer shall, in writing:

- (a) Approve the permit application;
 - (b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - (c) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- (2) Failure of the Town Stormwater Management Officer to act on a complete original or revised application within 60 days of receipt shall be deemed a denial of the application unless such time is extended upon mutual agreement between the applicant and the Town. Pending preparation and approval of a revised plan, land development activities shall not be allowed to proceed. Nothing herein shall relieve an applicant's need to obtain a building permit as required by Town Code or file an NOI with the New York State Department of Environmental Conservation.
- C. For land development activity subject to conditional use permit, site plan, or subdivision requirements, the responsible board shall incorporate the required SWPPP into the review process, allowing for public review and comment on the SWPPP. The responsible board, in consultation with the Town Stormwater Management Officer, or designated agent, shall determine that the SWPPP has been prepared in accordance with the specifications contained herein. For projects subject to subdivision requirements, preliminary plat approval shall not be granted until the Planning Board has received an SWPPP prepared in accordance with the specifications contained herein.
- D. In its review of the plan, the responsible board or municipal official may consult with the Town-designated engineer, the Schenectady County Soil and Water Conservation District or the New York State Department of Environmental Conservation or retain any other licensed/certified professionals qualified in the review and/or design of stormwater management and erosion control plans as are determined to be necessary to carry out the review of an SWPPP. Payment for the services of such professionals shall comply with § 270-82.9 herein.

§ 270-81. Stormwater pollution prevention plan (SWPPP) contents.

- A. All designs and procedures to prevent stormwater pollution as set forth within the SWPPP shall be designed in compliance with the New York Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual, as stipulated in § 270-82.3 of this Code. The SWPPP shall include the following:
- (1) A written narrative identifying the project's scope, including the location, type, and size of the project.