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CHAPTER 1. GENERAL PROVISIONS

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

ARTICLE I. Adoption of Code

[Adopted 12-28-1988 by L.L. No. 10-1988]

§ 1-1. Legislative intent.

The local laws, ordinances and resolutions of the Town of Greenfield referred to in § 1-2 of this local law shall be known collectively as the "Code of the Town of Greenfield," hereafter termed the "Code," and the various parts and sections of such local laws, ordinances and resolutions shall be distributed and designated as provided and set forth in § 1-2 of this local law.

§ 1-2. Distribution of local laws, ordinances and resolutions.

Derivation Table

(Sections providing for severability of provisions, repeal of conflicting legislation and effective dates which are covered by provisions of Chapter 1, Article I, have been omitted from the Code, and such sections are indicated as "omitted" in the table which follows.)

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
Ch. 5, Assessor	L.L. No. 2-1982	11-11-1982
Omitted	Sec. 1	
§ 5-1	Sec. 2	Amended at time of adoption of Code
§ 5-2	Sec. 3	
Omitted	Sec. 4	
Omitted	Sec. 5	
Ch. 8, Defense and Indemnification	L.L. No. 1-1988	3-10-1988
§ 8-1	Sec. 1	
§ 8-2	Sec. 2	
§ 8-3	Sec. 3	
§ 8-4	Sec. 4	
§ 8-5	Sec. 5	
§ 8-6	Sec. 6	
§ 8-7	Sec. 7	
§ 8-8	Sec. 8	
§ 8-9	Sec. 9	
Omitted	Sec. 10	
Ch. 11, Environmental Commission	L.L. No. 1-1973	6-27-1973

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>11-1</u>	Sec. 1	
§ <u>11-2</u>	Sec. 2	
§ <u>11-3</u>	Sec. 3	
§ <u>11-4</u>	Sec. 4	
§ <u>11-5</u>	Sec. 5	Amended 4-14-1988 by L.L. No. 2-1988; at time of adoption of Code
§ <u>11-6</u>	Sec. 6	
§ <u>11-7</u>	Sec. 7	
§ <u>11-8</u>	Sec. 8	
Omitted	Sec. 9	
Ch. <u>13</u> , Ethics, Code of	Resolution	10-1-1970
§ <u>13-1</u>	Art. I, Sec. 1	
§ <u>13-2</u>	Art. I, Sec. 2	
§ <u>13-3</u>	Art. II, Sec. 1	Amended during codification
§ <u>13-4</u>	Art. II, Sec. 2	
§ <u>13-5</u>	Art. II, Sec. 3	
§ <u>13-6</u>	Art. II, Sec. 4	
§ <u>13-7</u>	Art. III, Secs. 1, 2 and 3	
§ <u>13-8</u>	Art. IV, Secs. 1 and 2	
§ <u>13-9</u>	Art. IV, Sec. 3	
Omitted	Art. V	
Omitted	Art. VI	
Ch. <u>20</u> , Ordinances and Local Laws, Adoption of	L.L. No. 1-1976	4-8-1976
§ <u>20-1</u>	First unnumbered paragraph	
§ <u>20-2</u>	Second unnumbered paragraph	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
Ch. <u>36</u> , Bingo		10-2-1958; approved at referendum 11-4-1958; amended in its entirety at time of adoption of Code
§ <u>36-1</u>	Unnumbered paragraph and Subd. 1, 1-a, 2, 3, 4, 5 and 6	
§ <u>36-2</u>	Subd. 7	
Ch. <u>40</u> , Buildings, Unsafe	L.L. No. 1-1981	1-15-1981
§ <u>40-1</u>	Sec. 1	
§ <u>40-2</u>	Secs. 2, 3 and 4	
§ <u>40-3</u>	Sec. 5	
§ <u>40-4</u>		Added at time of adoption of Code
Omitted	Sec. 6	
Ch. <u>45</u> , Dogs		2-12-1981
§ <u>45-1</u>	Sec. 1	
§ <u>45-2</u>	Sec. 2	
§ <u>45-3</u>	Sec. 3	
§ <u>45-4</u>	Sec. 4	
§ <u>45-5</u>	Sec. 5	Amended 3-14-1985
§ <u>45-6</u>	Sec. 6	
§ <u>45-7</u>	Sec. 7	Amended 3-14-1985
§ <u>45-8</u>	Sec. 8	
§ <u>45-9</u>	Sec. 9	
§ <u>45-10</u>	Sec. 10	Amended at time of adoption of Code
Omitted	Sec. 11	
Omitted	Sec. 12	
Omitted	Sec. 13	
Ch. <u>47</u> , Dumps and Dumping		
Article I, Town Dump		10-1-1964

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>47-1</u>	Sec. 1	
§ <u>47-2</u>	Sec. 2	Amended at time of adoption of Code
§ <u>47-3</u>	Sec. 3	
§ <u>47-4</u>	Sec. 4	
§ <u>47-5</u>	Sec. 5	
§ <u>47-6</u>	Sec. 6	
§ <u>47-7</u>	Sec. 7	
§ <u>47-8</u>	Secs. 8 and 9	
	Sec. 10	Deleted at time of adoption of Code
§ <u>47-9</u>	Sec. 11	Amended at time of adoption of Code
§ <u>47-10</u>	Sec. 12	Amended at time of adoption of Code
Omitted	Sec. 13	
Omitted	Sec. 14	
Article II, Dumping at Places Other Than Town Dump	L.L. No. 3-1988	6-9-1988
§ <u>47-11</u>	Sec. I	
§ <u>47-12</u>	Sec. II	
§ <u>47-13</u>	Sec. III	Amended 6-23-1988 by L.L. No. 5- 1988
§ <u>47-14</u>	Sec. IV	
Omitted	Sec. V	
Omitted	Sec. VI	
Ch. <u>49</u> , Environmental Quality Review	L.L. No. 3-1977	6-9-1977
§ <u>49-1</u>	Sec. 1	
§ <u>49-2</u>	Sec. 2	
§ <u>49-3</u>	Sec. 3	
§ <u>49-4</u>	Sec. 4	
§ <u>49-5</u>	Sec. 5	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>49-6</u>	Sec. 6	
§ <u>49-7</u>	Sec. 7	Amended at time of adoption of Code
§ <u>49-8</u>	Sec. 8	
§ <u>49-9</u>	Secs. 9, 10 and 11	
§ <u>49-10</u>	Secs. 12, 13 and 14	Amended at time of adoption of Code
§ <u>49-11</u>	Secs. 15 and 16	
§ <u>49-12</u>	Sec. 17	
§ <u>49-13</u>	Sec. 18	
§ <u>49-14</u>	Sec. 19	
Omitted	Sec. 20	
Ch. <u>54</u> , Fire Prevention and Building Construction	L.L. No. 3-1986	7-22-1986
§ <u>54-1</u>	Sec. 1	
Omitted	Sec. 2	
§ <u>54-2</u>	Sec. 3	
Omitted	Sec. 4	
§ <u>54-3</u>	Sec. 5	
§ <u>54-4</u>	Sec. 6	
§ <u>54-5</u>	Sec. 7	
§ <u>54-6</u>	Sec. 8	
§ <u>54-7</u>	Sec. 9	Amended at time of adoption of Code
§ <u>54-8</u>	Sec. 10	Amended at time of adoption of Code
§ <u>54-9</u>	Sec. 11	
§ <u>54-10</u>	Sec. 12	
§ <u>54-11</u>	Sec. 13	
§ <u>54-12</u>	Sec. 14	
§ <u>54-13</u>	Sec. 15	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>54-14</u>	Sec. 16	Amended at time of adoption of Code
Omitted	Sec. 17	
Ch. <u>57</u> , Flood Damage Prevention	L.L. No. 2-1987	5-14-1987
§ <u>57-1</u>	Sec. 1.1	
§ <u>57-2</u>	Sec. 1.2	
§ <u>57-3</u>	Sec. 1.3	
§ <u>57-4</u>	Sec. 2.0	
§ <u>57-5</u>	Sec. 3.1	
§ <u>57-6</u>	Sec. 3.2	
§ <u>57-7</u>	Sec. 3.3	
Omitted	Sec. 3.4	
§ <u>57-8</u>	Sec. 3.5	
§ <u>57-9</u>	Sec. 3.6	
§ <u>57-10</u>	Sec. 4.1	
§ <u>57-11</u>	Sec. 4.2	
§ <u>57-12</u>	Sec. 4.3	
§ <u>57-13</u>	Sec. 5.1	
§ <u>57-14</u>	Sec. 5.2	
§ <u>57-15</u>	Sec. 5.3	
§ <u>57-16</u>	Sec. 6.1	
§ <u>57-17</u>	Sec. 6.2	
Ch. <u>65</u> , Junkyards		7-6-1967
§ <u>65-1</u>	Sec. 1	
§ <u>65-2</u>	Sec. 2	
§ <u>65-3</u>	Sec. 3	
§ <u>65-4</u>	Sec. 4	
§ <u>65-5</u>	Sec. 5	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>65-6</u>	Sec. 6	Amended at time of adoption of Code
§ <u>65-7</u>	Sec. 7	Amended at time of adoption of Code
Omitted	Sec. 8	
Omitted	Sec. 9	
Omitted	Sec. 10	
Ch. <u>73</u> , Peddling and Soliciting	L.L. No. 2-1974	8-21-1974
§ <u>73-1</u>	Sec. 1	Amended at time of adoption of Code
§ <u>73-2</u>	Sec. 2	
§ <u>73-3</u>	Sec. 3	
§ <u>73-4</u>	Sec. 4	
§ <u>73-5</u>	Sec. 5	
§ <u>73-6</u>	Sec. 6	
§ <u>73-7</u>	Sec. 7	
§ <u>73-8</u>	Sec. 8	
§ <u>73-9</u>	Sec. 9	
§ <u>73-10</u>	Sec. 10	
§ <u>73-11</u>	Sec. 11	
§ <u>73-12</u>	Sec. 12	
§ <u>73-13</u>	Sec. 13	Amended at time of adoption of Code
Omitted	Sec. 14	
Omitted	Sec. 15	
Ch. <u>78</u> , Records, Public Access to	Resolution	3-9-1978
§ <u>78-1</u>	First unnumbered paragraph	
§ <u>78-2</u>	Sec. 1	
§ <u>78-3</u>	Sec. 2	
§ <u>78-4</u>	Sec. 3	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>78-5</u>	Sec. 4	
§ <u>78-6</u>	Sec. 5	
§ <u>78-7</u>	Sec. 6	
§ <u>78-8</u>	Sec. 7	
§ <u>78-9</u>	Sec. 8	
Omitted	Sec. 9	
Ch. <u>84</u> , Snowmobiles	L.L. No. 1-1984	1-12-1984
§ <u>84-1</u>	Sec. 1	
§ <u>84-2</u>	Sec. 2	Amended at time of adoption of Code
§ <u>84-3</u>	Sec. 3, introductory paragraph	Amended at time of adoption of Code
§ <u>84-4</u>	Sec. 3, Subd. (1)	Amended at time of adoption of Code
§ <u>84-5</u>	Sec. 4	
Omitted	Sec. 5	
Omitted	Sec. 6	
§ <u>84-6</u>		Added at time of adoption of Code
Ch. <u>87</u> , Streets and Sidewalks		
Article I, Notification of Defects	L.L. No. 1-1975	2-6-1975
§ <u>87-1</u>	Secs. 1 and 2	
§ <u>87-2</u>	Sec. 3	Amended at time of adoption of Code
§ <u>87-3</u>	Sec. 4	
§ <u>87-4</u>	Sec. 5, first paragraph	
Omitted	Sec. 5, second paragraph	
Omitted	Sec. 6	
Ch. <u>90</u> , Subdivision of Land	Resolution	11-13-1975
Article I		

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>90-1</u>	Sec. 1, first and second paragraphs	
§ <u>90-2</u>	Sec. 1, third paragraph	
§ <u>90-3</u>	Sec. 2	Amended during codification
§ <u>90-4</u>	Sec. 3	
§ <u>90-5</u>	Sec. 4	Amended during codification
Article II		
§ <u>90-6</u>	Secs. 5 and 5.10	
§ <u>90-7</u>	Secs. 5.11 and 5.12	
§ <u>90-8</u>	Sec. 5.20	Amended during codification
§ <u>90-9</u>	Sec. 5.21	Amended 4-14-1977
§ <u>90-10</u>	Sec. 5.22	Amended 4-14-1977
Article III		
§ <u>90-11</u>	Secs. 6 and 6.10	
§ <u>90-12</u>	Secs. 6.11 and 6.12	
§ <u>90-13</u>	Secs. 6.20 and 6.21	Amended during codification
§ <u>90-14</u>	Secs. 6.30 and 6.31	Amended during codification
Article IV		
§ <u>90-15</u>	Secs. 7.10 and 7.11	
§ <u>90-16</u>	Sec. 7.20	Amended 12-30-1986 by resolution
§ <u>90-17</u>	Sec. 8	
§ <u>90-18</u>	Sec. 9	
§ <u>90-19</u>	Sec. 10	Amended during codification
§ <u>90-20</u>	Sec. 11	
§ <u>90-21</u>	Sec. 12	
§ <u>90-22</u>	Sec. 13	
§ <u>90-23</u>	Sec. 14	
§ <u>90-24</u>	Sec. 15	Amended 2-10-1983 by resolution

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>90-25</u>	Sec. 16	
Omitted	Sec. 17	
Omitted	Sec. 18	
Appendix A: Improvement Specifications	Appendix A: Improvement Specifications	Amended 7-22-1986 by resolution; during codification
Ch. <u>93</u> , Target Shooting		Adopted at time of adoption of Code
§ <u>93-1</u>		
§ <u>93-2</u>		
Ch. <u>96</u> , Taxation		
Article I, Business Investment Exemption	L.L. No. 1-1977	3-10-1977
§ <u>96-1</u>	Sec. 1	
Omitted	Sec. 2	
Omitted	Sec. 3	
Article II, Senior Citizens Tax Exemption	Resolution	2-11-1988
§ <u>96-2</u>	Sec. 1	
§ <u>96-3</u>	Sec. 2	Amended during codification
§ <u>96-4</u>	Sec. 3	
Omitted	Sec. 4	
Ch. <u>100</u> , Vehicles and Traffic		
Article I, Temporary Closing of Town Streets	Resolution	2-12-1987
§ <u>100-1</u>	First unnumbered paragraph	
§ <u>100-2</u>	Second unnumbered paragraph	Amended during codification
§ <u>100-3</u>	Third unnumbered paragraph	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
Article II, Seasonal Parking Restrictions	L.L. No. 6-1987	9-10-1987
§ <u>100-4</u>	Sec. 1	
§ <u>100-5</u>	Sec. 2	
§ <u>100-6</u>	Sec. 3	
§ <u>100-7</u>	Sec. 4	
Omitted	Sec. 5	
Ch. <u>105</u> , Zoning	L.L. No. 3-1976	12-9-1976, as amended 7-9-1981 by L.L. No. 3-1981
Article I		
§ <u>105-1</u>	Sec. 1	
§ <u>105-2</u>	Sec. 2	
§ <u>105-3</u>	Sec. 3	
§ <u>105-4</u>	Sec. 4	Amended 10-10-1985 by L.L. No. 6- 1985; at time of adoption of Code
Article II		
§ <u>105-5</u>	Sec. 5.1, first and second unnumbered paragraphs	Amended at time of adoption of Code
§ <u>105-6</u>	Sec. 5.1, third and fourth unnumbered paragraphs	Amended at time of adoption of Code
§ <u>105-7</u>	Sec. 5.2	
§ <u>105-8</u>	Sec. 5.3	
§ <u>105-9</u>	Sec. 5.4	
Article III		
§ <u>105-10</u>	Sec. 6	Amended 6-11-1987 by L.L. No. 3- 1987; 9-8-1988 by L.L. No. 6-1988; at time of adoption of Code
§ <u>105-11</u>	Sec. 7	Amended at time of adoption of Code
§ <u>105-12</u>	Sec. 8	Amended 6-11-1987 by L.L. No. 3- 1987; at time of adoption of Code
§ <u>105-13</u>	Sec. 9	Amended 6-11-1987 by L.L. No. 3-

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
		1987; at time of adoption of Code
§ <u>105-14</u>	Sec. 10	Amended 6-11-1987 by L.L. No. 3-1987; at time of adoption of Code
§ <u>105-15</u>	Sec. 11	
§ <u>105-16</u>	Sec. 12	Amended 2-10-1983 by L.L. No. 1-1983
§ <u>105-17</u>	Sec. 13	Amended at time of adoption of Code
§ <u>105-18</u>	Sec. 14	Amended at time of adoption of Code
§ <u>105-19</u>	Sec. 15	Amended at time of adoption of Code
§ <u>105-20</u>	Sec. 16	Amended at time of adoption of Code
Article IV		
§ <u>105-21</u>	Sec. 17	Amended 10-10-1985 by L.L. No. 5-1985; at time of adoption of Code
§ <u>105-22</u>	Sec. 18	
§ <u>105-23</u>	Sec. 19	Amended at time of adoption of Code
§ <u>105-24</u>	Sec. 20	Amended 11-4-1985 by L.L. No. 7-1985; 6-11-1987 by L.L. No. 3-1987; at time of adoption of Code
Article V		
§ <u>105-25</u>	Sec. 21	Amended 11-8-1984 by L.L. No. 5-1984; at time of adoption of Code
§ <u>105-26</u>	Sec. 22	Amended at time of adoption of Code
§ <u>105-27</u>	Sec. 23.1	Amended at time of adoption of Code
§ <u>105-28</u>	Secs. 23.2 and 23.3	Amended 2-10-1983 by L.L. No. 1-1983; at time of adoption of Code
§ <u>105-29</u>	Sec. 23.4	Amended 10-10-1985 by L.L. No. 6-1985; at time of adoption of Code
§ <u>105-30</u>	Sec. 23.5	Amended 10-10-1985 by L.L. No. 6-1985; 7-22-1986 by L.L. No. 2-1986; at time of adoption of Code
§ <u>105-31</u>	Sec. 23-6	Amended 11-8-1984 by L.L. No. 5-1984; 10-10-1985 by L.L. No. 6-1985; 7-22-1986 by L.L. No. 2-1986; 6-11-1987 by L.L. No. 3-1987
§ <u>105-32</u>	Sec. 23.7	

New Number (chapter, title, article, section)	Old Number (source)	Adoption or Amendment Date
§ <u>105-33</u>	Sec. 24	Amended 6-11-1987 by L.L. No. 1987; at time of adoption of Code
§ <u>105-34</u>	Sec. 25	Amended at time of adoption of Code
§ <u>105-35</u>	Sec. 26	
Omitted	Sec. 27	
Omitted	Sec. 28	
Omitted	Sec. 29	
Schedule of Minimum Lot Requirements	Schedule of Minimum Lot Requirements	

§ 1-3. Repeal of enactments not included in Code.

All local laws, ordinances and resolutions of a general and permanent nature of the Town of Greenfield in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws, ordinances and resolutions provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, resolutions, rights and obligations, which are hereby expressly saved from repeal.

A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Greenfield prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Greenfield, or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Town of Greenfield.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Greenfield.

E. Any local law, ordinance or resolution of the Town of Greenfield providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Greenfield or any portion thereof.

F. Any local law, ordinance or resolution of the Town of Greenfield appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Greenfield or other instruments or evidence of the Town's indebtedness.

G. Local laws, ordinances or resolutions authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.

H. The levy or imposition of special assessments or charges.

I. The dedication of property.

J. Any local laws, ordinances or resolutions relating to salaries.

K. Any and all Zoning Map amendments.

L. A resolution adopted 6-20-1973 establishing the Town Planning Board.

M. All legislation adopted subsequent to September 8, 1988.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article or part of this local law or of any local law, ordinance or resolution cited in the table in § 1-2 hereof, or any local law, ordinance or resolution included in this Code through supplementation, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Greenfield and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Greenfield by impressing thereon the Seal of the Town of Greenfield, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while the said Code is in effect.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Greenfield," or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Greenfield required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes or local laws, ordinances or resolutions until such change or local law, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Town Clerk of the Town of Greenfield upon the payment of a fee to be set by resolution of the Town Board, which may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Greenfield, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Greenfield to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Greenfield, as distributed and designated in the table in § 1-2 hereof, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.) Editor's Note: In accordance with the provisions of § 1-11B, the following sections have been added or amended: §§ 5-1, 11-5D, Ch. 36, §§ 45-10, 47-2, 47-9, 47-10, 49-7, 49-10B(1) and (2), 54-7, 54-8A, 54-14A, 65-6B, C, F, G, H, I and J, 73-1, 84-2, 84-3, 84-4, 84-6, 87-2, Ch. 93, §§ 105-4, 105-5A, 105-6A, 105-10D, 105-11E(1), (3) and (5), 105-12E(1), (3) and (5), 105-13F(1), (3) and (5), 105-14E(1), (2) and (4), 105-17D(3), (6) and (7)(a), G(4)(a), J(2), (3), (4), (5), (6) and (7), 105-18B(3), (6) and (7)(b) and F(2)(b)[8] and (3)(b)[9], 105-19D(5), 105-20B and D(4), 105-21C(1)(a), 105-23A, 105-24C, 105-25A and B(3) and (4), 105-26B, 105-27, 105-28B(2), 105-29A(4) and J(1), 105-30E(1), 105-33A(1) and B(4) and 105-34E(2) and (4). The following sections have been deleted: Former Sec. 10 of an ordinance adopted 10-1-1964 and former Sec. 10.2e of L.L. No. 3-1976.

C. Penalties. In addition to the amendments made in Subsection B above, the following penalty sections are amended as follows: Editor's Note: In accordance with the provisions of § 1-11C, the following sections have been added or amended: §§ 40-4, 65-7B and 73-13.

§ 1-12. When effective.

This local law shall take effect upon filing with the Secretary of State and State Comptroller as required by § 27 of the Municipal Home Rule Law.

CHAPTER 5. ASSESSOR

§ 5-1. Appointment of single Assessor; term of office.

§ 5-2. Termination of terms of elected Assessors.

CHAPTER 5. ASSESSOR

[HISTORY: Adopted by the Town Board of the Town of Greenfield 11-11-1982 by L.L. No. 2-1982. Amendments noted where applicable.]

§ 5-1. Appointment of single Assessor; term of office.

[Amended 12-28-1988 by L.L. No. 10-1988]

Pursuant to § 1557 of Article 15-A of the Real Property Tax Law of the State of New York, Editor's Note: Section 1557 of Article 15-A was repealed 7-20-1984 by L. 1984, c. 472. See now § 328 of the Real Property Tax Law. the power to assess real property for the purpose of taxation shall be given to one Assessor, to be appointed by the Town Board in accordance with the provisions of § 310 of the Real Property Tax Law. Said appointment shall be for a period of six years and shall be made and filled by January 1, 1983.

§ 5-2. Termination of terms of elected Assessors.

Upon the establishment of the office of appointed Assessor by this chapter, the terms of office of all Assessors then in office shall terminate.

CHAPTER 6. BOARD OF ASSESSMENT REVIEW

ARTICLE I. Meeting Date

§ 6-1. Purpose; statutory authorization.

§ 6-2. Meeting date established; duration.

CHAPTER 6. BOARD OF ASSESSMENT REVIEW

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

GENERAL REFERENCES

Assessor — See Ch. 5.

Taxation — See Ch. 96.

ARTICLE I. Meeting Date

[Adopted 10-10-2002 by L.L. No. 1-2002 Editor's Note This local law also repealed L.L. No. 2-2001, adopted 9-13-2001, which established a BAR meeting date on the next Thursday after the fourth Tuesday in May. **]**

§ 6-1. Purpose; statutory authorization.

The purpose of this article is to change the date on which the Town Board of Assessment Review meets to hear complaints in relation to real property tax assessments. This article is authorized by § 512 of the Real Property Tax Law and § 10(1)(ii)(d)(1) of the Municipal Home Rule Law.

§ 6-2. Meeting date established; duration.

The Town Board of Assessment Review (BAR) shall meet to hear complaints in relation to real property tax assessments on the fourth Tuesday in May and for so many days thereafter as the BAR deems necessary.

CHAPTER 8. DEFENSE AND INDEMNIFICATION

§ 8-1. Statutory authority.

§ 8-2. Responsibility for costs.

§ 8-3. Compliance required.

§ 8-4. Definitions.

§ 8-5. General provisions.

§ 8-6. Conditions.

§ 8-7. Applicability.

§ 8-8. Effect on insurers.

§ 8-9. Construal of provisions.

CHAPTER 8. DEFENSE AND INDEMNIFICATION

[HISTORY: Adopted by the Town Board of the Town of Greenfield 3-10-1988 by L.L. No. 1-1988. Amendments noted where applicable.]

§ 8-1. Statutory authority.

Pursuant to § 18 of the Public Officers Law of the State of New York, the Town of Greenfield does hereby confer the benefits of such § 18 of the Public Officers Law upon its employees as defined therein.

§ 8-2. Responsibility for costs.

The Town of Greenfield hereby agrees to be held liable for the costs hereinafter incurred under the provisions of such law.

§ 8-3. Compliance required.

Such benefits and liability for costs shall be conferred and incurred only in those cases in which the employee has complied with all of the requirements and conditions as set forth in § 18 of the Public Officers Law.

§ 8-4. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

EMPLOYEE

Any person holding a position by election, appointment or employment in the service of the Town, but shall not include a volunteer, any person not compensated for his services or an independent contractor or its employees. The term employee shall include a former employee, his estate or a judicially appointed personal representative.

TOWN

The Town of Greenfield.

§ 8-5. General provisions.

A. Upon compliance by the employee with the provisions of § 8-3 of this chapter, the Town shall provide for the defense of the employee in any civil, criminal or civil rights action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting or in good faith purporting to act within the scope of his public employment or duties. Such defense shall not be provided where such civil action or proceeding is brought by or on behalf of the Town.

B. Subject to the conditions set forth in this chapter, the employee shall be represented by an attorney employed or retained by the Town for the defense of the employee. Reasonable attorney's fees and litigation expenses shall be paid by the Town to such attorney employed or retained, from time to time, during the pendency of the civil action or proceeding, subject to certification by the Town Attorney that the employee is entitled to representation under the terms and conditions of this chapter. Payment of such fees and expenses shall be made in the same manner as payment of other claims and expenses of the Town. Any dispute with respect to representation of multiple employees by an attorney employed or retained for such purposes or with respect to the amount of the fees or expenses shall be resolved by the court.

C. Where the employee delivers process and a request for a defense to the Town Supervisor as required by § 8-3 of this chapter, the Supervisor shall take the necessary steps, including the retention of an attorney under the terms and conditions provided in Subsection B of this section on behalf of the employee, to avoid entry of a default judgment pending resolution of any question relating to the obligation of the Town to provide a defense.

§ 8-6. Conditions.

The duties to defend provided in this chapter shall be contingent upon delivery to the Town Attorney or, if none, to the Town Supervisor of the original or a copy of any summons, complaint, process, notice, demand or pleading within five days after he is served with such document and the full cooperation of the employee in the defense of such action or proceeding and defense of any action or proceeding against the Town based upon the same act or omission and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the Town provide for his defense pursuant to this chapter, unless the employee shall state in writing that a defense is not requested.

§ 8-7. Applicability.

The benefits of this chapter will inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provisions of the Workers' Compensation Law.

§ 8-8. Effect on insurers.

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

§ 8-9. Construal of provisions.

As otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Town or any right to defense provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

CHAPTER 11. ENVIRONMENTAL COMMISSION

§ 11-1. Legislative intent.

§ 11-2. Commission established.

§ 11-3. Membership; terms; qualifications; vacancies.

§ 11-4. Organization.

§ 11-5. Powers and duties.

§ 11-6. Reports.

§ 11-7. Compensation; expenses.

§ 11-8. Construal of provisions.

CHAPTER 11. ENVIRONMENTAL COMMISSION

[HISTORY: Adopted by the Town Board of the Town of Greenfield 6-27-1973 by L.L. No. 1-1973. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 49.

§ 11-1. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Greenfield, in the face of population growth, urbanization and technologic change, with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Greenfield. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of an Environmental Commission is a necessary step in fostering unified action on environmental problems.

§ 11-2. Commission established.

The Town Board of the Town of Greenfield hereby creates an advisory commission which shall be known as the "Environmental Commission of the Town of Greenfield," hereinafter called the "Commission."

§ 11-3. Membership; terms; qualifications; vacancies.

A. The Commission shall consist of not less than three nor more than nine members, who shall be appointed by the Town Board and who shall serve at the pleasure of the Town Board for a period of one year, with such terms to expire on December 31 of such year.

B. Persons residing within the Town of Greenfield who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of the Commission, but no more than two members of the Commission may be between the ages of 16 and 21 years of age.

C. Vacancies on the Commission shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

§ 11-4. Organization.

A. The Town Board shall designate a member of the Commission to act as Chairman thereof. At the first meeting of the Commission, its members shall elect from among themselves a Recording Secretary.

B. The Commission shall adopt rules and procedures for its meetings.

C. The Commission shall keep accurate records of its meetings and activities and shall file an annual report as provided in § 11-5 of this chapter.

§ 11-5. Powers and duties.

The powers and duties of the Commission shall be to:

A. Conduct research into the land area of the Town.

B. Seek to coordinate the activities of unofficial bodies organized for similar purposes and to cooperate with other official municipal bodies active in the area of community planning for the Town.

C. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its work; however, such expenditures shall be within the Commission's budgetary appropriation as approved by the Town Board.

D. Keep an inventory and map, as defined in § 239-y of the General Municipal Law, of all open areas within the Town, with the plan of obtaining information pertinent to proper utilization of such open lands, including lands owned by the state or any other municipality within the state or by the Town of Greenfield.

[Amended 12-28-1988 by L.L. No. 10-1988]

E. Keep an inventory and map of all open marshlands, swamps and all other wetlands in a like manner, and it may recommend to the Town Board a program for ecologically suitable utilization of all such areas.

F. Keep accurate records of its meetings and actions and file an annual report with the Town Board of Greenfield on or before the 31st day of December of each and every year, a copy of which, when approved, shall be forwarded to the State Commissioner of Environmental Conservation.

G. (Reserved) Editor's Note: Former Subsection G, dealing with the acceptance of gifts, was repealed 4-14-1988 by L.L. No. 2-1988.

H. In addition to the foregoing, carry out any other duties, tasks or responsibilities, consistent with the objectives of this chapter, assigned to it by resolution of the Town Board of Greenfield.

§ 11-6. Reports.

The Commission shall submit an annual report to the Town Board, not later than the 31st day of December of each year, concerning the activities and work of the Commission and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

§ 11-7. Compensation; expenses.

The members of the Commission shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

§ 11-8. Construal of provisions.

This chapter shall be deemed an exercise of the powers of the Town of Greenfield to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

CHAPTER 13. ETHICS, CODE OF

§ 13-1. Intent.

§ 13-2. Applicability.

§ 13-3. Definitions.

§ 13-4. Conflicts of interest.

§ 13-5. Standards of conduct.

§ 13-6. Penalties for offenses.

§ 13-7. Board of Ethics.

§ 13-8. Distribution of copies.

§ 13-9. Expenditures.

CHAPTER 13. ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Greenfield 10-1-1970 by resolution. Amendments noted where applicable.]

§ 13-1. Intent.

The Town Board of the Town of Greenfield recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this Town as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the Town's officers and employees as provided for herein.

§ 13-2. Applicability.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts-of-interest provisions or procedures prescribed by statute of the State of New York and also in addition to common-law rules and judicial decisions relating to the conduct of Town officers to the extent that the same are more severe in their application than this chapter.

§ 13-3. Definitions.

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

TOWN

Any board, commission, district, council or other agency, department or unit of the government of the Town of Greenfield.

TOWN EMPLOYEE

Any officer or employee of the Town of Greenfield, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity. No person shall be deemed to be a Town employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

[Amended 12-28-1988]

§ 13-4. Conflicts of interest.

No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.

§ 13-5. Standards of conduct.

- A. No Town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- C. No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- D. No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- E. A Town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.
- F. Each Town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- G. Each Town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- H. No Town employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Town in which such employee serves or is employed.
- I. No elected or appointed Town official or Town employee shall, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$25 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the official or employee or could reasonably be expected to influence the official or employee in the performance of his or her official duties or was intended as a reward for any official action on his or her part.

[Added 9-10-1998 by L.L. No. 4-1998]

§ 13-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such Town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

§ 13-7. Board of Ethics.

- A. There is hereby established a Board of Ethics consisting of three members to be appointed by the Town Board, all of whom shall reside in the Town of Greenfield and who shall serve without compensation and at the pleasure of the Town Board of the Town of Greenfield. A majority of such members shall be persons other than Town employees, but said Board shall include at least one member who is an elected or appointed Town employee of the Town of Greenfield.
- B. The Board of Ethics established hereunder shall render advisory opinions to Town employees on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential, and in no

event shall the identity of the Town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Town Attorney.

C. Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

§ 13-8. Distribution of copies.

A. Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every Town employee of this Town. Failure to distribute any such copy or failure of any Town employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof.

B. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

C. Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§ 13-9. Expenditures.

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.

CHAPTER 19. OFFICERS AND EMPLOYEES

ARTICLE I. Town Clerk

§ 19-1. Term increased.

ARTICLE II. Town Highway Superintendent

§ 19-2. Term increased.

CHAPTER 19. OFFICERS AND EMPLOYEES

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

GENERAL REFERENCES

Defense and indemnification — See Ch. 8.

Code of Ethics — See Ch. 13.

ARTICLE I. Town Clerk

[Adopted 7-14-1994 by L.L. No. 7-1994 Editor's Note: This local law was subject to mandatory referendum, and passed by a majority of the qualified voters voting at the election held on 11-8-1994. **]**

§ 19-1. Term increased.

The term of office of Town Clerk shall be increased from two to four years, effective with the term of office commencing January 1, 1996.

ARTICLE II. Town Highway Superintendent

[Adopted 5-8-2008 by L.L. No. 3-2008 Editor's Note: This local law was subject to mandatory referendum, and was passed by a majority of the qualified voters voting at the election held on 11-4-2008. **]**

§ 19-2. Term increased.

The term of office of Town Highway Superintendent shall be increased from two years to four years effective with the term of office commencing January 1, 2010.

CHAPTER 20. ORDINANCES AND LOCAL LAWS, ADOPTION OF

§ 20-1. Summary publication authorized.

§ 20-2. Effect on pending legislation.

CHAPTER 20. ORDINANCES AND LOCAL LAWS, ADOPTION OF

[HISTORY: Adopted by the Town Board of the Town of Greenfield 4-8-1976 by L.L. No. 1-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 105.

§ 20-1. Summary publication authorized.

The Town Board of the Town of Greenfield shall publish an abstract of any and all Town ordinances or local laws to be enacted in the future.

§ 20-2. Effect on pending legislation.

An abstract of the specific zoning ordinance or local law Editor's Note: See Ch. 105, Zoning, now under consideration by the Greenfield Town Board may be published as a substitute of the full text of such ordinance or local law.

CHAPTER 23. (RESERVED)

[Former Ch. 23, Personnel Policies, which consisted of Art. I, Health Insurance for Retired Elderly Officials, adopted 11-11-1999 by L.L. No. 4-1999, was repealed 6-8-2006 by L.L. No. 1-2006.]

CHAPTER 32. ALARM SYSTEMS

ARTICLE I. Fire Alarms

§ 32-1. Purpose.

§ 32-2. Definitions.

§ 32-3. Proper maintenance required.

§ 32-4. False alarms.

§ 32-5. Alarms to terminate with owner.

§ 32-6. Testing.

§ 32-7. Responsible parties.

§ 32-8. Liability of Town.

§ 32-9. Penalties for offenses.

§ 32-10. Enforcement.

§ 32-11. Other remedies.

CHAPTER 32. ALARM SYSTEMS

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

GENERAL REFERENCES

Fire prevention — See Ch. 54.

ARTICLE I. Fire Alarms

[Adopted 10-10-1991 by L.L. No. 5-1991]

§ 32-1. Purpose.

This article is intended to promote the health, safety and general welfare of the people of the Greenfield Fire District in the Towns of Greenfield and Wilton, New York, including the protection of the property of the towns and their inhabitants by proposing regulations on the installation and maintenance of fire alarms in the Greenfield Fire District.

§ 32-2. Definitions.

For the purpose of this article, the words and phrases set forth in this section shall be defined as set forth in this section:

EMERGENCY FIRE ALARM

Any fire alarm system designed to send a signal, recorded, coded or otherwise, which terminates in any manner at any volunteer fire company or at the Saratoga County Fire Control Center or at a facility responsible for monitoring such alarm systems, or any fire alarm system designed to emit an audible signal at the exterior of the premises of the alarm installation.

FALSE ALARM

Any accidental, deliberate, reckless or negligent initiation or activation of an emergency fire alarm when any emergency situation does not exist.

§ 32-3. Proper maintenance required.

Each and every emergency fire alarm system in the Greenfield Fire District shall be properly maintained in operating condition by the building owner or his agent.

§ 32-4. False alarms.

A. A false alarm within 120 days of a previous false alarm shall cause a civil penalty of \$100 to be levied against the owner of the property from which said false alarms emitted, whether the false alarm was caused by human error or malfunction of equipment; except, however, such civil penalty shall not apply to false alarms intentionally initiated by one not under the control or supervision of the property owner or representative. The civil penalty levied for any additional false alarms within the one-hundred-twenty-day period shall be \$200 per alarm. Nothing in this article shall exempt any person from criminal prosecution under the New York State Penal Law covering in any manner the intentional transmission of false alarms.

B. Following response to an emergency fire alarm which subsequent investigation determines to be false and the notification of said fact by the Fire Department to the owner of the premises, or his representative, from which the alarm emanated, the owner or representative shall file a written report with the Fire Department and the Building Department within 72 hours of such notification. Such report shall contain all information pertaining to the reason for activities of the emergency fire alarm and the planned corrective action, if any, on the part of the property owner to prevent future false alarms.

§ 32-5. Alarms to terminate with owner.

Each and every fire alarm system which terminates in any manner at any volunteer fire company or the Saratoga County Fire Control Center or at a facility responsible for monitoring such alarm system must be electrically configured so as to also terminate at the home or place of business of the owner or a designated representative of the subject premises, and such owner or representative must immediately report to the scene of the alarm.

§ 32-6. Testing.

There shall be no testing of emergency fire alarms which would normally summon the appropriate fire company unless such test is first cleared, verified and authorized by all entities and/or agencies where such alarm

terminates, including but not limited to the volunteer fire department servicing the property and the Saratoga County Fire Control Center.

§ 32-7. Responsible parties.

The owner of each property which contains an emergency fire alarm as herein set forth must provide the local Fire Department and the Saratoga County Fire Control Center with a list of three people, their addresses and telephone numbers, who may be contacted in the event that an alarm is received and who will be able to grant access to the subject premises.

§ 32-8. Liability of Town.

A. The Towns of Greenfield and/or Wilton or the Greenfield Fire District serving the call shall not be liable for any defects in operation of emergency fire alarm systems nor for failure to respond appropriately nor for any erroneous response pursuant to the provisions of this article with respect to the installation, operation and maintenance of equipment; the transmission of alarm systems or messages; or the relaying of such systems or messages.

B. In the event that the Towns of Greenfield and/or Wilton or the Greenfield Fire District find it necessary to disconnect any signaling device, the foregoing parties shall incur no liability therefrom.

§ 32-9. Penalties for offenses.

The civil penalty for violation of any of the provisions of this article or any rules or regulations promulgated pursuant hereto, except where such fine is specifically provided for in the said provision, rule or regulation, shall be remitted to the Town of Greenfield or Wilton Building Department, dependent upon the Town in which the alarm originated, and thereupon 1/2 of the fine collected shall be transmitted to the Greenfield Fire District.

§ 32-10. Enforcement.

The duly designated Town Code Enforcement Officer shall enforce the provisions of this article and shall investigate and report to the Town Attorney of the Town of Greenfield or Wilton concerning any violation hereof.

§ 32-11. Other remedies.

Upon the receipt of a signed complaint by the Code Enforcement Officer concerning any alleged violation of this article, a civil summons against the alleged violator may be issued by the Code Enforcement Officer, and said matter shall be considered a small claims case under New York Law for all procedural purposes.

CHAPTER 36. BINGO

§ 36-1. Authorization to conduct games; restrictions.

§ 36-2. Penalties for offenses.

CHAPTER 36. BINGO

[HISTORY: Adopted by the Town Board of the Town of Greenfield 10-2-1958; Editor's Note: This legislation was approved at referendum 11-4-1958. amended in its entirety 12-28-1988 by L.L. No. 10-1988. Subsequent amendments noted where applicable.]

§ 36-1. Authorization to conduct games; restrictions.

It shall be lawful for any authorized organization, as defined in § 476 of Article 14-H of the General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Town of Greenfield, subject to the provisions of this chapter, Article 14-H of the General Municipal Law, Article 19-B of the Executive Law and the following restrictions:

- A. No person, firm, association, corporation or organization other than an authorized organization licensed under the provisions of Article 14-H shall be permitted to conduct such games.
- B. No bingo game shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid wholly or partly on the basis of a percentage of the receipts or net profits derived from the operation of such game.
- C. The entire net proceeds of any game shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.
- D. No single prize shall exceed the sum or value of \$250.
- E. No series of prizes on any one occasion shall aggregate more than \$1,000.
- F. No person except a bona fide member of any such organization shall participate in the management or operation of such game.
- G. No person shall receive any remuneration for participating in the management or operation of any such game.
- H. No authorized organization licensed under the provisions of Article 14-H shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law Editor's Note: See § 430 et seq. of the Executive Law. or from another authorized organization.
- I. Limited-period bingo shall be conducted in accordance with the provisions of Article 14-H and the rules and regulations of the commission.

§ 36-2. Penalties for offenses.

The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter shall constitute and be punishable as a misdemeanor.

CHAPTER 40. BUILDINGS, UNSAFE

§ 40-1. Inspection upon notice of unsafe building; report.

§ 40-2. Notice to repair or remove.

§ 40-3. Refusal to comply.

§ 40-4. Penalties for offenses.

CHAPTER 40. BUILDINGS, UNSAFE

**[HISTORY: Adopted by the Town Board of the Town of Greenfield 1-15-1981 by L.L. No. 1-1981.
Amendments noted where applicable.]**

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 54.

§ 40-1. Inspection upon notice of unsafe building; report.

Upon receipt of notice to the Town Board that any building or structure within a business, industrial or residential section of the Town is dangerous or unsafe to the public, the Town Board shall appoint an official of said Town, to be designated by the Town Board, to make an inspection of such building or structure and to report in writing thereon to said Town Board.

§ 40-2. Notice to repair or remove.

A. Upon receipt of said report, the Town Board shall examine the same, and if it appears to the Town Board that said building or structure may be dangerous or unsafe to the public, the Town Board shall cause written notice to be served on the owner thereof or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by certified mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other persons having a vested or contingent interest in the same, as shown by the records of the Receiver of Taxes or in the office of the County Clerk.

[Amended 5-8-2008 by L.L. No. 1-2008]

B. The notice shall contain the following:

- (1) A description of the premises.
- (2) A statement of the particulars in which the building is unsafe or dangerous.
- (3) An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- (4) A statement that the securing or removal of such building shall commence within three days of the service of the notice and shall be completed within 60 days thereafter, unless, for good cause shown, such time shall be extended.
- (5) A date, time and place for a hearing before the Town Board in relation to such dangerous or unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice.
- (6) A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

C. A copy of the notice, served as provided herein, shall be filed in the office of the County Clerk of the County of Saratoga.

§ 40-3. Refusal to comply.

In the event of the refusal or neglect of the person so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of such building or structure either by Town employees or by contract.

§ 40-4. Penalties for offenses.

[Added 12-28-1988 by L.L. No. 10-1988]

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or to imprisonment for a term not to exceed 15 days, or both.

CHAPTER 43. DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWER

§ 43-1. Purpose; intent.

§ 43-2. Definitions.

§ 43-3. Applicability.

§ 43-4. Responsibility for administration.

§ 43-5. Severability.

§ 43-6. Discharge prohibitions; exceptions.

§ 43-7. Failing individual sewage treatment systems prohibited.

§ 43-8. Activities contaminating stormwater prohibited.

§ 43-9. Prevention, control and reduction of stormwater pollutants.

- § 43-10. Suspension of access to MS4.
- § 43-11. Industrial or construction activity discharges.
- § 43-12. Applicability; access to facilities; monitoring of discharges.
- § 43-13. Notification of spills.
- § 43-14. Enforcement; penalties for offenses.
- § 43-15. Appeal of notice of violation.
- § 43-16. Corrective measures after appeal.
- § 43-17. Injunctive relief.
- § 43-18. Alternative remedies.
- § 43-19. Violations deemed a public nuisance.
- § 43-20. Remedies not exclusive.

CHAPTER 43. DISCHARGES, ACTIVITIES AND CONNECTIONS TO STORM SEWER

[HISTORY: Adopted by the Town Board of the Town of Greenfield 12-13-2007 by L.L. No. 4-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 57.
 Stormwater management and erosion and sediment control — See Ch. 85.
 Subdivision of land — See Ch. 90.
 Zoning — See Ch. 105.

§ 43-1. Purpose; intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Town of Greenfield 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 chapter 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 chapter 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 chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, local lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 43-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, 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 at 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 CONNECTION

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 § 43-6 of this chapter.

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 Local 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.

MUNICIPALITY

The Town of Greenfield.

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 municipality;

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.

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 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)

An employee, the municipal engineer or other public official(s) designated by the municipality to enforce this chapter. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

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.

TOTAL MAXIMUM DAILY LOAD (TMDL)

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.

§ 43-3. Applicability.

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

§ 43-4. Responsibility for administration.

The Stormwater Management Officer(s) [(SMO(s))] shall administer, implement, and enforce the provisions of this chapter. 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 municipality.

§ 43-5. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

§ 43-6. Discharge prohibitions; exceptions.

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

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

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

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

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

B. Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4 or allows such a connection to continue.

§ 43-7. Failing individual sewage treatment systems prohibited.

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

A. The backup of sewage into a structure.

- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
- F. Contamination of off-site groundwater.

§ 43-8. Activities contaminating stormwater prohibited.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 43-2, Definitions, of this chapter.
- B. Such activities include failing individual sewage treatment systems as defined in § 43-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 43-9. Prevention, control and reduction of stormwater pollutants.

- A. Best management practices: Where the SMO has identified illicit discharges as defined in § 43-2 or activities contaminating stormwater as defined in § 43-8, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.
 - (1) The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
 - (2) Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge as defined in § 43-2 or an activity contaminating stormwater as defined in § 43-8, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
 - (3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- B. Individual sewage treatment systems; response to special conditions requiring no increase of pollutants or requiring a reduction of pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the special conditions as defined in § 43-2 of this chapter, the owner or operator of such individual sewage treatment systems shall be required to:
 - (1) Maintain and operate individual sewage treatment systems as follows:
 - (a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the outlet

baffle or sanitary tee or the top of the sludge is within 10 inches of the bottom of the outlet baffle or sanitary tee.

(b) Avoid the use of septic tank additives.

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

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

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

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

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

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

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

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

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

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

§ 43-10. Suspension of access to MS4.

A. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

§ 43-11. Industrial or construction activity discharges.

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

§ 43-12. Applicability; access to facilities; monitoring of discharges.

A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.

B. Access to facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

(2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.

(3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

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

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

(6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 43-13. Notification of spills.

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

§ 43-14. Enforcement; penalties for offenses.

A. Notice of violation.

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

(a) The elimination of illicit connections or discharges;

- (b) That violating discharges, practices, or operations shall cease and desist;
- (c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (d) The performance of monitoring, analyses, and reporting;
- (e) Payment of a fine; and
- (f) The implementation of source control or treatment BMPs.

(2) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall farther advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter 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 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 purposes 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.

§ 43-15. 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 shall file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§ 43-16. 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.

§ 43-17. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, 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.

§ 43-18. Alternative remedies.

A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this chapter.
- (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.

§ 43-19. 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 chapter 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.

§ 43-20. Remedies not exclusive.

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

CHAPTER 45. DOGS

§ 45-1. Purpose.

§ 45-2. Statutory authorization.

§ 45-3. Title.

§ 45-4. Definitions.

§ 45-5. Restrictions.

§ 45-6. Enforcement.

§ 45-7. Seizure and impoundment; disposition.

§ 45-8. Filing of complaints.

§ 45-9. Appearance tickets.

§ 45-10. Penalties for offenses.

§ 45-11. Local license fees.

CHAPTER 45. DOGS

[HISTORY: Adopted by the Town Board of the Town of Greenfield 2-12-1981. Amendments noted where applicable.]

§ 45-1. Purpose.

The Town of Greenfield, New York, finds that the running at large and other uncontrolled behavior of dogs has caused physical harm to persons, damage to property and created nuisances within the Town. The purpose of this

chapter is to protect the health, safety and well-being of persons and property by imposing restrictions and regulations upon the keeping or running at large of dogs and the seizure thereof within the Town.

§ 45-2. Statutory authorization.

This chapter is enacted pursuant to the provisions of § 124 of Article 7 of the Agriculture and Markets Law.

§ 45-3. Title.

The title of this chapter shall be the "Dog Control Ordinance of the Town of Greenfield."

§ 45-4. Definitions.

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

AT LARGE

Any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be at large if it is:

- A. Accompanied by and under the immediate supervision and control of the owner or other responsible person;
- B. A police work dog in use for police work; or
- C. Accompanied by its owner or other responsible person and is actively engaged in hunting or training for hunting on unposted land or on posted land with the permission of the owner of the land.

HARBOR

To provide food or shelter to any dog.

OWNER

Any person who harbors or keeps any dog. In the event any dog found in violation of this chapter shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person or the head of the household in which said person resides.

§ 45-5. Restrictions.

It shall be unlawful for any owner of any dog to permit or allow such dog, in the Town of Greenfield, to:

- A. Be at large.
- B. Engage in habitual loud howling, barking, crying or whining or to conduct itself in such a manner as to unreasonably and habitually annoy any person.
- C. Cause damage or destruction to property or commit a nuisance by defecating or urinating upon the premises of a person other than the owner of such dog.
- D. Chase or otherwise harass any person in such a manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury while at large.
- E. Habitually chase, run alongside of or bark at motor vehicles or bicycles while at large.
- F. Bite, attack or cause injury to a person.

[Added 3-14-1985]

§ 45-6. Enforcement.

This chapter shall be enforced by any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Greenfield.

§ 45-7. Seizure and impoundment; disposition.

A. Any dog found in violation of the provisions of § 45-5 may be seized pursuant to the provision of § 118 of the Agriculture and Markets Law.

B. Every dog seized shall be properly cared for, sheltered, fed and watered for the redemption periods set forth in § 118 of the Agriculture and Markets Law.

C. Seized dogs may be redeemed by producing proof of licensing and identification pursuant to the provision of Article 7 of the Agriculture and Markets Law and by paying the impoundment fees set forth in § 118 of said article and by paying the full board charges of the Saratoga County Animal Shelter.

[Amended 3-14-1985]

D. If the owner of any unredeemed dog is known, such owner shall be required to pay the impoundment fees set forth in Subsection C of this section whether or not such owner chooses to redeem his or her dog.

E. Any dog unredeemed at the expiration of the appropriate redemption period shall be made available for adoption or euthanized pursuant to the provision of § 118 of the Agriculture and Markets Law.

§ 45-8. Filing of complaints.

Any person who observes a dog in violation of this chapter may file a complaint under oath with the Dog Control Officer of the Town of Greenfield, specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of such dog. Such complaint may serve as the basis for enforcing the provisions of this chapter.

§ 45-9. Appearance tickets.

Any dog control officer, peace officer, when acting pursuant to his special duties, or police officer in the employ of or under contract to the Town of Greenfield, observing a violation of this chapter in his presence or upon obtaining a written complaint under § 45-8 of this chapter, shall issue and serve upon such person an appearance ticket for such violation.

§ 45-10. Penalties for offenses.

[Amended 12-28-1988 by L.L. No. 10-1988]

Any person convicted of a violation of this chapter shall be deemed to have committed a violation and shall be subject to the penalties set forth in § 119 of the Agriculture and Markets Law.

§ 45-11. Local license fees.

[Added 12-12-1991 by L.L. No. 6-1991]

A. Pursuant to the authority of Article 7 of the New York State Agriculture and Markets Law, the Town of Greenfield does hereby set the annual local fee for each dog licensed in said Town in the amount of \$4.50, except for group licenses.

[Amended 8-10-2006 by L.L. No. 4-2006]

B. Said license fee herein enacted shall not apply to any guide dog, hearing dog, service dog, war dog or police work dog.

C. The annual local fee for each purebred license in said Town shall be in the amount of \$25.

D. The Town Clerk is hereby instructed to file a certified copy of this section in the principal office of the New York State Department of Agriculture and Markets, Albany, New York.

CHAPTER 47. DUMPS AND DUMPING

ARTICLE I. Town Dump

§ 47-1. Definitions.

§ 47-2. Designation of site.

§ 47-3. Restrictions upon deposit of large articles.

§ 47-4. Scavenging prohibited.

§ 47-5. Use restricted to residents.

§ 47-6. Origins of materials deposited.

§ 47-7. Compliance required.

§ 47-8. Prohibited deposits.

§ 47-9. Deposit on lands not designated as dumping grounds.

§ 47-10. Penalties for offenses.

ARTICLE II. Dumping at Places Other Than Town Dump

§ 47-11. Declaration of policy.

§ 47-12. Definitions.

§ 47-13. Operation of dump restricted; exceptions.

§ 47-14. Penalties for offenses.

ARTICLE III. Transportation of Trash and Garbage

§ 47-15. Declaration of intent.

§ 47-16. Restrictions.

§ 47-17. Penalties for offenses.

CHAPTER 47. DUMPS AND DUMPING

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

GENERAL REFERENCES

Junkyards — See Ch. 65.

ARTICLE I. Town Dump

[Adopted 10-1-1964]

§ 47-1. Definitions.

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

PERSON

Includes an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

§ 47-2. Designation of site.

[Amended 12-28-1988 by L.L. No. 10-1988]

The premises used by the Town of Greenfield, situate in the Town of Milton, are hereby designated as the dumping ground of this Town for rubbish, garbage, paper and waste materials of any nature by the residents of the Town, subject to the provisions of this article. The regulations herein contained shall also apply to any other lands hereafter acquired or leased for the purpose of disposal of rubbish, garbage, paper or waste materials of any nature.

§ 47-3. Restrictions upon deposit of large articles.

No person shall carry or leave or cause to be carried or left, upon the premises mentioned in § 47-2 of this article, any automobile, vehicle, machine, appliance or other article, or any part thereof, unless the same shall have been dismantled and the body thereof so cut and flattened out so as to permit the same to occupy a minimum of space.

§ 47-4. Scavenging prohibited.

No person shall engage in scavenging of material deposited upon the premises mentioned in § 47-2 hereof.

§ 47-5. Use restricted to residents.

No person not a resident of or conducting an established business in the Town of Greenfield shall deposit any rubbish of any kind upon the premises mentioned in § 47-2 hereof without first obtaining a permit therefor.

§ 47-6. Origins of materials deposited.

No person shall deposit rubbish, by collection from sources originating outside the Town of Greenfield, upon the premises mentioned in § 47-2.

§ 47-7. Compliance required.

No person shall deposit or cause to be deposited any substance of any kind on the dumping ground herein designated, except at the places, during the times and in the manner directed by the person in charge or in conformity with the sign or signs erected upon the premises by order of the Town Board.

§ 47-8. Prohibited deposits.

A. Dead animals. No person shall deposit any dead animals or parts thereof upon the premises mentioned in § 47-2 hereof; provided, however, that this section shall not prevent any person otherwise entitled to use said dump from depositing ordinary garbage therein.

B. Sewage from septic tanks and cesspools. No person shall deposit on said dumping grounds any sewage, waste or other matter from septic tanks, cesspools or other receptacles for human waste or sewage. Editor's Note: Former Sec. 10, Restrictions on use; deposit of unflammable material, was deleted 12-28-1988 by L.L. No. 10-1988.

§ 47-9. Deposit on lands not designated as dumping grounds.

[Amended 12-28-1988 by L.L. No. 10-1988]

No person shall throw or deposit or cause to be thrown or deposited any garbage, rubbish, or abandoned vehicles or parts thereof, or waste materials of any nature, in or upon any public highway, street or place within said Town of Greenfield excepting upon the dumping ground aforesaid pursuant to the regulations herein.

§ 47-10. Penalties for offenses.

[Amended 12-28-1988 by L.L. No. 10-1988]

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine for each offense of not more than \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

ARTICLE II. Dumping at Places Other Than Town Dump

[Adopted 6-9-1988 by L.L. No. 3-1988]

§ 47-11. Declaration of policy.

It is hereby determined by the Town Board that the operation of dumps for the disposal of garbage, rubbish, liquid waste, construction debris and waste materials of any nature is likely to constitute a hazard and menace to the health and safety of the residents of the Town of Greenfield, and it is therefore the intent of this article to prohibit the operation of dumps, other than by the Town, for the disposal of garbage, rubbish, liquid waste, construction debris and waste materials of any nature in the Town of Greenfield, pursuant to § 130, Subdivisions 6 and 15, of the Town Law of the State of New York.

§ 47-12. Definitions.

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

DUMP or DUMPING GROUND

Includes any place used for the disposal or leaving of solid or liquid waste material by the public or any person.

PERSON

Includes any individual, firm, partnership, corporation, municipality or association of individuals.

WASTE MATERIAL

Includes all putrescible and nonputrescible solid wastes, including but not limited to garbage, rubbish, ashes, incinerator residue, street cleanings, demolition and construction debris, abandoned vehicles, offal, commercial, hospital and industrial wastes and hazardous and toxic wastes.

§ 47-13. Operation of dump restricted; exceptions.

A. The operation or maintenance of a dump, other than by the Town of Greenfield, for the disposal of garbage and rubbish is hereby prohibited in the Town of Greenfield.

B. Nothing herein contained shall be deemed to prohibit any person from disposing of noncommercial or nonindustrial rubbish and waste material on property upon which such rubbish and waste material is produced.

[Added 6-23-1988 by L.L. No. 5-1988]

§ 47-14. Penalties for offenses.

Any person violating any of the provisions of this article will be guilty of a misdemeanor and, upon conviction, be punished by a fine not to exceed \$1,000 for each offense or by imprisonment in the county jail for not more than one year, or both. The Town Board may also bring a civil action to restrain any violation of this article in a court of competent jurisdiction. When a violation of this article is continuous, each 24 hours thereof will constitute a separate and distinct offense.

ARTICLE III. Transportation of Trash and Garbage

[Adopted 10-13-1988 by L.L. No. 7-1988]

§ 47-15. Declaration of intent.

The Town Board has determined that it is in the interest of the public health and sanitation of the populace of the Town that the highways in the Town of Greenfield be clean and free from refuse and debris and/or garbage.

§ 47-16. Restrictions.

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

§ 47-17. Penalties for offenses.

Operators of vehicles cited in violation of this article shall be subject to a fine of \$50 and/or up to five days of community service.

CHAPTER 49. ENVIRONMENTAL QUALITY REVIEW

§ 49-1. Definitions.

§ 49-2. Compliance required; exceptions.

§ 49-3. Additional Type I and Type II actions.

§ 49-4. Statement accompanying application for permit.

§ 49-5. Notice of proposed action.

§ 49-6. Time limit for determination of significance.

§ 49-7. Fees.

§ 49-8. Procedure following determination of significance or nonsignificance.

§ 49-9. Draft environmental impact statement.

§ 49-10. Final environmental impact statement.

§ 49-11. Written determination of findings.

§ 49-12. Records.

§ 49-13. Procedures where multiple agencies involved.

§ 49-14. Exemptions.

CHAPTER 49. ENVIRONMENTAL QUALITY REVIEW

[HISTORY: Adopted by the Town Board of the Town of Greenfield 6-9-1977 by L.L. No. 3-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Commission — See Ch. 11.

§ 49-1. Definitions.

A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meaning as those defined in § 8-0105 of the New York Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

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

TOWN

The Town of Greenfield.

§ 49-2. Compliance required; exceptions.

No decision to carry out or approve an action, other than an action listed in § 49-3B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action, shall be made by the Town Board or by any department, board, commission, officer or employee of the Town until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that nothing herein shall be construed as prohibiting:

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

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

§ 49-3. Additional Type I and Type II actions.

A. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the following actions, in addition to those listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type I actions, are likely to have a significant effect on the environment: none.

B. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the following actions, in addition to those listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type II actions, are deemed not to have a significant effect on the environment: none.

§ 49-4. Statement accompanying application for permit.

For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the Town Commission for Conservation of the Environment setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by resolution of the Town Commission for Conservation of the Environment and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Town Commission for Conservation of the Environment.

§ 49-5. Notice of proposed action.

Upon receipt of a complete application and a statement, the Town Commission for Conservation of the Environment shall cause a notice thereof to be posted on the signboard, if any, of the Town maintained by the Town Clerk and may also cause such notice to be published in the official newspaper of the Town, if any, or in a newspaper having general circulation within the Town, describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Town Commission for Conservation of the Environment no later than a date specified in such notice.

§ 49-6. Time limit for determination of significance.

A. The Town Commission for conservation of the Environment shall render a written determination of such application within 15 days following receipt of a complete application and statement; provided, however, that such period may be extended by mutual agreement of the applicant and the Town Commission for Conservation of the Environment. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Town Commission for Conservation of the Environment may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination of the application.

B. The time limitations provided in this chapter shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the Town.

§ 49-7. Fees.

[Amended 12-28-1988 by L.L. No. 10-1988]

Every application for determination under this chapter shall be accompanied by a reasonable fee to defray the expenses incurred in rendering such determination. Such fee shall be determined by the Town Board on a case-by-case basis.

§ 49-8. Procedure following determination of significance or nonsignificance.

A. If the Town Commission for Conservation of the Environment determines that the proposed action is not an exempt action, not an action listed in § 49-3B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action and that it will not have a significant effect on the environment, the Town Commission for Conservation of the Environment shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action may be processed without further regard to this chapter.

B. If the Town Commission for Conservation of the Environment determines that the proposed action may have a significant effect on the environment, the Town Commission for Conservation of the Environment shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes,

Rules and Regulations, and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 49-9. Draft environmental impact statement.

A. Following a determination that a proposed action may have a significant effect on the environment, the Town Commission for Conservation of the Environment shall, in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations:

(1) In the case of an action involving an applicant immediately notify the applicant of the determination and request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement.

(2) In the case of an action not involving an applicant, prepare a draft environmental impact statement.

B. If the applicant decides not to submit an environmental impact report, the Town Commission for Conservation of the Environment shall prepare or cause to be prepared the draft environmental impact statement or, in its discretion, notify the applicant that the processing of the application will cease and that no approval will be issued. The Town Commission for Conservation of the Environment may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing same if it is prepared by the applicant. Such fees shall be determined as follows:

(1) Fees and costs. In those cases where the Town Commission for Conservation of the Environment prepares or causes to be prepared the draft environmental impact statement, the Town Commission of Conservation of the Environment may charge a fee to the applicant for the cost of such preparation. The fee shall be calculated according to the following schedule, but in no event shall it exceed 1/2 of 1% of the total cost of the project:

$$\text{Fee} = X[(A) + (A)(B) + (C)]$$

Where

A = Personal service rate per hour.

B = Fringe benefits at the rate set annually by the Comptroller.

C = Overhead at a rate of 35% of (A)(B).

X = Time expressed in hours.

(2) Public hearings and notices thereof. The Town Commission for Conservation of the Environment may charge a fee to an applicant for the cost of publishing a notice of hearing on a draft environmental impact statement and for the cost incurred in the conducting of a public hearing.

C. Upon the completion of a draft environmental impact statement prepared by or at the request of the Town, a notice of completion containing the information specified in Section 617.7(d) of Title 6 of the New York Codes, Rules and Regulations shall be prepared, filed and circulated as provided in Section 617.7(e) and (f) of Title 6 of the New York Codes, Rules and Regulations. In addition, it shall be published in the official newspaper, if any, of the Town, or, if none, a newspaper having general circulation within the Town, and a copy thereof shall also be posted on a signboard of the Town. Copies of the draft environmental impact statement and the notice of completion shall be filed, sent and made available as provided in Section 617.7(e) and (f) of Title 6 of the New York Codes, Rules and Regulations.

D. If the Town Commission for Conservation of the Environment determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and shall be published in the official newspaper of the Town, if any, or, if none, in a newspaper having general circulation within the Town, at least 10 days prior to such public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence no less than

15 calendar days nor more than 60 calendar days from the filing of the draft environmental impact statement, except as otherwise provided where the Town Commission for Conservation of the Environment determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required, as appropriate, under other applicable law.

E. If, on the basis of a draft environmental impact statement or a public hearing thereon, the Town Commission for Conservation of the Environment determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this chapter.

§ 49-10. Final environmental impact statement.

A. Except as otherwise provided herein, the Town Commission for Conservation of the Environment shall prepare or cause to be prepared a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, further, that if the action involves an application, the Town Commission for Conservation of the Environment may direct the applicant to prepare the final environmental impact statement. Such final environmental impact statement shall be prepared within 45 days after the close of any hearing or within 60 days after the filing of the draft environmental impact statement, whichever last occurs; provided, however, that the Town Commission for Conservation of the Environment may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification.

B. Where the action involves an application, such final environmental impact statement shall be accompanied by the fee specified in this section to defray the expenses of the Town in preparing and/or evaluating same. The fee shall be determined as follows:

(1) Fees and costs. In those cases where the Town Commission for Conservation of the Environment prepares or causes to be prepared the final environmental impact statement, the Town Commission for Conservation of the Environment may charge a fee to the applicant for the cost of such preparation. The fee shall be calculated according to the following schedule, but in no event shall it exceed 1/2 of 1% of the total cost of the project:

[Amended 12-28-1988 by L.L. No. 10-1988]

$$\text{Fee} = X[(A) + (A)(B) + (C)]$$

Where

A = Personal service rate per hour.

B = Fringe benefits at the rate set annually by the Comptroller.

C = Overhead at a rate of 35% of (A)(B).

X = Time expressed in hours.

(2) Public hearings and notices thereof. The Town Commission for Conservation of the Environment may charge a fee to an applicant for the cost of publishing a notice of hearing on a final environmental impact statement and for the cost incurred in the conducting of a public hearing.

[Amended 12-28-1988 by L.L. No. 10-1988]

C. A notice of completion of a final environmental impact statement shall be prepared, filed and sent in the same manner as provided in § 49-9C herein and shall be sent to all persons to whom the notice of completion of the draft environmental impact statement was sent. Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

D. No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the Town Commission for Conservation of the Environment or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the Town Commission

for Conservation of the Environment has been the lead agency for an action, it shall make a decision whether or not to approve the action within 30 days of the filing of the final environmental impact statement.

§ 49-11. Written determination of findings.

A. When the Town Commission for Conservation of the Environment decides to carry out or approve an action which any have a significant effect on the environment it shall make the following findings in a written determination:

(1) Consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental effects, including the effects disclosed in the relevant environmental impact statements; and

(2) All practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

B. For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

§ 49-12. Records.

The Town shall maintain files, open for public inspection, of all notices of completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the Town Commission for Conservation of the Environment.

§ 49-13. Procedures where multiple agencies involved.

Where more than one agency is involved in an action, the procedures of Sections 617.4 and 617.8 of Part 617 of Title 6 of the New York Codes, Rules and Regulations shall be followed.

§ 49-14. Exemptions.

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this chapter and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that if, after such dates, a Town Commission for Conservation of the Environment modifies an action undertaken or approved prior to that date and the Town Commission for Conservation of the Environment determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

CHAPTER 51. FARMING

ARTICLE I. Right to Farm

§ 51-1. Legislative intent and purpose.

§ 51-2. Definitions.

§ 51-3. Right-to-farm declaration.

§ 51-4. Notification of real estate buyers.

§ 51-5. Resolution of disputes.

CHAPTER 51. FARMING

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

ARTICLE I. Right to Farm

[Adopted 11-12-2009 by L.L. No. 2-2009 Editor's Note: This local law originally added Ch. 30, Right to Farm, to the Code. With the permission of the Town, this material was redesignated as Ch. 51, Farming, Art. I, Right to Farm, for organizational purposes.]

§ 51-1. Legislative intent and purpose.

A. The Town Board recognizes farming is an essential enterprise and an important industry which enhances the economic base, natural environment and quality of life in the Town of Greenfield. The Town Board further declares that it shall be the policy of this Town to encourage agriculture and foster understanding by all residents of the necessary day-to-day operations involved in farming so as to encourage cooperation with those practices. The Right-to-Farm Law shall not supersede Town Law.

B. It is the general purpose and intent of this article to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural practices, to protect the existence and operation of farms, to encourage the initiation and expansion of farms and agribusinesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations. In order to maintain a viable farming economy in the Town of Greenfield, it is necessary to limit the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

§ 51-2. Definitions.

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

AGRICULTURAL PRACTICES

Those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.

AGRICULTURAL PRODUCTS

Those products as defined in § 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:

- A. Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
- B. Fruits, including apples, peaches, grapes, cherries and berries.
- C. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- D. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- E. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, ratites such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur-bearing animals, milk and milk products, eggs, furs, and poultry products.
- F. Maple sap and sugar products.
- G. Christmas trees derived from a managed Christmas tree operation, whether dug for transplanting or cut from the stump.
- H. Aquaculture products, including fish, fish products, water plants and shellfish.
- I. Short-rotation woody crops raised for bioenergy.
- J. Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.

FARMER

Any person, organization, entity, association, partnership, limited-liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.

FARMLAND

Land used in agricultural production as defined in Subdivision 4 of § 301 of Article 25AA of the State Agriculture and Markets Law.

FARM OPERATION

Shall be defined in § 301(11) in the State Agriculture and Markets Law.

§ 51-3. Right-to-farm declaration.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within this Town at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- A. Reasonable and necessary to the particular farm or farm operation;
- B. Conducted in a manner which is not negligent or reckless. Animal owners shall provide adequate shelter, food and security for their animals;
- C. Conducted in conformity with generally accepted and sound agricultural practices;
- D. Conducted in conformity with all local state, and federal laws and regulations;
- E. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person; and
- F. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways. Nothing in this local law shall be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to a failure to follow sound agricultural practice, as outlined in this section.

§ 51-4. Notification of real estate buyers.

In order to promote harmony between farmers and their neighbors, the Town requires land holders and/or their agents and assigns to comply with § 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies where farming activities occur. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchasers of property with boundaries within 500 feet of a farm operation. A copy of this notice shall be included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

§ 51-5. Resolution of disputes.

A. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commissioner of Agriculture and Markets about whether the practice in question is sound pursuant to § 308 of Article 25AA of the State Agriculture and Markets Law. Any controversy between the parties shall be submitted to the committee within 30 days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.

B. The committee shall be composed of three members from the Town selected by the Town Board, as the need arises, including one representative from the farm community, one person from Town government and one person mutually agreed upon by both parties involved in the dispute.

C. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.

D. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Thereafter, the committee may investigate the facts of the controversy but must, within 25 days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five days of the meeting render a nonbinding written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each considers to be pertinent facts. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.

E. Any reasonable costs associated with the function of the committee process shall be borne by the participants.

CHAPTER 54. FIRE PREVENTION AND BUILDING CONSTRUCTION

§ 54-1. Purpose.

§ 54-2. Designation of inspection agency.

§ 54-3. Rules and regulations.

§ 54-4. Duties of inspector.

§ 54-5. Building permits.

§ 54-6. Inspections.

§ 54-7. Prohibited acts; notice of violation; effect of noncompliance.

§ 54-8. Penalties for offenses.

§ 54-9. Right of entry.

§ 54-10. Fees.

§ 54-11. Stop orders.

§ 54-12. Certificates of occupancy.

§ 54-13. Records and reports.

§ 54-14. Review Board.

Attachments:

054a App A310.1

054b App A310.2

054c App A310.3

CHAPTER 54. FIRE PREVENTION AND BUILDING CONSTRUCTION

[HISTORY: Adopted by the Town Board of the Town of Greenfield 7-22-1986 by L.L. No. 3-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Unsafe buildings — See Ch. 40.

Subdivision of land — See Ch. 90.

Zoning — See Ch. 105.

§ 54-1. Purpose.

This chapter shall provide the basic method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code in the Town of Greenfield and shall establish powers, duties and responsibilities in connection therewith.

§ 54-2. Designation of inspection agency.

The governing body shall designate an official inspection agency for the New York State Uniform Fire Prevention and Building Code within the Town of Greenfield.

§ 54-3. Rules and regulations.

A. The Town of Greenfield shall promulgate rules and regulations to secure the intent and purposes of this chapter and a proper enforcement of the laws, ordinances, rules and regulations governing building plans, specifications, construction, alteration or repairs.

B. The Town of Greenfield shall publish all rules and regulations at least 10 days prior to the effective date thereof in a newspaper of general circulation within the Town of Greenfield.

§ 54-4. Duties of inspector.

A. Except as otherwise specifically provided by law, ordinance, rule or regulation, or except as herein otherwise provided, the inspector shall administer and enforce the provisions of laws, ordinances, rules and regulations applicable to the plans, specifications or permits for the construction, alteration and repair of buildings and structures, the installation and use of materials and equipment therein and the location, use and occupancy thereof.

B. The inspector shall receive applications for the erection and alteration of buildings and structures or parts thereof and shall examine the premises for which such applications have been received, plans approved or such permits have been issued for the purpose of ensuring compliance with the laws, ordinances, rules and regulations governing building construction or alteration.

C. The inspector shall issue in writing, on behalf of the municipality, all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances, rules and regulations, and such notices or orders may be served upon the property owner or his agent personally by the Town of Greenfield representative or by sending by certified mail a copy of such order to the owner or his agent at the address set forth in the application for permission for the construction or alteration of such building and by posting the same in a conspicuous place on the premises to which the notice applies. The inspector shall make all inspections which are necessary or proper for the carrying out of his duties.

D. Whenever the same may be appropriate to determine compliance with the provisions of applicable laws, ordinances, rules or regulations covering building construction or alteration, the inspector, in his discretion, may accept and rely upon a written report of tests in the field by experienced, professional persons or by an accredited authoritative testing laboratory or service and inspection bureaus or agencies.

E. The official inspection agency may issue a certificate of occupancy, where appropriate, for a building constructed or altered in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code, which such certificate shall certify that the building conforms to the requirements of the State Uniform Code and provided that the Town of Greenfield Zoning Law Editor's Note: See Ch. 105, Zoning. has been complied with, which zoning compliance shall be the Town's responsibility.

§ 54-5. Building permits.

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

[Amended 2-8-1996 by L.L. No. 1-1996; 2-13-2003 by L.L. No. 1-2003]

B. Application for a building permit shall be made to the official inspection agency on forms provided by it and shall contain the following information:

(1) A description of the land on which the proposed work is to be done.

(2) A statement of the use or occupancy of all parts of the land and the proposed building or structure.

(3) The valuation of the proposed work.

(4) The signature of the applicant or agent.

(5) The full name and address of the owner and of the applicant, and the full names and addresses of their responsible officers if any of them are corporations, and the name and address of the owner's authorized agent, if any.

(6) A brief description of the nature of the work.

(7) Such other information as may reasonably be required by the inspector to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances, rules and regulations and the Zoning Law of the Town of Greenfield, Editor's Note: See Ch. 105, Zoning. which zoning compliance shall be the Town's responsibility.

C. The application shall be made by the owner or by his agent, architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application, and the affidavit shall contain a statement that the owner authorizes the applicant to permit the inspector to enter upon the premises without a search warrant.

D. Each application for a building permit shall be accompanied by duplicate copies of specifications, including a plot plan drawn to scale, showing location and size of all proposed new construction and all existing structures on the site, the nature and the character of the work to be performed and the materials to be incorporated, distances from lot lines, walks and alleys, and details of structural, mechanical and electrical work, including computations, stress diagrams and other essential data. In addition, applications including installation or alteration of a septic system shall include duplicate copies of the information described in Appendix A310.3. Editor's Note: Appendix A310.3, is included at the end of this chapter. Plans and specifications shall bear the signature of the person responsible for the design and drawings.

[Amended 2-13-2003 by L.L. No. 1-2003]

E. Any residential dwelling and/or residential addition, plus any commercial business and industrial building, will require submitted plans, including a New York State licensed professional engineer or architect approval, before a building permit will be issued.

[Amended 2-8-1996 by L.L. No. 1-1996; 2-13-2003 by L.L. No. 1-2003]

(1) The submitted plans must have a statement from the design professional that the building design meets or exceeds the New York State Energy Conservation Construction Code and the Building Code of New York State. This statement is to appear on each sheet of design plans and shall be stamped and signed by the design professional.

(2) Prior to the issuance of a certificate of occupancy, the design professional shall certify to the official that the building and/or addition, as constructed, complies with all applicable provisions of the New York State Energy Conservation Construction Code and the Building Code of New York State. This certification shall be stamped and signed by the design professional.

F. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Town of Greenfield and with the inspector, and approval shall be received from the inspector prior to the commencement of such change of work.

G. The inspector shall examine or cause to be examined at no cost to the Town all applications for permits and the documents filed therewith. He shall then approve or disapprove the application.

H. Upon approval of the application and upon receipt of the fees therefor, the designated inspection agency shall issue a building permit to the applicant upon forms prescribed by it and shall file a copy with the Town of Greenfield.

I. If the application, together with other documents filed therewith, describes work which does not conform to all of the requirements of the applicable building regulations, the inspector shall disapprove the same. Upon

request of the applicant, the inspector shall cause the refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

J. Term of building permits; extensions.

[Amended 2-8-1996 by L.L. No. 1-1996; 9-10-1998 by L.L. No. 3-1998; 2-13-2003 by L.L. No. 1-2003]

(1) A building permit shall be effective to authorize the commencing of work for a period of one year after the date of issuance. For good cause, the inspector may allow extensions of building permits for periods not exceeding six months each at a rate of 50% of the original permit fee per extension. Garage, outbuilding, deck and HVAC permits shall be effective for a period of six months after the date of issuance. For good cause, the inspector may allow extension of these building permits for periods not exceeding three months each at a rate of 50% of the original permit fee but not less than \$25 per extension. Notwithstanding the foregoing, building permits for swimming pools shall be effective for a period of 30 days after the date of issuance; for good cause, the inspector may allow extensions for swimming pool building permits not exceeding 15 days each at a rate of 50% of the original permit fee but not less than \$25 per extension. All work shall conform to the approved application and shall be in accordance with applicable laws, ordinances, rules and regulations.

[Amended 5-8-2008 by L.L. No. 1-2008]

(2) All building permits must be kept current. It is the owner's responsibility to renew a building permit. Building permits expired 30 days or more will be considered in violation of this chapter and subject to any and all penalties allowed in § 54-8.

K. A building permit shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.

L. The inspector may revoke a permit in the following instances:

(1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application or other documents on which the building permit was based.

(2) Where he finds that the building permit was issued in error and should not have been issued in accordance with applicable law.

(3) Where he finds that the work performed under the permit is not being prosecuted in accordance with the applicable law and provisions of the application.

(4) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the inspector.

M. No person, firm or corporation shall commence the construction, alteration, enlargement or improvement of a driveway entering onto a Town road, or cause the same to be done, without first obtaining a driveway permit from the Town Highway Superintendent. Applications for driveway permits shall be made on forms provided by the Town of Greenfield and shall contain such information as per Appendix A310.1. Editor's Note: Appendix A310.1 is included at the end of this chapter. Driveways must be constructed in accordance with the requirements set forth by the Town of Greenfield on the driveway permit application form.

[Added 2-8-1996 by L.L. No. 1-1996; amended 2-13-2003 by L.L. No. 1-2003]

§ 54-6. Inspections.

A. Before issuing a certificate of occupancy, the official inspection agency shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, alter, enlarge, repair or change the use or nature of occupancy, and it may conduct such inspections as it deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained by the official inspection agency a record of all such inspections

and examinations, together with a record of findings of violations of law, and copies of the same shall be filed with the Town of Greenfield.

B. Existing buildings not subject to inspection under Subsection A of this section shall be subject to periodic inspections for compliance with the Uniform Code. Such inspections may be made at any reasonable time.

C. If entrance to make an inspection is refused or cannot be obtained, the Town of Greenfield, after being notified by the inspector of the situation, may apply to any court of competent jurisdiction for a warrant to make an inspection.

D. The periodic inspections to meet compliance with the above-mentioned provisions shall be agreed upon between the governing body and the official inspection agency.

E. When groundwater is observed or soil characteristics show evidence of high groundwater, rock or impervious materials, pit excavations must be backfilled with the original material to a level at least 48 inches above maximum groundwater level, rock or impervious materials, to the bottom of the absorption field and seepage pit.

[Added 8-10-1989 by L.L. No. 4-1989]

§ 54-7. Prohibited acts; notice of violation; effect of noncompliance.

[Amended 12-28-1988 by L.L. No. 10-1988]

In accordance with § 382 of Article 18 of the Executive Law of the State of New York:

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of law or ordinance, as well as any rules or regulation promulgated by the municipality in accordance with applicable laws, or fail in any manner to comply with a notice or directive or order of the municipality, or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

B. Any person who shall fail to comply with a written order within the time fixed for compliance therewith, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any person taking part or assisting in the construction or use of the building who shall knowingly violate any of the applicable provisions of law or any lawful order, notice, directive, permit or certificate of the inspector made thereunder, shall be punishable by a fine or imprisonment, or both. Each week that a violation continues shall be deemed a separate offense.

C. Whenever the designated inspector finds that there has been a violation of the State Uniform Code, this chapter or any rule or regulation adopted pursuant to this chapter, a violation order shall be issued to the person or persons responsible by the issuing inspector.

D. Violation orders shall be in writing, shall identify the property or premises, shall specify the violation and remedial action to be taken, shall provide a reasonable time limit for compliance and shall state the time within which an appeal may be taken.

E. Violation orders may be served by personal service; by mailing by registered or certified mail; or by posting a copy thereof in a conspicuous place on the premises and by mailing a copy thereof to the premises on the same day as posted, enclosed in a prepaid wrapper addressed to the person responsible.

F. In case the owner, lessor, occupant or the agent of any of them shall fail, neglect or refuse to remove, eliminate or abate the violation within the time specified, legal action shall be taken by the Town of Greenfield.

§ 54-8. Penalties for offenses.

A. Failure to comply with any provision of the New York State Uniform Fire Prevention and Building Code, this chapter, rules or regulations adopted pursuant to this chapter or a violation order shall be deemed a violation

and the violator shall be liable for a fine of not more than \$1,000 or imprisonment not to exceed one year, or both, and each week such violation continues shall constitute a separate violation.

[Amended 12-28-1988 by L.L. No. 10-1988]

B. An action or proceeding in the name of the Town of Greenfield may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, any rules or regulations adopted pursuant to this chapter or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

C. Except as otherwise provided by law, such violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment and shall not impose any disability upon or affect or impair the creditability as a witness, or otherwise, of any person found guilty of such an offense.

§ 54-9. Right of entry.

The inspector, upon showing of proper credentials and in the discharge of his duties, shall be permitted to enter upon any building, structure or premises, without interference, during reasonable working hours.

§ 54-10. Fees.

A. Any duly appointed inspector which is hereby authorized by the Town of Greenfield to make inspections and reinspections of all buildings and structures under construction, subject to the provisions of the New York State Fire Prevention and Building Code, and to approve and disapprove the same, will do so at no cost or expense of such inspections or reinspections against the Town of Greenfield.

B. A copy of the fee schedule will be kept on file with the Town of Greenfield and a copy will be part of the application packet.

C. Where applicable, the cost for the professional engineer's approval will be assumed by the applicant.

D. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no work has commenced. If work has been started and the application is not approved, the fees paid shall not be refunded.

E. The cost estimate for all existing buildings or structures subject to periodic fire prevention inspections will be reviewed with the local Board of the Town of Greenfield on an annual basis.

F. Payment schedule for the fees addressed above can be remitted quarterly.

§ 54-11. Stop orders.

[Amended 11-12-2009 by L.L. No. 2-2009]

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

§ 54-12. Certificates of occupancy.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the official inspection agency.

B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

C. No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.

D. The owner or his agent shall make application for a certificate of occupancy.

E. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances, rules or regulations and also in accordance with the application, the official inspection agency shall issue a certificate of occupancy upon forms provided by it. If it is found that the proposed work has not been properly completed, the official inspection agency shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.

F. A certificate of occupancy shall be issued, where appropriate, within 14 days after written application therefor is made.

G. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy are in conformity with the provisions of the applicable laws, ordinances, rules and regulations and shall specify the use or uses and the extent therefor to which the building or structure or its several parts may be put to use.

H. Upon request, the official inspection agency may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the building permit shall have been completed, provided that such portions as have been completed may be occupied safely without endangering life or the public health and welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good cause, the official inspection agency may allow a maximum of two extensions for periods not exceeding three months each.

§ 54-13. Records and reports.

A. The official inspection agency shall keep permanent official records of all transactions and activities conducted by it, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the municipality and notices and orders issued. All such reports shall be public information, open to public inspection during normal business hours at the Greenfield Town Hall.

B. The official inspection agency shall annually submit to the Town of Greenfield a written report of all business conducted.

§ 54-14. Review Board.

A. A Board of Review has been established for the purpose of granting variances where enforcement of any provision or requirement of the New York State Uniform Fire Prevention and Building Code results in practical difficulties or unnecessary hardships. Any such variation shall be consistent with the spirit of the code.

[Amended 12-28-1988 by L.L. No. 10-1988]

B. The Board of Review is composed of five members, one of whom is a registered architect licensed to practice in this state, one of whom is a professional engineer licensed to practice in this state, one of whom has a background in building code enforcement, one of whom has a background in fire prevention and one of whom is a businessman or a lawyer. One of the five members, in addition, is a local government official.

C. Each member of the Board of Review has been appointed by the Secretary of State and shall serve a term of three years.

D. The Board of Review shall have the power:

(1) To vary or modify, in whole or in part, any provision or requirement of the Uniform Code in cases where strict compliance with such provision or requirement would entail practical difficulties or unnecessary hardship or would otherwise be unwarranted; provided, however, that any such variance or modification will not substantially adversely affect provisions for health, safety and security and that equally safe and proper alternatives are prescribed.

(2) To hear and decide appeals from and review any order or determination, or the failure within a reasonable time to make any such order or determination by an administrative official charged with the enforcement of or purporting to enforce the Uniform Code.

E. The Town of Greenfield and the official inspection agency shall obtain a copy of the Board of Review's decision for its records.

Attachments:

054a App A310.1

054b App A310.2

054c App A310.3

CHAPTER 57. FLOOD DAMAGE PREVENTION

§ 57-1. Findings.

§ 57-2. Purpose.

§ 57-3. Objectives.

§ 57-4. Definitions and word usage.

§ 57-5. Applicability.

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

§ 57-7. Interpretation and conflict with other laws.

§ 57-8. Penalties for offenses.

§ 57-9. Warning and disclaimer of liability.

§ 57-10. Designation of local administrator.

§ 57-11. Floodplain development permit.

§ 57-12. Application for permit.

§ 57-13. Duties and responsibilities of the local administrator.

§ 57-14. General standards for construction.

§ 57-15. Construction standards for all structures.

§ 57-16. Residential structures.

§ 57-17. Construction of nonresidential structures.

§ 57-18. Manufactured homes and recreational vehicles.

§ 57-19. Zoning Board of Appeals.

§ 57-20. Conditions for variances.

CHAPTER 57. FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Town Board of the Town of Greenfield 2-11-1993 by L.L. No. 1-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 54.

Zoning — See Ch. 105.

§ 57-1. Findings.

The Town Board of the Town of Greenfield finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Greenfield and that such damages may include

destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this chapter is adopted.

§ 57-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damage.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify and maintain for participation in the National Flood Insurance Program.

§ 57-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.
- G. Provide that developers are notified that property is in an area of special flood hazard.
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 57-4. Definitions and word usage.

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

APPEAL

A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 - A30, A99, V, VO, VE, or V1 - V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT

That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING

See "structure."

CELLAR

Has the same meaning as "basement."

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A nonbasement building built, in the case of a building in Zones A1 - A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zones V1 - 30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1 - A30, AE, A, A99, AO, AH, B, C, X or D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1 - V30, VE or V, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY

The federal agency that administers the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)

An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD ELEVATION STUDY

An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD or FLOODING

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(2) Also, the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe

storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1) above.

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

See "flood elevation study."

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source. (See definition of "flooding.")

FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

Has the same meaning as "regulatory floodway."

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR

The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME

Has the same meaning as "manufactured home."

NATIONAL GEODETIC VERTICAL DATUM (NGVD)

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

ONE-HUNDRED-YEAR-FLOOD

Has the same meaning as "base flood."

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 57-13B of this chapter.

START OF CONSTRUCTION

Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages or sheds), storage trailers and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE

A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

§ 57-5. Applicability.

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

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

[Amended 5-11-1995 by L.L. No. 1-1995]

A. The areas of special flood hazard for the Town of Greenfield Community No. 360717 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) A scientific and engineering report entitled "Flood Insurance Study, Saratoga County, New York" (all jurisdictions), dated August 16, 1995.

(2) Flood Insurance Rate Map for Saratoga County, New York, (all jurisdictions) as shown on Index No. 36091C0000 and Panels 0284, 0287, 0288, 0289, 0292, 0294, 0303, 0304, 0308, 0311, 0312, 0313, 0404, 0406, 0407, 0408, 0409, 0428, 0429, 0433, whose effective date is August 16, 1995.

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

§ 57-7. Interpretation and conflict with other laws.

A. This chapter includes all revisions to the National Flood Insurance Program through November 1, 1989, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

§ 57-8. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Greenfield from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 57-19 and 57-20 will be declared noncompliant and notification will be sent to the Federal Emergency Management Agency.

§ 57-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Greenfield, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 57-10. Designation of local administrator.

The Planning Board is hereby appointed local administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 57-11. Floodplain development permit.

A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 57-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee of \$50. In addition, the applicant shall be responsible for reimbursing the Town of Greenfield for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§ 57-12. Application for permit.

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1 - A30, AE or AH or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 57-15C, Utilities.

D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 57-17, Construction of nonresidential structures.

E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 57-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

G. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 57-13. Duties and responsibilities of the local administrator.

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

A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:

(1) Review all applications for completeness, particularly with the requirements of § 57-12, Application for permit, and for compliance with the provisions and standards of this chapter.

(2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 57-14 through 57-18, regarding construction standards, and, in particular, § 57-14A, Subdivision proposals.

(3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 57-14 through 57-18, regarding construction standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

(4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

B. Use of other flood data.

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 57-12G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

(2) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

C. Alteration of watercourses. The local administrator shall:

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

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

D. Construction stage.

(1) In Zones A1 - A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, the local administrator shall obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

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

F. Stop-work orders.

(1) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 57-8 of this chapter.

(2) The local administrator shall issue or cause to be issued a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 57-8 of this chapter.

G. Certificate of compliance.

(1) In areas of special flood hazard, as determined by documents enumerated in § 57-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.

(2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 57-13E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:

(1) Floodplain development permits and certificates of compliance.

(2) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection D(1) and (2), and whether or not the structures contain a basement.

(3) Floodproofing certificates required pursuant to Subsection D(1) and whether or not the structures contain a basement.

(4) Variances issued pursuant to §§ 57-19 and 57-20, regarding variance procedures.

(5) Notices required under Subsection C, Alteration of watercourses.

§ 57-14. General standards for construction.

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

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

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

B. Encroachments.

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

- (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
- (b) The Town of Greenfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Greenfield for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Greenfield for all costs related to the final map revision.

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

- (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
- (b) The Town of Greenfield agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Greenfield for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Greenfield for all costs related to the final map revisions.

§ 57-15. Construction standards for all structures.

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

B. Construction materials and methods.

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

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

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

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

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

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

C. Utilities.

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

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

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

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

§ 57-16. Residential structures.

A. Elevation. The following standards, in addition to the standards in § 57-14A, Subdivision proposals, and § 57-14B, Encroachments, and § 57-15, Construction standards for all structures, apply to structures located in areas of special flood hazard as indicated:

(1) Within Zones A1 - A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.

(2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

(3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 57-6 (at least two feet if no depth number is specified).

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

§ 57-17. Construction of nonresidential structures.

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

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

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

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

- (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
- (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).

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

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

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

§ 57-18. Manufactured homes and recreational vehicles.

The following standards, in addition to the standards in § 57-14, General standards for construction, and § 57-15, Construction standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A1 - A30, AE and AH shall either:
 - (a) Be on site fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the requirements for manufactured homes in Subsections B, D and E.
- (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1 - A30, AE and AH that is on a site, either outside of an existing manufactured home park or subdivision as herein defined, in a new manufactured home park or subdivision as herein defined, in an expansion to an existing manufactured home park or subdivision as herein defined or in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors.

C. A manufactured home to be placed or substantially improved in Zone A1 - A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

(1) Elevated in a manner such as required in Subsection B; or

(2) Elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

D. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

E. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 57-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

§ 57-19. Zoning Board of Appeals.

A. The Zoning Board of Appeals as established by the Town of Greenfield shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

(1) The danger that materials may be swept onto other lands to the injury of others.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(4) The importance of the services provided by the proposed facility to the community.

(5) The necessity to the facility of a waterfront location, where applicable.

(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations and maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

E. Upon consideration of the factors of § 57-19D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

§ 57-20. Conditions for variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that items in Subsections (1) through (12) in § 57-19D have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure.
- (2) The variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

- (1) The criteria of Subsections A, D, E, and F of this section are met.
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification of:

- (1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

CHAPTER 65. JUNKYARDS

§ 65-1. Intent.

§ 65-2. Definitions.

§ 65-3. License required.

§ 65-4. Application for license.

§ 65-5. License fee; term; transferability.

§ 65-6. Regulations for conduct of business.

§ 65-7. Penalties for offenses.

CHAPTER 65. JUNKYARDS

[HISTORY: Adopted by the Town Board of the Town of Greenfield 7-6-1967. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 105.

§ 65-1. Intent.

A. By the adoption of this chapter, the Town Board of the Town of Greenfield declares its intent in so doing to be to regulate, control and license the activities or businesses known as "auto graveyards," "junkyards," "secondhand parts collection areas," the processing of used metals for resale and the dumping, storage and disposal of waste, secondhand or used materials of whatever composition. Said Town Board hereby declares that such activities or businesses constitute a hazard to property and persons and a public nuisance. Such materials may be highly flammable and sometimes explosive. Such activities or businesses can constitute attractive nuisances to children and certain adults. The presence of such junkyards is unsightly and tends to detract from the value of surrounding land and property unless such areas are properly maintained and operated.

B. Occasional activities involving the public sale, by auction or otherwise, of secondhand personal property, not constituting an established business at one location, shall not be construed to be within the provisions of this chapter. Possession of not more than two unregistered cars or vehicles shall not be construed to be within the provisions of this chapter.

§ 65-2. Definitions.

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

AUTO

Passenger auto, truck, tractor-truck, trailer, bus, motorcycle or other vehicle, however propelled, as well as tractors, bulldozers, machinery and equipment.

PERSON

An individual, an association, a partnership or a corporation.

§ 65-3. License required.

No person shall engage in or conduct on real property within the Town of Greenfield, either for himself or for and on behalf of any other person directly or indirectly as agent, employee or otherwise, any activity or business, either for profit or otherwise, at wholesale or retail, which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for sale, resale, storage or disposal or otherwise of bodies, engines or parts of autos or of any other secondhand or used property of whatever material it is composed or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement or otherwise, without first obtaining a license therefor as hereinafter provided. The owner of the land shall be primarily responsible for such license in the absence of a showing that the premises are validly leased to some other person.

§ 65-4. Application for license.

A. Each applicant for a license hereunder shall execute under oath an application therefor to be supplied to him by the Town Clerk, which shall contain the following information:

- (1) That the applicant is over 21 years of age.
- (2) That he is a citizen of the United States.
- (3) A description of the exact type of business he intends to conduct.
- (4) The nature of the materials he intends to handle.
- (5) The number of employees he intends to engage.
- (6) The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to the use of such land.

B. At the time of making the application, the applicant shall submit to and file with the Town Clerk a map or plan of the real property upon which he intends to conduct the activity or business for which he is making the application for a license hereunder, with the area of such real property which it is proposed to use for such purpose, the location of the fence required hereunder indicated thereon and the location of any streets or highways abutting or passing through such land.

C. In considering the application, the Town Board shall take into account the nature and development of the property surrounding the land described in the application, such as the proximity of churches, schools, public buildings or other places of public gathering, and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of odors, smoke or other causes. The Town Board may also consider the type of road servicing the proposed location, the natural or artificial barriers protecting it from view, its proximity to established residential and recreational areas and the reasonable availability of other suitable sites for the junkyard purposes.

D. In the application the applicant shall agree that if granted the license applied for, he will conduct the activity or business pursuant to the regulations hereinafter set forth, and that upon his failure to do so, such license may be revoked forthwith.

E. A person presently engaged in or conducting an activity or business such as described herein on real property within the Town of Greenfield must apply for a license therefor within 30 days of the adoption of this chapter. If the place where he conducts such activity or business presently complies with requirements a person must meet to secure a license in the first instance, he shall be issued a license therefor if he meets the other requirements contained herein. If the place where he conducts such activity or business does not presently comply with the requirements a person must meet to secure a license in the first instance, he must meet such requirements before a license can be issued.

§ 65-5. License fee; term; transferability.

A. The fee for the license is hereby fixed in the sum of \$100 for renewal and \$1,000 for initial application, which sum covers not only the cost of issuing the license itself but also the cost of making the necessary inspections of the premises to ascertain compliance with the regulations hereinafter prescribed.

[Amended 8-10-2006 by L.L. No. 5-2006; 5-8-2008 by L.L. No. 1-2008]

B. Such license shall be effective from the date of its issuance until the 31st day of December of the year of such issuance, after which a new application for license must be made yearly if licensee desires to continue such activity or business.

C. Such license is personal with the licensee. It does not go with the title of the land nor may it be sold, assigned, transferred or disposed of. Such license may be revoked by the Town Board after a public hearing thereon, at which the licensee shall have an opportunity to be heard. Upon revocation of a license, the Town Board may require the removal of autos, parts and materials left as above provided in the case of an applicant for a temporary license who fails to qualify for a license.

§ 65-6. Regulations for conduct of business.

A. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.

B. The licensee must erect and maintain an eight-foot opaque fence of wood or of other material adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt in by the licensee. If such area abuts a residential area or public street or highway, such fence shall be 150 feet from the boundary line thereof. All the materials dealt in by the licensee shall be kept within such fence at all times.

[Amended 12-28-1988 by L.L. No. 10-1988]

C. Where the topography, natural growth of timber or other considerations accomplish the purposes of this chapter in whole or part, the fencing requirements hereunder may be reduced by the Planning Board upon granting the license; provided, however, that such natural barrier conforms to the purposes hereof.

[Amended 12-28-1988 by L.L. No. 10-1988]

D. When the area is not supervised by the licensee or his employees, the fence shall be locked at a secure gate in a secure manner.

E. The Town Police, the Town Clerk or the Town Board or any of its representatives shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect the same for compliance herewith.

F. No automobile junkyard shall be located within 150 feet of any residential building (except that belonging to the owner of the junkyard), public park, church, educational center, nursing home, public building or other place of public gathering or any stream, lake, pond, marsh, swamp or other body of water.

[Added 12-28-1988 by L.L. No. 10-1988]

G. The junkyard shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.

[Added 12-28-1988 by L.L. No. 10-1988]

H. All the materials dealt in by the operator of the junkyard shall be kept within the fence at all times. Whenever the junkyard is not open for business or temporarily not supervised, this fence and any gate thereto shall be secured or locked to prevent entry. Where a junkyard is or would be visible from a public highway or from neighboring properties, the fence shall be of wood or other materials sufficient to totally screen the junkyard from view.

[Added 12-28-1988 by L.L. No. 10-1988]

I. Adequate means of fire protection shall be maintained on the premises at all times.

[Added 12-28-1988 by L.L. No. 10-1988]

J. The junkyard shall not be used as a dump area by the public, and there will be no burning of automobiles or other materials except in connection with the periodic crushing and removal of automobiles or other materials from such yards in compliance with applicable New York State law regarding outdoor burning.

[Added 12-28-1988 by L.L. No. 10-1988]

§ 65-7. Penalties for offenses.

A. The owner or licensee of any such place of business who commits or permits any acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense against such chapter and also shall be liable for any such violation or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

B. For every violation of any provision of this chapter, the person violating the same shall be subject to a fine of not more than \$250 or imprisonment not exceeding 15 days, or to both such fine and imprisonment.

[Amended 12-28-1988 by L.L. No. 10-1988]

C. Conviction for any above-mentioned violation shall constitute and effect an immediate forfeiture of the license.

D. Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the Town in the amount of \$100 for each such offense. Such penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.

E. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.

CHAPTER 67. LITTERING

§ 67-1. Purpose.

§ 67-2. Definitions.

§ 67-3. Prohibited acts.

§ 67-4. Penalties for offenses.

§ 67-5. Severability.

§ 67-6. When effective.

CHAPTER 67. LITTERING

[HISTORY: Adopted by the Town Board of the Town of Greenfield 8-9-1990 by L.L. No. 3-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Dumps and dumping — See Ch. 47.

Junkyards — See Ch. 65.

§ 67-1. Purpose.

The Town Board has become aware of a growing problem of the dumping of litter, rubbish, refuse, debris, garbage, waste and discarded objects, materials and/or matter on various properties of the Town, including park and recreation areas and highway rights-of-way, thereby creating unsightly and hazardous conditions and a drain on the resources of the Town for removal and cleanup of those areas.

§ 67-2. Definitions.

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

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food and materials, such as paper, cardboard, wood, cloth, food cans, glass containers and bottles.

PERSON

Any person, employee, servant, agent, firm, partnership, association, company or organization or entity of any kind.

PUBLIC PLACE

Includes parking areas, rights-of-way, parks, trails, grounds or other public areas.

REFUSE

All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish and ashes.

RUBBISH

Nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as yard clippings, metals, wood, glass, bedding, crockery, household appliances, shopping carts, automobiles or parts thereof and similar materials.

STREET

Includes any public street, roadway, highway, lane or alleyway.

§ 67-3. Prohibited acts.

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

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

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

§ 67-4. Penalties for offenses.

A. Any person violating any of the provisions of this chapter, as the same may be from time to time amended, shall be guilty of a violation punishable by imprisonment for not more than 15 days or by a fine of not more than \$500, or both, or appropriate community service.

B. Additional penalties. Violation of this chapter shall subject the offender, for each offense, to a civil penalty as follows:

(1) For the first offense, \$500 or twice the cost to the Town of clearing away the offensive materials, whichever is greater.

(2) For a second offense, \$750 or twice the cost to the Town of clearing away the offensive materials, whichever is greater.

(3) For a third and subsequent offenses, \$1,000 or twice the cost to the Town of clearing away the offensive materials, whichever is greater.

C. Each day or part thereof that such violation shall continue shall be deemed to be a separate and distinct violation of the provisions of this chapter and shall render the offender liable for a separate penalty for each such violation.

§ 67-5. Severability.

The declaration of any portion of this chapter by a court of competent jurisdiction to be invalid shall not invalidate the portion of this chapter not so declared to be invalid, and the remainder of this chapter shall remain in full force and effect.

§ 67-6. When effective.

This chapter shall become effective immediately.

CHAPTER 69. MASS GATHERINGS

§ 69-1. Purpose.

§ 69-2. Definitions.

§ 69-3. Permit required; application procedure.

§ 69-4. Regulations for conduct.

§ 69-5. Revocation of permits.

§ 69-6. Denial of application.

§ 69-7. Permit not transferable.

§ 69-8. Permit fees.

§ 69-9. Penalties for offenses; other remedies.

CHAPTER 69. MASS GATHERINGS

[HISTORY: Adopted by the Town Board of the Town of Greenfield 6-8-1989 by L.L. No. 3-1989. Amendments noted where applicable.]

§ 69-1. Purpose.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility of the Town of Greenfield by regulating mass gatherings within the Town of Greenfield.

§ 69-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

MASS GATHERING

Any assemblage or gathering of people with or without the levy of an admission fee; however, such term "mass gathering" shall not include any activity having less than 150 people in attendance, nor shall the term apply to the operations, activities or affairs of any duly established municipal, educational, historical, fire-fighting, religious or agricultural/horticultural organization or institution located in the Town of Greenfield nor to any political party qualified for a line on the ballot in a general election nor to any bona fide family reunion.

§ 69-3. Permit required; application procedure.

No person, firm, corporation or company shall hold or promote, by advertising or otherwise, a mass gathering unless a permit shall have been issued therefor by the Town Board of the Town of Greenfield as herein provided and the fee paid.

A. An application for a permit under this section shall be submitted to the Town Clerk of the Town of Greenfield no less than 60 days prior to the proposed activity. A permit under this section may be issued by the Town Board upon the written application by the person who will promote or hold the mass gathering. The application may be in letter form and shall contain the following information:

- (1) The exact location of the mass gathering.
- (2) The name and address of the person or persons holding or promoting the mass gathering.

- (3) The date or dates and the hours of the proposed mass gathering.
- (4) The name and address of the owner or owners of the property or properties where the mass gathering will occur.
- (5) The nature of the interest of the applicant in the property or properties.
- (6) The expected number of people in attendance.
- (7) The expected number of vehicles intended to use the property or properties at one time and collectively.
- (8) The admission fee to be charged.
- (9) The purpose of the mass gathering, including the nature of the activities to be carried on.
- (10) A statement containing the type, number and location of any radio device, sound amplifier, loudspeaker, sound track or other similar sound equipment.
- (11) A statement specifying the precautions to be utilized for fire protection and a map specifying the location of fire lanes and water supply for fire control.
- (12) A statement specifying whether any outdoor lights or signs are to be utilized and, if so, a map showing the number, location, size, type and illuminating power of such lights and signs.
- (13) A statement specifying the facilities to be available for emergency treatment of any person who might require immediate medical or nursing attention.

B. Each application shall be further accompanied by such additional plans, reports, specifications and other material as may be required by the Town Board by regulation, respecting the proposed provisions for adequate parking, adequate traffic control, adequate crowd control, adequate sanitation facilities, adequate medical and first-aid facilities, adequate potable water supply, adequate fire protection, adequate drainage, adequate food services and adequate refuse, storage and disposal facilities and adequate plans for cleanup.

C. Each applicant shall submit a plan or drawing to scale showing the method and manner in which:

- (1) Sanitary facilities are to be provided for the disposal of human wastes.
- (2) Water will be supplied, stored and distributed to those persons attending.
- (3) The layout of any parking area for motor vehicles, including the means of egress from and ingress to such parking areas, with such plan to reflect the best and safest means of traffic control and safety for persons attending and the general public.

D. Each applicant shall submit a statement specifying whether food or beverage is intended to be prepared, sold and distributed. If food or beverages are intended to be prepared, sold or distributed, each applicant shall submit a statement specifying the manner of preparation and distribution of such and the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom.

E. Each applicant for a permit shall submit proof of an adequate comprehensive liability insurance policy, issued by an insurance company, insuring the Town of Greenfield, its officers and employees from liability to persons or property with limits of not less than \$1,000,000 and naming the Town of Greenfield, its officers and employees as being coinsured persons or as additional insured parties. Such policy shall not be cancelable by the insurer without 10 days' prior written notice to the Town of Greenfield.

F. Each applicant shall deposit with the Town Clerk cash or good surety company bond, approved by the Town Board, in the minimum of \$100,000 and conditioned that no damage will be done to any public or private property and that the applicant will not permit any litter, debris or other refuse to remain upon any public or private property after 72 hours after the termination date of the permit, which cash shall be refunded or surety

company bond canceled upon certification to the Town Board by the Town Code Enforcement Officer that all conditions of this chapter have been complied with.

G. If the applicant is a corporation, the name of the corporation and the names and addresses of its directors shall be set forth. Furthermore, if the applicant resides outside the County of Saratoga, the applicant shall set forth the name and address of an agent, who shall be a natural person, who shall reside in or have a place of business in the County of Saratoga and who shall be authorized to and shall agree by an acknowledged statement to accept notices or summons issued with respect to the application, the conduct of the mass gathering and any matter involving it arising out of the application, construction or enforcement of this chapter.

H. A separate permit is required for each such event.

I. If the Town Board of the Town of Greenfield shall decide upon a showing of good cause that certain conditions or requirements as hereinbefore set forth shall not be applicable to a particular set of circumstances, then the Board may modify the foregoing requirements on a case-by-case basis. Also, in a unique situation where, in the discretion of the Town Board, it appears that different conditions may be necessary to maintain peace and order or to protect neighboring properties, then such additional or substitute conditions may be imposed by the Board.

§ 69-4. Regulations for conduct.

Any person or organization holding a permit under this chapter and every place of public assemblage shall comply with the following provisions, the violation of which shall be unlawful:

A. No mass gathering authorized pursuant to the provisions of this chapter shall extend or be conducted beyond 12:00 midnight of any day, nor shall any authorized mass gathering commence activity on any day prior to 9:00 a.m.

B. No mass gathering herein shall extend for a period in excess of five consecutive days.

C. All vehicular parking shall be contiguous to the activity sponsored by the applicant.

D. No light on any part of the premises licensed hereunder or on any place of public assemblage shall be permitted to shine beyond the property line of the premises with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent residents or the general public. All exterior lights on the property shall be so situated or equipped with shielding devices that no unreasonable glow shall shine beyond the property line of the mass meeting.

E. No soot, cinders, smoke, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises so as to be detrimental to any person or to the public or which either annoys, disturbs, injures, endangers or which may disturb, injure or endanger the health, safety and welfare of any person or the public.

F. At no time shall music be played by mechanical device or live performance which annoys, disturbs, injures, endangers or which might annoy, disturb or endanger any person or the public in its health, comfort, safety, repose and peace.

G. No loud, unnecessary or unusual, abusive or profane language shall be permitted to be made or caused to be made or continued at any time which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of other persons or the public.

H. There will be complete removal of refuse and complete cleanup of the area and location within 72 hours following the mass gathering.

§ 69-5. Revocation of permits.

Any permit granted hereunder may be revoked by the Town Board of the Town of Greenfield if it finds that the mass gathering area for which a permit was issued is maintained, operated or occupied in violation of this chapter or the Sanitary Code of the State of New York or of the health district in which such mass gathering takes place.

§ 69-6. Denial of application.

If the Town Board of the Town of Greenfield shall deny an application for a permit under this chapter, the Town Clerk of the Town of Greenfield shall notify the applicant in writing of the disapproval and shall include therein the reasons for such disapproval.

§ 69-7. Permit not transferable.

No permit issued by the Town Board shall be transferred or assigned to any person or used by any person other than the person to whom it was issued, nor shall such permit be used at any other time or on any location other than the date and location stated in the permit application.

§ 69-8. Permit fees.

A. Fees for permits shall be as follows:

[Amended 8-10-2006 by L.L. No. 7-2006]

Number of People	Fee
150 to 1,000	\$100
Over 1,000	\$500

B. The fee shall be returned by the Town if such permit is not issued.

§ 69-9. Penalties for offenses; other remedies.

A. A failure to comply with the provisions of this chapter shall be deemed a violation, and the violator shall be liable to a fine of not more than \$1,000 for each such violation, or a violator may be subject to imprisonment for a period not exceeding 60 days, or both.

B. In addition to the above-provided penalties, the Town Board may maintain any action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of this chapter.

CHAPTER 73. PEDDLING AND SOLICITING

§ 73-1. Definitions.

§ 73-2. Exemptions.

§ 73-3. License required.

§ 73-4. Application for license.

§ 73-5. Issuance of license; term; display.

§ 73-6. License fee.

§ 73-7. Employees of licensees.

§ 73-8. Identification of vehicle.

§ 73-9. Refusal or revocation of license.

§ 73-10. Restrictions on conduct of business.

§ 73-11. Orders for future delivery.

§ 73-12. Records.

§ 73-13. Penalties for offenses.

CHAPTER 73. PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Board of the Town of Greenfield 8-21-1974 by L.L. No. 2-1974. Amendments noted where applicable.]

§ 73-1. Definitions.

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

ESTABLISHED PLACE OF BUSINESS

Includes a building, store or vacant property in which or where a person transacts business and sells and deals in, during regular business hours, the goods, wares and merchandise he hawks, peddles or for which he solicits.

[Added 12-28-1988 by L.L. No. 10-1988]

HAWKING and PEDDLING

Includes, except as hereinafter expressly provided, any person, either principal or agent, who, in any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any animal or vehicle standing in a street or highway, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except as hereinafter exempted.

PERSON

Includes one or more persons of either sex, natural person, corporation, partnership, association, joint-stock companies, societies, nonprofit organizations or associations offering any service whatsoever and all other entities of any kind capable of being sued, except as hereinafter exempted.

SOLICITOR

Includes any person who goes from place to place or house to house or who stands in any street or public place, taking or offering to take orders for goods, wares or merchandise, except as hereinafter exempted, or for services to be performed in the future by any profit or nonprofit organization, except as hereinafter exempted, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§ 73-2. Exemptions.

Nothing in this chapter shall be held to apply to any sales conducted pursuant to statute or by order of any court; to any person selling personal property at wholesale to dealers of such articles; to merchants having an established place of business within the Town of Greenfield or their employees; to the peddling of meats, fish, fruit and similar produce by farmers and persons who produce such commodities; to dealers in milk, baked goods, heating oil and daily newspapers; to any honorably discharged member of the Armed Forces of the United States who has procured a license as provided by the General Business Law of the State of New York; or to persons soliciting or collecting for any bona fide charitable organization having offices within the Town of Greenfield. This chapter shall also not apply so as unlawfully to interfere with interstate commerce.

§ 73-3. License required.

It shall be unlawful for any person within the territorial limits of the Town of Greenfield to act as a hawker, peddler or solicitor as herein defined without first having obtained and paid for and having in force and effect a license therefor.

§ 73-4. Application for license.

Every applicant for a license as herein provided shall submit to the Town Clerk a written application, under affidavit, setting forth the following information:

- A. That he is a citizen of the United States.
- B. That he has never been convicted of a felony or misdemeanor (or if so, giving the details).
- C. A detailed statement of the particular business, trade or occupation for which the license is requested.
- D. The number and kind of vehicle, if any, to be used by the applicant in carrying on the business for which the license is requested.
- E. The kinds of goods, wares and merchandise he desires to sell or the kind of service he desires to render.

F. The name and address of the person, firm or corporation he represents.

G. The names and addresses of the principal officers, if a corporation, and the name and address of a person upon whom a legal notice may be served.

H. Such other information as may be required by the Town Clerk.

§ 73-5. Issuance of license; term; display.

A. Upon the filing of the application as provided in the preceding section, the Town Clerk shall, upon his approval of such application, issue to the applicant a license as provided in § 73-3, signed by the Town Clerk. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of public safety, health, morals or general welfare. No license shall be granted to a person under 18 years of age.

B. Such license shall automatically expire on January 1 following the date of issue of such license, but such license may provide for an earlier expiration date.

C. A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this chapter.

D. No applicant to whom a license has been refused or who has had a license that has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection or revocation no longer exists.

E. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand to any police officer or citizen.

§ 73-6. License fee.

[Amended 8-10-2006 by L.L. No. 6-2006]

The license fee to hawkers, peddlers or solicitors shall be \$100.

§ 73-7. Employees of licensees.

Any licensee using a horse and wagon or motor vehicle may employ not more than two persons to assist in selling and delivering the wares, but such persons shall so act only while accompanying a licensed peddler, hawker or solicitor.

§ 73-8. Identification of vehicle.

Every vehicle used by a licensed hawker, peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§ 73-9. Refusal or revocation of license.

Upon the refusal of the Town Clerk to issue a license to any applicant or upon the determination of the Town Board that any license shall be revoked, the procedure prescribed in § 137 of the Town Law shall be complied with. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason therefor in writing shall be served by the Town Clerk upon the person named in the application or by mailing the same to the address given in the application, and a copy of such notice shall be filed with the Town Clerk.

§ 73-10. Restrictions on conduct of business.

A licensed hawker, peddler or solicitor shall:

A. Not falsely or fraudulently misrepresent the quantity or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provisions or merchandise.

B. Keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

C. Not stand or permit the vehicle used by him to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or any lessee of the premises objects.

D. Not sell any confectionery or ice cream within 250 feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.

E. Not permit any vehicle used by him to stop or remain on any crosswalks.

F. Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

G. Not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares, or shout or cry out his wares.

§ 73-11. Orders for future delivery.

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§ 73-12. Records.

It shall be the duty of the Town Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of licenses revoked.

§ 73-13. Penalties for offenses.

[Amended 12-28-1988 by L.L. No. 10-1988]

Any person who, himself or by his agent or employee, shall act as a hawker, peddler or solicitor, as herein defined, without a license, or shall violate any of the provisions of this chapter, or who, having had his license revoked, shall continue to act as a hawker, peddler or solicitor, shall, upon conviction, be punished by a fine of not more than \$250 or imprisonment for a term not to exceed 15 days, or both. Each day on which such violation continues shall constitute a separate offense.

CHAPTER 78. RECORDS, PUBLIC ACCESS TO

ARTICLE I. Public Access to Records

§ 78-1. Purpose.

§ 78-2. Designation of records access officer.

§ 78-3. Location of records.

§ 78-4. Hours for public inspection.

§ 78-5. Request for access to records.

§ 78-6. Grant or denial of access to records.

§ 78-7. Denial of access to records; appeals.

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ARTICLE II. Records Management

§ 78-9. Intent.

§ 78-10. Program established; designation of Records Management Officer.

§ 78-11. Definitions.

§ 78-12. Powers and duties of Records Management Officer.

§ 78-13. Records Advisory Board.

§ 78-14. Custody and control of records.

§ 78-15. Disposition of records.

§ 78-16. Replevin.

CHAPTER 78. RECORDS, PUBLIC ACCESS TO

[HISTORY: Adopted by the Town Board of the Town of Greenfield 7-11-1996 by L.L. No. 2-1996. Editor's Note: This local law superseded former Ch. 78, Records, Public Access to, adopted 3-9-1978. Amendments noted where applicable.]

ARTICLE I. Public Access to Records

§ 78-1. Purpose.

The purpose of this article is to set forth the methods and procedures governing the availability, location and nature of those records of the Town of Greenfield, subject to the provisions of Article 6 of the Public Officers Law, known as the "Freedom of Information Law."

§ 78-2. Designation of records access officer.

A. The Town Board of the Town of Greenfield is responsible for ensuring compliance with the regulations herein and designates the following persons as Records Access Officers:

(1) Town Clerk, Town Hall, Greenfield Center.

(2) Deputy Town Clerk, Town Hall, Greenfield Center.

B. The Records Access Officer is responsible for ensuring appropriate agency response to public request for access to records pursuant to the provisions of the Freedom of Information Law. The designation of the Records Access Officer shall not be construed to prohibit officials who have, in the past, been authorized to make records or information available to the public from continuing to do so.

§ 78-3. Location of records.

Records shall be available for public inspection and copying at the office of the Town Clerk, Town Hall, 7 Wilton Road, Greenfield Center, N.Y. 12833.

§ 78-4. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours the Town Clerk's Office is regularly open for business.

§ 78-5. Request for access to records.

A. A written request is required.

B. A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of the request.

C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.

D. If the Records Access Officer does not provide or deny access to the records sought within five business days of receipt of a request, he or she shall furnish a written acknowledgment of the receipt of the request and a statement of the approximate date when the request will be granted or denied.

E. If the request is granted, the Records Access Officer shall provide a copy of such record to the person requesting the same upon payment of the fee prescribed therefor and shall certify to the correctness of such copy if requested to do so. Alternatively, the Records Access Officer shall certify that he or she does not have possession of such record or that such record cannot be located after a diligent search.

§ 78-6. Grant or denial of access to records.

The Records Access Officer shall, in accordance with this article, make available for public inspection and copying all records, except that the Records Access Officer may deny access to records or portions thereof which are not subject to disclosure in accordance with the provisions of Subdivision 2 of Article 87 of the Public Officers Law or any other applicable state or federal statute or unless the Records Access Officer determines that to grant the application would adversely affect the public interest.

§ 78-7. Denial of access to records; appeals.

A. Denial of access to records should be in writing.

B. Within 30 days after the written denial of access, any person denied access to a record may appeal, in writing, such denial to the Town Board of the Town of Greenfield, who shall hear such appeal under the Freedom of Information Law.

C. Within 10 business days of the receipt of such appeal, the Town Board of the Town of Greenfield shall explain, in writing, to the person requesting the record the reasons for further denial or provide access to the record sought. Copies of all appeals and the determinations thereon must be sent by the Town Board of the Town of Greenfield to the Committee on Open Government as required by the Freedom of Information Law.

§ 78-8. Fees.

A. There shall be no fee charged for:

- (1) Inspection of records.
- (2) Search for records.
- (3) Any certification pursuant to this article.

B. Copies of records shall be provided according to the following fee schedule:

- (1) The fee for photocopies not exceeding nine inches by 14 inches is \$0.25 per page or the maximum fee permitted under the Freedom of Information Law as it may from time to time be amended.
- (2) The fee for copies of records other than for photocopies which are nine inches by 14 inches or less shall be the actual copying cost, excluding fixed agency costs such as salaries.

ARTICLE II. Records Management

§ 78-9. Intent.

Records are essential to the administration of local government. They contain the information that keeps government programs functioning. It is the intent of this article that a Records Management Program be established which will assist officials in making decisions, administering programs and providing administrative continuity with past operations. The program is intended to document the delivery of services, show the legal responsibilities of government and protect the legal rights of citizens. It will contain information on taxation and on the management and expenditure of funds. These records will also document the historical development of government itself, the community and the people of the Town.

§ 78-10. Program established; designation of Records Management Officer.

A. There shall be a Records Management Program established under the aegis of the Town Board and headed by a Records Management Officer. The Town Clerk is designated as the Records Management Officer and will be responsible for administering the current and archival public records in storage areas for the Town in accordance with local, state and federal laws and guidelines.

§ 78-11. Definitions.

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

ARCHIVES

Those official records which have been determined by the Records Management Officer and Advisory Committee to have sufficient historical or other value to warrant the continued preservation by the Town.

RECORDS

Official files, minutes and documents, books, papers, photographs, sound recordings, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or in conjunction with the transaction of official Town business.

RECORDS CENTER

A central storage area maintained by the Records Management Officer for the storage, servicing, security and processing of records which must be preserved for varying periods of time.

RECORDS DISPOSITION

The removal by the Town of Greenfield, in accordance with approved records control schedules, of the records no longer necessary for the conduct of business by such agency through removal methods, which may include the disposition of temporary records by destruction or donation, or the transfer of records to a central storage facility for records with scheduled retention periods or permanent storage of records determined to have historical or other sufficient value warranting continued preservation, or the transfer of records from one Town agency to another Town agency.

RECORDS MANAGEMENT

The planning, controlling, directing, organizing, training, promotion and other managerial activities involved in records creation, records maintenance and use and records disposition, including records preservation, records disposal and the records center or other storage facilities.

SERVICING

Making information in records available to any agency for official use or to the public.

§ 78-12. Powers and duties of Records Management Officer.

A. The Records Management Officer shall have all the necessary powers to carry out the efficient administration, determination of value, use preservation, storage and disposition of the public records kept, filed or received by the officers and departments of the Town of Greenfield.

B. The Records Management Officer shall continually survey and examine public records to recommend their classification so as to determine the most suitable method to be used for maintaining, storing and servicing them under the following guidelines:

(1) Records deemed obsolete and unnecessary according to the New York State Retention and Disposition Schedule and subject to disposition.

(2) Information containing administrative, legal, fiscal, research, historical or educational value which warrant their permanent retention.

(3) Active records not subject to disposition according to state law.

C. The Records Management Officer shall establish guidelines for proper records management in any department of the Town of Greenfield in accordance with local, state and federal laws and guidelines.

D. The Records Management Officer shall report annually to the Town Board of the Town of Greenfield on the powers and duties herein mentioned, including but not limited to the development and progress of programs to date and planned activities for subsequent years.

E. The Records Management Officer shall operate a central records management storage facility for storage, processing and servicing all Town records for all Town at Greenfield departments and agencies.

F. Additional requirements of the Records Management Officer include but are not limited to:

- (1) Advise and assist Town of Greenfield departments in reviewing and selecting material to be transferred to the Town of Greenfield archives for preservation.
- (2) The encouragement and coordination of the continuous legal destruction of obsolete records through the adoption and use of the State Archives Record Retention and Disposition Schedules.
- (3) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival records.
- (4) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.
- (5) Maintain archival materials which are not official Town records but which have historical value to the community or close relationship to the existing archival collection. This shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.
- (6) The coordinating and carrying out or participating in the planning for development of advanced records management systems and equipment.

§ 78-13. Records Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the Records Management Officer. The Board shall consist of five members, suggested but not limited to the following areas: Town Historian, Department Head, Councilperson, Member of the community and Town employee. Appointments are to be made by the Town Board. The Board shall meet periodically and have the following duties:

- A. Provide advice to the Records Management Officer on the development of the Records Management Program.
- B. Review the performance of the program on an ongoing basis and propose changes and improvements.
- C. Review any changes in retention periods proposed by the Records Management Officer for records not covered by the State Archives schedules.
- D. Provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

§ 78-14. Custody and control of records.

- A. Active records. The originating department has full custody (legal and physical) over records still in active use.
- B. Inactive records. The originating department is the legal custodian of its records and shall retain the power to retrieve the use records deposited in inactive storage in the records center. The RMO will have physical custody of inactive records and will determine the method and design of storage.
- C. Archival records. Records transferred to or acquired by the archives shall be under the full custody (legal and physical) of the archives, as directed by the RMO, rather than the department which created or held them immediately prior to being transferred to the archives.
 - (1) Records shall be transferred to the archives upon the recommendation of the RMO with the approval of the head of the department which had custody of the records and the approval of the Records Advisory Board.
 - (2) Records may be removed, temporarily or permanently, from the archives at the request of the RMO or the head of the department which had custody of the records immediately prior to the transfer of those records to the archives, subject to the approval of the Records Advisory Board.

§ 78-15. Disposition of records.

No records shall be destroyed or otherwise disposed of by a department of the Town of Greenfield until it has met the time limit on the States Records Retention and Disposition Schedule and approval has been obtained from the Records Management Officer. Following required consents and prior to actual destruction, the Records Management Officer will allow the Town Historian to review and/or remove any single document or sampling of documents that are of historic value to the community.

§ 78-16. Replevin.

The Town Counsel may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute actions of replevin.

CHAPTER 84. SNOWMOBILES

§ 84-1. Intent.

§ 84-2. Definitions.

§ 84-3. Operation on streets.

§ 84-4. Designation of highways for snowmobile use.

§ 84-5. Conditions and restrictions on operation.

§ 84-6. Penalties for offenses.

CHAPTER 84. SNOWMOBILES

[HISTORY: Adopted by the Town Board of the Town of Greenfield 1-12-1984 by L.L. No. 1-1984. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 87.

Vehicles and traffic — See Ch. 100.

§ 84-1. Intent.

The purpose of this chapter is to protect the public health, welfare and safety by regulating the operation of snowmobiles on public highways and places of the Town of Greenfield in a manner which will be compatible with the use of such highways and places for vehicular and pedestrian travel and other uses and which will promote the safe and proper use of snowmobiles for recreation and commerce and minimize detrimental effects of such use on the environment.

§ 84-2. Definitions.

[Amended 12-28-1988 by L.L. No. 10-1988]

The terms, words and phrases used in this chapter shall have the same meaning as such terms, words and phrases are defined in § 21.05 of the Parks, Recreation and Historic Preservation Law.

§ 84-3. Operation on streets.

[Amended 12-28-1988 by L.L. No. 10-1988]

Operation of snowmobiles on highways and public ways of the Town shall be subject to the applicable provisions of Articles 21 and 25 of the Parks, Recreation and Historic Preservation Law, the rules and regulations of the Office of Parks, Recreation and Historic Preservation and the rules, restrictions and conditions set forth in § 84-5 of this chapter.

§ 84-4. Designation of highways for snowmobile use.

[Amended 12-28-1988 by L.L. No. 10-1988; 12-14-2006 by L.L. No. 8-2006]

Only the following streets or highways of the Town are hereby designated as uncongested for the purpose of operation of snowmobiles on the shoulders thereof as authorized by § 25.05 of the Parks, Recreation and Historic Preservation Law:

A. Lake Desolation Road: all of the Town of Greenfield's portion of the same.

B. Ormsbee Road, from its intersection with Ballou Road northerly to its dead end.

§ 84-5. Conditions and restrictions on operation.

Whenever the operation of a snowmobile is permitted on the shoulder, roadway or inside bank of any Town street or highway or portion thereof as provided in this chapter, the following conditions are hereby imposed on all such snowmobile operations:

A. Prohibited operating hours. No person shall operate snowmobiles on any Town highway between the hours of 9:00 p.m. and 7:00 a.m., except that on Friday and Saturday the prohibited hours shall be between 12:00 midnight and 7:00 a.m.

§ 84-6. Penalties for offenses.

[Added 12-28-1988 by L.L. No. 10-1988]

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$100 or to imprisonment for a term not to exceed 15 days, or both.

CHAPTER 85. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

§ 85-1. Findings.

§ 85-2. Purpose and objectives.

§ 85-3. Definitions.

§ 85-4. Applicability; review.

§ 85-5. Exemptions.

§ 85-6. Stormwater pollution prevention plans.

§ 85-7. Performance and design criteria.

§ 85-8. Maintenance, inspection and repair of stormwater facilities.

§ 85-9. Administration and enforcement.

§ 85-10. Enforcement; penalties for offenses.

§ 85-11. Fees for services.

Attachments:

085a Schedule A

085b Schedule B

CHAPTER 85. STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL

[HISTORY: Adopted by the Town Board of the Town of Greenfield 12-13-2007 by L.L. No. 5-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Discharges, activities and connections to storm sewer — See Ch. 43.

Flood damage prevention — See Ch. 57.

Subdivision of land — See Ch. 90.

Zoning — See Ch. 105.

§ 85-1. Findings.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition.
- B. This stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing soil erosion and sedimentation.
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow.
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality.
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities and resulting disturbed areas;
- H. The regulation of stormwater runoff discharges from land development activities controls and minimizes increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff and is in the public interest, as it will minimize threats to public health and safety.
- I. Regulation of land development and other land-disturbing activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 85-2. Purpose and objectives.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the residents of the Town and to address the findings in § 85-1 above. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the 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 and disturbance activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01, or as amended or revised.
- C. Minimize increases in stormwater runoff from land development and disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and soil erosion and maintain the integrity of stream channels.
- D. Minimize increases in pollution caused by stormwater runoff from land development and disturbance activities which would otherwise degrade local water quality.
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.

F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 85-3. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

AGRICULTURAL ACTIVITY

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING

Any activity that removes the vegetative surface cover.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEPARTMENT

The New York State Department of Environmental Conservation.

DESIGN MANUAL

The New York State Stormwater Management Design Manual, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

DEVELOPER

A person who undertakes land development activities.

DISTURBED AREA

All areas where vegetation is or will be removed and soil is or will be exposed due to clearing, grading or excavation during construction and/or other development activities. When calculating the total amount of disturbed area on a contiguous site where multiple, separate and distinct construction or development activities would be occurring, the applicant must take a total of the disturbed area from all of the distinct activities. For projects where construction activity will be phased, the applicant must consider the total of land area(s) that will ultimately be disturbed when calculating the amount of disturbed area.

EROSION CONTROL MANUAL

The most recent version of the New York Standards and Specifications for Erosion and Sediment Control manual, commonly known as the "Blue Book."

GRADING

Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INDUSTRIAL STORMWATER PERMIT

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DEVELOPMENT ACTIVITY

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

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT

Land development activity.

RECHARGE

The replenishment of underground water reserves.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS

Coldwater fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species, and other similar habitats and areas.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices (erosion control measures) that prevent exposed soil from becoming detached and being transported to receiving waters.

STOP-WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER

Surface runoff and drainage produced by precipitation and snowmelt.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff and reducing pollutant transport.

STORMWATER MANAGEMENT OFFICER

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

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 POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF

Flow on the surface of the ground resulting from precipitation or snowmelt.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except

those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water during a significant portion of the year.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain during periods of significant precipitation and/or stormwater runoff.

§ 85-4. Applicability; review.

A. This chapter shall be applicable to all land development activities as defined in § 85-3 except as provided in § 85-5.

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

C. All land development activities not subject to review as stated in Subsection B shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter.

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

(1) Review the SWPPP;

(2) Upon approval by the Town Board, engage the services of a registered professional engineer to review the SWPPP, specifications and related documents at a cost not to exceed a fee schedule established by the Town Board; or

(3) Accept the certification of a licensed professional that the SWPPP conforms to the requirements of this chapter.

§ 85-5. Exemptions.

The following activities shall be exempt from review under this chapter:

A. Agricultural activity as defined in this chapter.

B. Silvicultural activity, except that landing areas and log haul roads are subject to this chapter.

C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

E. Any part of a subdivision if a plat for the subdivision has been approved by the Planning Board on or before the effective date of this chapter.

F. Land development activities for which a building permit has been approved on or before the effective date of this chapter.

G. Cemetery graves.

H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

I. Emergency activity immediately necessary to protect life, property or natural resources.

J. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

K. Landscaping and horticultural activities in connection with an existing structure.

§ 85-6. Stormwater pollution prevention plans.

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

B. Contents of stormwater pollution prevention plans.

(1) Requirements for all land development activities, except those identified in § 85-5. All SWPPPs shall provide the following background information and erosion and sediment controls:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

(p) Any existing data that describes the stormwater runoff at the site.

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

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

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

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

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

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

(b) Description of each postconstruction stormwater management practice;

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

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

(e) Comparison of postdevelopment stormwater runoff conditions with predevelopment conditions;

(f) Dimensions, material specifications and installation details for each postconstruction stormwater management practice;

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

(h) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

(i) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 85-8 of this chapter.

(j) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

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

D. Contractor certification.

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

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

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

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

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

§ 85-7. Performance and design criteria.

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

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

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

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

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

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

§ 85-8. Maintenance, inspection and repair of stormwater facilities.

A. Maintenance and inspection during construction.

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

(2) For land development activities as defined in § 85-3 and meeting Condition A, B or C in § 85-6B(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site logbook.

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

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

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

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

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

(3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 85-7B.

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

§ 85-9. Administration and enforcement.

A. Inspections.

(1) Erosion and sediment control inspection.

(a) The Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the SWPPP as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least 48 hours before any of the following as required by the Stormwater Management Officer:

[1] Start of construction;

[2] Installation of sediment and erosion control measures;

[3] Completion of site clearing;

[4] Completion of rough grading;

[5] Completion of final grading;

[6] Close of the construction season;

[7] Completion of final landscaping;

[8] Successful establishment of landscaping in public areas.

(b) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

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

(3) Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

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

(5) Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Town the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in Subsection A(3).

B. Performance guarantee.

(1) Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town in its approval of the stormwater pollution prevention plan, the Town may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined by the Town based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

(2) Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town may draw upon

the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

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

§ 85-10. Enforcement; penalties for offenses.

A. Notice of violation. When the Town determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) The name and address of the landowner, developer or applicant;
- (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

B. Stop-work orders. The Town may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.

D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter 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 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 purposes 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.

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

F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 85-11. Fees for services.

The Town may require any person undertaking land development activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town or performed by a third party for the Town.

Attachments:

085a Schedule A

085b Schedule B

CHAPTER 87. STREETS AND SIDEWALKS

ARTICLE I. Notification of Defects

§ 87-1. Prior notice required.

§ 87-2. Transmittal of notices.

§ 87-3. Records.

§ 87-4. Construal of article.

CHAPTER 87. STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Snowmobiles — See Ch. 84.

Subdivision of land — See Ch. 90.

Vehicles and traffic — See Ch. 100.

ARTICLE I. Notification of Defects

[Adopted 2-6-1975 by L.L. No. 1-1975]

§ 87-1. Prior notice required.

A. No civil action shall be maintained against the Town of Greenfield (hereinafter referred to as the "Town") or the Town Superintendent of Highways of the Town or against any improvement district in the Town for damages or injuries to person or property, including those arising from the operation of snowmobiles, sustained by reason of any highway's, bridge's, culvert's, highway marking's, sign's or device's, or any other property owned, operated or maintained by the Town or any property owned, operated or maintained by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device, or any other property owned, operated or maintained by the Town or any property owned, operated or maintained by any improvement district, was actually given to the Town Clerk of the Town or the Town Superintendent of Highways of the Town and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the Town or any property owned by any improvement district in the Town unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town or the Town Superintendent of Highways of the Town and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

B. No civil action will be maintained against the Town and/or the Town Superintendent of Highways of the Town for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Town or in consequence of the existence of snow or ice upon any of its sidewalks unless such sidewalks have been constructed or are maintained by the Town or the Superintendent of Highways of the Town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the Town or to the Town Superintendent of Highways of the Town and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 87-2. Transmittal of notices.

[Amended 12-28-1988 by L.L. No. 10-1988]

The Town Superintendent of Highways of the Town shall transmit, in writing, to the Town Clerk of the Town within 10 days after receipt thereof, all written notices received by him pursuant to this article, and he shall take any and all corrective action with respect thereto as soon as practicable.

§ 87-3. Records.

The Town Clerk of the Town shall keep an index record, in a separate book, of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice and snow upon, any Town highway, bridge, culvert or a sidewalk or any other property owned by the Town or by any improvement district, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five years from the date it is received. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Town Superintendent of Highways of the Town of the receipt of such notice.

§ 87-4. Construal of article.

Nothing contained in this article shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action, but, on the contrary, the requirements of this article shall be held to be additional requirements to the rights to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the Town, its officers and employees and/or any of its improvement districts any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

CHAPTER 90. SUBDIVISION OF LAND

ARTICLE I. General Provisions

§ 90-1. Statutory authorization: purpose.

§ 90-2. Title.

§ 90-3. Word usage and definitions.

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ARTICLE II. Minor Subdivisions

§ 90-6. General provisions.

§ 90-7. Preliminary procedures and requirements.

§ 90-8. Final plat submission process.

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ARTICLE III. Major Subdivisions

§ 90-11. General provisions.

§ 90-12. Sketch plan.

§ 90-13. Preliminary plat.

§ 90-14. Final plat.

ARTICLE IV. Additional Regulations

§ 90-15. Utilities.

§ 90-16. Open space.

§ 90-17. Public improvements.

§ 90-18. Performance bonds.

§ 90-19. Design standards.

§ 90-20. Cluster developments.

§ 90-21. Adirondack Park subdivisions.

§ 90-22. Easements.

§ 90-23. Stormwater management plan.

§ 90-24. As-built plans.

§ 90-25. Inspections.

§ 90-26. Waivers.

Attachments:

090a App A Improvement Specs

CHAPTER 90. SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Greenfield 2-14-1991 by resolution. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 49.
Fire prevention and building construction — See Ch. 54.
Flood damage prevention — See Ch. 57.
Streets and sidewalks — See Ch. 87.
Zoning — See Ch. 105.
Planning Board bylaws — See Ch. A110.
Fees — See Ch. A210.

ARTICLE I. General Provisions

§ 90-1. Statutory authorization; purpose.

A. Pursuant to Article 16 of the New York State Town Law and according to the authority granted by the Town Board in a resolution adopted June 20, 1973, and amended June 12, 1975, the Town of Greenfield Planning Board has been authorized to develop and enforce standards for the control of land subdivision within the Town of Greenfield.

B. The regulations, standards and procedures contained herein are developed to ensure that the land to be subdivided is suitable for building purposes without creating dangers to health or peril from fire, flood or other menace. The regulations ensure that proper provisions will be made for drainage, water, sewerage and other needed improvements. Streets and highways must meet the minimum Town standards and must accommodate the expected volume of traffic. Where appropriate, the regulations establish standards for preserving and developing open space areas for playground and other recreational purposes.

C. It is the further policy of these regulations to ensure optimum overall conservation, protection, development and use of the scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park.

§ 90-2. Title.

These regulations may be known and cited as the "Town of Greenfield, New York, Subdivision Regulations."

§ 90-3. Word usage and definitions.

A. For the purpose of these subdivision regulations, words used in the present tense include the future; the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; and the word "occupied" includes the words "designed for occupancy" or "intended to be occupied."

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

AREA OF SPECIAL FLOOD HAZARD

An area in a community that has been identified as susceptible to a 1% or greater chance of flooding in any given year. A 1% probability flood also is known as the "one-hundred-year flood."

AREA REGULATIONS

The regulation of building size, setbacks or yards, parking and loading requirements and similar regulations which are not related to a specific land use, but excluding performance standards.

BASE FLOW

The portion of stream flow that is not due to storm runoff; is supported by groundwater discharge into a channel.

BOND

A written agreement issued by a qualified agent which guarantees either the performance of a certain agreed-upon activity or an equivalent consideration if the activity is not completed as required.

BUILDING

Any structure wholly or partially enclosed within exterior walls and columns or within exterior walls and party walls and a roof, affording shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more fire walls extending from the ground up, each part is deemed a separate building except as regards minimum side yard requirements.

CENTRAL PRIVATE UTILITY

A sewerage or water system which serves a subdivision and which is paid for with nonpublic funds and without special district taxation.

CLERK OF THE PLANNING BOARD

That person who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations.

CLUSTER DEVELOPMENT OR AVERAGE DENSITY DEVELOPMENT

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas, without exceeding the overall maximum density permitted by this chapter. Refer to § 281 of the Town Law.

COMMON OPEN SPACE

A parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the private or public use or enjoyment of the space, and may include such appurtenant structures as are necessary to allow the enjoyment of the space.

CROSSWALK or WALKWAY

An accessway designed for pedestrian traffic and dedicated to public use.

CUL-DE-SAC

A designated turnaround area for vehicles at the end of a street.

DEVELOPER

The legal or beneficial owner or owners of all the land proposed to be included in a development proposal. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 20 years or other person having an enforceable proprietary interest in such land shall be deemed to be a developer for the purposes of this chapter.

DOUBLE-FRONTAGE LOT

A lot with the rear and front lot lines abutting existing or proposed streets and/or rights-of-way.

DRY WELL

Similar to an infiltration trench but smaller with inflow from pipe; commonly covered with soil and used for drainage areas of less than one acre such as roadside inlets and rooftop runoff.

EASEMENT

A property right giving the holder thereof right of access to land for a specified purpose.

ENGINEER

An individual duly qualified and licensed to perform engineering work in the State of New York.

EXTENDED DETENTION

A practice designed to store stormwater runoff by collection as a temporary pool of water, usually having less than a twenty-four-hour residence time; a practice which is used to control peak discharge rates and which provides gravity settling of pollutants.

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. The first flush in these guidelines is defined as 1/2 inch of runoff per acre of land which has been made more impervious from predevelopment (natural) conditions through land clearing, land grading and construction/development activities.

FLOODPLAIN

For a given flood event, that area of land adjoining a continuous watercourse which has been covered temporarily by water.

FOREBAY

An extra storage area or treatment area, such as a sediment pond or created wetland, near an inlet of a stormwater management facility to trap incoming sediments or take up nutrients before they reach a retention or extended detention pond.

FRONTAGE

That side of a lot abutting a Town road or a road meeting Town road standards, ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a road shall be considered frontage.

HEC-2

United States Army Corp of Engineers Computer Program 723-X6-L202A, intended for calculating water surface profiles for steady or gradually varied flow in natural or man-made channels.

HOMEOWNERS' ASSOCIATION

A contract agreed to by owners of homes in any area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space, in accordance with New York State law.

IMPERVIOUS AREA

Impermeable surfaces, such as pavement or rooftops, which prevent the infiltration of water into the soil.

INFILTRATION

A practice designed to promote the recharge of groundwater by containment and concentration of stormwater in porous soils.

INFILTRATION BASIN

An impoundment made by excavation or embankment construction; commonly serves a drainage area of five to 50 acres, usually closer to 50.

LANDSCAPING

The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.

LOT

A parcel of land having a distinct and defined boundary as described in a separate deed, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required by this chapter, and having frontage on an existing or proposed road.

MAJOR SUBDIVISION

The division of a single parcel into at least two or more lots in such a way that it requires the construction of a new street or public utility or the expansion or extension of an existing street or public utility for the parcels to be developed or which involves the creation of more than four lots.

MINOR SUBDIVISION

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

OFFICIAL MAP, TOWN

The map established by the Town Board under § 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes and additions thereto made under the provisions of the Town Law.

OUTFALL

The terminus of a storm drain where the contents are released.

PEAK FLOW

The maximum instantaneous flow of water during a storm, usually in reference to a specific design storm event.

PEAK FLOW ATTENUATION

The reduction of the peak discharge of storm runoff by storage and gradual release of that storage.

PLAN, SKETCH

A discretionary feature of major subdivision review which provides the applicant the opportunity to outline the general nature of the proposal for subdivision prior to official application for subdivision review. The sketch plan is intended to provide the Planning Board with sufficient information to evaluate the proposal and advise the subdivider on the proper method of application, the general acceptability of the concept, the consistency with the Comprehensive Land Use Plan and any other special concerns which should be addressed prior to submission by the applicant for preliminary plat approval.

PLAT, FINAL

The final plans, drawings and supplementary details of a subdivision which are to act as a guide for the actual development of the land and which, if approved by the Planning Board, shall be submitted for filing with the County Clerk.

PLAT, PRELIMINARY

The salient features of a proposed subdivision, including drawings and supplementary details indicating all covenants relating to use, location and bulk of buildings and other structures and intensity of use or density of development, private streets, ways and parking facilities, to be submitted to the Planning Board for its consideration. The phrase "provisions of the plat," when used in these regulations, shall mean the written and graphic materials referred to in this definition.

RETENTION

A practice designed to store stormwater runoff by collection as a permanent pool of water without release except by means of evaporation, infiltration or attenuated release when runoff volume exceeds the permanent storage capacity of the permanent pool.

REVERSE-FRONTAGE LOT

A lot, parcel or site where the rear line abuts an existing or proposed street.

RIGHT-OF-WAY

See "easement."

RIPARIAN AREA

A relatively narrow strip of land that borders a stream or river.

RIPRAP

A combination of large stone, cobbles and boulders used to line channels, stabilize streambanks, reduce runoff velocities or filter out sediment.

RISER

A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

ROAD

(1) **ALLEY** — A public or private way permanently reserved as a secondary means of access to abutting property.

(2) **ROAD, STREET or HIGHWAY** — A public thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

(3) **ROAD, STREET OR HIGHWAY CENTER LINE** — The line determined by connecting the midpoints of the surfaced portion of any street, road or highway.

(4) **ROAD, STREET OR HIGHWAY LINE** — Limit of street or highway right-of-way line. For the purposes of this chapter, road line, street line and highway line shall mean the same.

(5) **ROADS, PRIMARY (also known as "arterials")** — Interregional roads conveying traffic between towns, boroughs and other urban centers. Efficient movement is the primary function of "arterial roads," hence, they are designed to provide fast moving, free-flowing traffic.

(6) **ROADS, SECONDARY** — A road or street designated for the movement of traffic between primary roads and local roads as well as for serving adjacent land uses.

(7) **ROADS, LOCAL** — A road or street designed to collect traffic from individual properties and distribute it to secondary and/or primary roads, not intended for through traffic movement.

(8) **MARGINAL ACCESS ROAD** — A form of local road, parallel and adjacent to primary and secondary roads, which provides access to abutting properties and protection from through traffic.

SAND-ATTENUATING FILTER

A chamber open to the surface containing a surface layer of sand over a high-void aggregate base; these are innovative but apparently effective practices for atypical situations such as where a site is unsuitable for stormwater infiltration or retention.

SEWERAGE, COMMUNITY

A system whereby waterborne wastes from toilets, wash laundry and/or other facilities in dwellings, accessory buildings, business or industrial establishments, or any combination thereof, on two or more lots are conducted through pipes to a treatment plant (other than a septic tank) where wastes are treated, the solids and liquids separated and the effluent, which has been treated to a level measuring against pollution, is discharged through an outfall sewer into an acceptable stream or other permanent body of water.

SEWERAGE, PRIVATE

An on-site method of sewage treatment (usually a septic tank and a drainage field or fields) designed, installed, operated and maintained by the owner of the premises in accordance with the requirements and standards of the State Department of Health.

SHEETFLOW

Runoff which flows over the ground surface as a thin even layer, not concentrated in a channel.

SPDES

An acronym for the State Pollutant Discharge Elimination System; a regulatory permit program administered under Article 17 of the Environmental Conservation Law by the New York State Department of Environmental Conservation to control point-source discharges of water pollution.

STORM FREQUENCY

The average frequency of occurrence of events having a given volume and duration; for example, a two-, ten-, or one-hundred-year storm.

STORM DRAIN

Any open or closed conduit designed to convey stormwater.

STORM DURATION

The length of time over which a precipitation event occurs [e.g., 24 hours].

STORM VOLUME

The total amount of precipitation occurring over the storm duration.

STRUCTURE

That which is built or constructed, or a portion thereof, either on site or prebuilt. Editor's Note: The former definitions of "structure, attached" and "structure detached," which immediately followed, were repealed 7-12-2007 by L.L. No. 2-2007.

[Amended 5-8-2008 by L.L. No. 1-2008]

SUBDIVIDER

The developer or contractor who will subdivide, the owner of the land to be subdivided or any authorized agent of the developer, contractor or owner.

SUBDIVISION

Any division of land into two or more lots, parcels, blocks or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. "Subdivision of land" shall include any map, plat or other plan of the division of land, whether or not previously filed. "Subdivision of land" shall not include the lease of land for hunting and fishing and other open space recreation uses.

SWALE

A natural depression or wide shallow ditch used to temporarily route or filter runoff.

TOWN LAW

McKinney's and McKinney's Consolidated Laws of New York Annotated, Book 61.

TR-20

A rainfall runoff model developed by the United States Department of Agriculture Soil Conservation Service for hydrologic analyses of a watershed under present conditions of land cover/use and structural or channel modifications using single-event storm/rainfall-frequency data. Output consists of peaks and/or flood hydrographs, their time of occurrence and water surface elevations at any desired cross section or structure.

VARIANCE

Permission by the Zoning Board of Appeals to use land for a use or in a configuration which is not in accordance with or is prohibited by the applicable zoning regulations. Editor's Note: See Ch. 105, Zoning.

VARIANCE, AREA

Permission by the Zoning Board of Appeals to construct or alter a structure in a manner otherwise inconsistent with the yard, height or other dimensional requirements of the Zoning Chapter. Editor's Note: See Ch. 105, Zoning.

VARIANCE, USE

Permission by the Zoning Board of Appeals to use a parcel for a use which is otherwise prohibited by the Zoning Chapter.

WATER SUPPLY AND DISTRIBUTION SYSTEM, COMMUNITY

A supply of water from a reliable source adequate to meet the daily needs of dwellings and their permitted accessory buildings or business or industrial establishments, or any combination thereof, on two or more lots or parcels of land and having a system of intake conduits or pipes, pumps, purification and storage equipment and facilities, hydrants and other ancillary equipment and a system of distribution mains and pipes whereby the potable water is conducted to the dwellings, accessory buildings, business or industrial establishments, or any combination thereof, located on the lots served by the system.

WATER SUPPLY, PRIVATE

A supply of potable water from a reliable source adequate to meet the daily needs of a dwelling and its permitted accessory buildings or a business or an industry on a lot or parcel of land meeting the area and frontage requirements for use in the district in which it is located and which supply of water is approved as to potability and reliability and adequacy by the State Department of Health. Such private water supply may be from an on-site well or from a spring, stream, river, lake or other permanent source of water.

ZONING ADMINISTRATOR

The individual appointed by the Town Board for the purpose of handling the daily administration of the Zoning Law. Editor's Note: See Ch. 105, Zoning.

§ 90-4. Applicability.

A. The subdivision regulations for the Town of Greenfield shall apply to any person, partnership, association, joint venture or corporation which wishes to effect a subdivision after the effective date of these regulations.

B. Any subdivision which has been duly approved by the Town of Greenfield Planning Board but which does not meet the standards for subdivisions as described in these regulations and which is not, as yet, developed shall be exempt from complying with such regulations for a period of three years after the recording date of the subdivision plat. After three years, any construction or development taking place in such subdivision shall be subject to the regulations set forth herein. This shall include any subdivision with partially sold lots. Editor's Note: Former Subsection C, which provided for the division of property between family members, added 11-12-1992, was repealed 4-10-2003 by L.L. No. 2-2003.

§ 90-5. Administration.

A. The subdivision regulations for the Town of Greenfield shall be administered by the Planning Board in cooperation with the Town Board, the Zoning Administrator, the Town Engineer and other agencies.

B. All requests for information, application forms or other related materials should be directed to the Town of Greenfield Planning Board.

C. It is recommended that any potential applicant for subdivision review contact the Zoning Administrator to discuss the nature of his proposal on an informal basis prior to initiating a formal request for review. At such a meeting, the proposed subdivision will be classified as either a major or minor subdivision as defined in these regulations and any requirement of this Code shall be clarified. If there is no meeting, then the proposed subdivision will be classified by the Planning Board at the time of formal application submission.

D. Whenever any subdivision of land, hereinbefore defined, is proposed to be made and before any contract for the sale of or any offer to sell such subdivision or any part thereof is made, the subdivider shall apply, in writing, to the Planning Board for the approval of such subdivision. The application of the subdivider shall conform to the specifications in Articles II and III of these subdivision regulations, and the applicant must be in compliance with all sections of the Town of Greenfield Zoning Law, Editor's Note: See Ch. 105, Zoning. except for the item or items encompassed in that particular application.

[Amended 9-12-1991 by L.L. No. 4-1991]

ARTICLE II. Minor Subdivisions

§ 90-6. General provisions.

A. Designation of minor subdivisions. A minor subdivision of land is any subdivision of land into at least two but not more than four lots, parcels or sites which does not require the construction of a new street or public utility or the expansion or extension of an existing street or public utility. Any subdivision which involves such improvement or which includes more than four lots shall be considered a major subdivision and shall be subject to the review procedures outlined in Article III.

B. No further subdivision of land subdivided as a minor subdivision under the standards of Article II, Minor Subdivisions, shall be permitted within five years from the date of final approval by the Town of Greenfield Planning Board, as specified under New York State law. A statement to this effect shall be written on all plats submitted for review and approval.

C. Procedures and submission requirements. This article outlines the review procedures and submission requirements necessary for approval of a minor subdivision. The procedures outlined below must be complied with prior to taking any action to subdivide.

§ 90-7. Preliminary procedures and requirements.

A. Review procedures shall be as follows:

(1) Prior to the submission of a formal application, the applicant may submit a preliminary data sheet (on a form to be supplied by the Town) with a sketch to the Planning Board. The purpose of this form is to allow the subdivider to outline the general nature of his proposal for subdivision so that he can be advised of the proper method of application, the general acceptability of the concept, the consistency or inconsistency of his proposal with the Comprehensive Land Use Plan of the Town or any special consideration which he

should make in the development of his final subdivision plat (e.g., accommodating any special soil considerations, handling potential flooding problems, developing open space areas, etc.).

(2) A preliminary data sheet and sketch must be submitted no less than 15 days prior to the Planning Board meeting at which it is to be reviewed and discussed. The Planning Board shall formally notify the subdivider, giving at least five days' advance notice, of the meeting date at which the proposal will be reviewed, and either the subdivider or an agent of the subdivider shall be present to participate in the review.

(3) Within 30 days after the preliminary review meeting, the Planning Board shall notify the subdivider of the action that it has taken on the preliminary data sheet and sketch. If the preliminary concept is approved, the Planning Board shall move to direct its Chairman to formally notify the subdivider, in writing, to proceed with the development of a final plat for the proposed subdivision.

(4) If the Planning Board does not approve of the preliminary concept, it shall move to direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval. The Planning Board may also move to accept the preliminary concept subject to certain conditions or modifications. Such conditions or modifications should be clearly stated and shall be contained in the letter of approval from the Chairman of the Planning Board. A disapproval of the preliminary data sheet and sketch does not preclude the right of the subdivider to apply for final plat approval.

B. Submission requirements for the preliminary data sheet and sketch are as follows:

(1) Key map: a key map or location map, which shall show the location of the proposed subdivision within the Town.

(2) Preliminary sketch: a rough-scale sketch of the proposed subdivision and adjoining properties, showing the following information:

(a) The name and address of the subdivision, North arrow and scale.

(b) The names of the owner of the subdivision and all adjoining property owners.

(c) The specific boundary of the area to be subdivided.

(d) Zoning district boundaries and surrounding land use.

(e) Topographic contours. United States Geodetic Survey and New York State Department of Transportation 7.5-minute quadrangle map contours will be acceptable.

(f) Existing drainage features (e.g., ponds, rivers, streams, wetlands and culverts).

(g) A map of soils interpretation of existing soils, indicating type, percolation, soil-bearing capacity, depth to groundwater and depth to bedrock if less than 10 feet.

(h) The present site conditions (e.g., easements, existing utilities, structures, trees, streets and street names).

(i) Present and proposed utilities:

[1] Means of sewage disposal.

[2] Method of supplying water.

[3] Means of handling storm drainage.

(j) Existing platting, if a resubdivision.

(k) Proposed lot layout.

(l) Any proposed right-of-way for access to other land through the subdivided property.

(3) Appropriate State Environmental Quality Review Act (SEQRA) environmental assessment forms as required.

(4) Appropriate application fee as set forth in Chapter A210, Fee Schedule, of the Code of the Town of Greenfield, New York.

(5) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of stormwater management and erosion and sediment control provisions of Chapter 85 of the Town Code shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards of Chapter 85 and the approved preliminary subdivision plat shall be consistent with the provisions of Chapter 85.

[Added 12-13-2007 by L.L. No. 5-2007]

§ 90-8. Final plat submission process.

A. At least four copies of all of the elements of the application (§ 90-10) shall be placed on file with the Clerk of the Planning Board at least 15 days prior to the Planning Board meeting at which it is to be considered, at which time the subdivider or an agent of the subdivider should attend to summarize the proposal. No incomplete applications will be accepted for filing. A processing fee, as set forth in Chapter A210, Fee Schedule, of the Code of the Town of Greenfield, New York, shall accompany final plat submission.

B. Upon receipt of completed final plat submission, the Chairman of the Planning Board shall make the following distribution:

(1) One copy shall be retained for review by the Planning Board.

(2) One copy shall be placed on file with the Town Engineer.

(3) One copy shall be placed on file with the Zoning Administrator.

(4) One copy shall be placed on file with the Town Board.

§ 90-9. Review of application.

A. The Planning Board shall review the completed application as submitted by the subdivider at its next scheduled meeting after the date on which the application was filed with the Clerk of the Planning Board, provided that said application complies with all the requirements of § 90-8.

B. The Planning Board will have 45 days from the date of the submission of a completed application to the Clerk of the Planning Board to hold a public hearing. The public hearing must be advertised at least once in a newspaper of general circulation in the Town at least seven days before it is held. A least 10 days prior to the date of the hearing, notice of the hearing shall be mailed to all property owners within 500 feet of the nearest line of the property to which the subdivision is sought and to such other property owners as the Chairman of the Planning Board may direct.

[Amended 5-8-2008 by L.L. No. 1-2008]

C. The Planning Board shall render a decision on the subdivision proposal within 45 days after the date of the public hearing or within a period extended by the mutual consent of the subdivider and the Planning Board. Such a decision shall consist of a Planning Board resolution directing the Chairman of the Planning Board either to sign and approve the final plat, indicating any conditions to which approval is subject, or to formally notify the applicant, in writing, of the reason(s) for Planning Board disapproval. Failure of the Planning Board to take action within 45 days or within the mutually agreed time period shall be considered an approval of the

application by the Planning Board. Upon failure by the Planning Board to take action within the above-specified time, a certificate to that effect will be issued on demand, by the Town Clerk, pursuant to § 276 of the Town Law.

D. If the final plat is approved subject to conditions set forth by the Planning Board, within five days of granting such conditional approval the plat shall be certified by the Clerk of the Planning Board as conditionally approved. A copy of the plat shall be filed in the office of the Clerk of the Planning Board and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. The subdivider shall have 180 days to meet the conditions set forth by the Planning Board for final plat approval, and the Planning Board may extend this time for up to 180 additional days.

E. In subdivision review cases where the creation or transfer of a single lot is involved under the minor subdivision regulations, the Planning Board may, under special circumstances and at its discretion, waive any and all requirements of these regulations, with the exception of those contained in § 90-19A of this chapter, including the holding of a public hearing, and may approve such single-lot subdivision at any regularly scheduled meeting. Failure to hold the public hearing within prescribed time limits will result in automatic approval.

F. The approval of a subdivision plat by the Planning Board, either by a direct statement of approval or by approval due to failure to respond within the specified time, shall expire within 60 days if the subdivider fails to record the approved subdivision with the County Clerk, except for minor subdivisions involving the transfer of a single lot. No building permits may be issued for development within the subdivision prior to the time that such a filing is made with the County Clerk, except for minor subdivisions involving the transfer of a single lot.

§ 90-10. Final plat submission requirements.

A. Key map. A key map shall be required, showing the following information:

- (1) The map shall be at a scale of one inch equals 800 feet.
- (2) Information required for the proposed subdivision and areas extending 200 feet beyond the subdivision is as follows:
 - (a) The relationship of the proposed subdivision to the primary and secondary highway system and main intersections.
 - (b) The boundary lines of zoning districts, special districts and municipal areas.
 - (c) Match lines, as needed, when there are two or more drawings to show the complete subdivision.
 - (d) Boundary data. The proposed subdivision area shall be shaded or significantly outlined.
 - (e) Boundaries of adjacent properties and property owners' names. Adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name.

B. Preparation of final plat. The final plat shall be prepared and submitted in a permanent reproducible medium, to scale, in a form acceptable to the Planning Board and containing all required information.

C. Standards for drawing sheet Standards for the drawing sheet shall be as follows:

- (1) The scale shall be not less than one inch equals 100 feet.
- (2) The drawing size shall be not less than 8 1/2 inches by 14 inches nor more than 30 inches by 42 inches. Any proposal requiring a larger space shall be prepared on two or more sheets.

(3) If the case should warrant more than one sheet, a clearly drawn match line shall be placed on both sheets.

D. Title block. The title block shall include:

- (1) The name of the subdivision.
- (2) The post office address of the subdivision.
- (3) The name and address of the subdivider.
- (4) The name and address of the owner.
- (5) The name, address, license number and seal of the New York State licensed professional who prepared the drawing and support documentation, including but not limited to a licensed professional engineer, architect, landscape architect or land surveyor.
- (6) The date of original submission and of each subsequent submission.
- (7) True or magnetic North and date taken.

E. Existing site conditions. Existing site conditions shall be shown as follows:

- (1) Street right-of-way:
 - (a) The name.
 - (b) The location and width.
- (2) Other rights-of-way and easements:
 - (a) Identification.
 - (b) The location and width.
 - (c) Restrictions on use, if any.
- (3) Drainage structures:
 - (a) The type of structure.
 - (b) The location, invert elevations, gradients and size of all structures, where applicable.
- (4) Other utility structures, such as water, sewer, gas mains and power lines (if not on or adjacent to site, indicate direction and approximate distance and size of nearest ones), showing invert elevation of sewers or culverts).
- (5) Marshes, ponds, rivers, streams or any wetlands, showing the location and area covered, indicating high-water level. Editor's Note: Wetlands include all areas identified as being Town-designated wetlands, New York State Department of Environmental Conservation freshwater wetlands and/or jurisdictional federal wetlands as outlined in the Federal Interagency Committee for Wetland Delineation, 1989, Federal Manual for Identifying and Delineating Jurisdictional Wetlands and the United States Army Corps of Engineers, United States Environmental Protection Agency, United States Fish and Wildlife Service and United States Department of Agriculture Soil Conservation Service, Washington D.C., Cooperative technical publication, 76 pp. plus appendices, or most recent modification and/or update of the same.
- (6) Test hole data, if required:

- (a) The date of testing and the location of test holes on the site.
 - (b) A graphic representation of findings for all test holes.
- (7) Municipal or other public lands and land designated as parks and open spaces or for some other public or community use.
- (8) Any buildings and other structures on the subdivision which are to remain.

F. Proposed site conditions. Proposed site conditions must conform to the Town of Greenfield Zoning Law. Editor's Note: See Ch. 105, Zoning. The following shall be shown:

- (1) Streets: any right-of-way for future access to other lands through the subdivided property.
- (2) Lot layout:
 - (a) The dimensions and area of lots to the nearest one-hundredth foot.
 - (b) Easements and restricted areas, with notation as to purpose.
 - (c) Identification of lots or parcels for special use, whether they are to be offered for dedication or not.
- (3) Utilities:
 - (a) The location of proposed on-site water system or connection to existing system.
 - (b) The location of proposed on-site sanitary disposal system, showing depth to water table, soil boring data (as necessary), treatment area, connection points and line size, or connection to existing system.
 - (c) The location and size of stormwater management improvements to be constructed, if any.
 - (d) Evidence that the proposed methods for water supply and sanitary sewage disposal have been reviewed and approved by the New York State Health Department and the New York State Department of Environmental Conservation, as required.

G. Additional information. Additional information shall be supplied as follows:

- (1) Survey data:
 - (a) Accurate traverse of subdivision boundaries, with true bearings and distances.
 - (b) Municipal, Town, county and special district boundaries, referenced to the subdivision survey by true bearings and distances.
- (2) Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the State Department of Transportation or County Public Works Department, approving proposed construction on state or county rights-of-way and indicating that the necessary permits have been issued by his office, or submission of a copy of permits.
- (3) Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in the enforcement of these regulations.
- (4) A stormwater pollution prevention plan consistent with the requirements of stormwater management and erosion and sediment control provisions of Chapter 85 of the Town Code and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards of Chapter 85 and the approved final subdivision plat shall be consistent with the provisions of Chapter 85.

[Added 12-13-2007 by L.L. No. 5-2007]

ARTICLE III. Major Subdivisions

§ 90-11. General provisions.

A. Designation of major subdivisions. A major subdivision is any division of land into two or more lots, blocks or sites which requires the construction of a new street or public utility or the expansion or extension of an existing street or public utility or which involves the creation of more than four lots. Any subdivision which cannot be classified as a minor subdivision shall be regarded as a major subdivision and is subject to the following requirements.

B. No further subdivision of land subdivided as a major subdivision under the standards of Article III, Major Subdivisions, shall be permitted within five years from the date of final approval by the Town of Greenfield Planning Board, as specified in New York State law. A statement to this effect shall be written on all plats submitted for review and approval.

C. General procedures and submission requirements. The general review procedure and submission requirements for major subdivisions consist of three elements: the sketch plan, the preliminary subdivision plat and the final subdivision plat. Sections 90-12B, 90-13B and 90-14B describe those specific elements which should be included in each particular submission.

§ 90-12. Sketch plan.

A. Review procedures. At the discretion of the subdivider, a sketch plan may be prepared as part of the major subdivision review process. The sketch plan should be submitted prior to taking any action to subdivide land. The primary purpose of the sketch plan is to provide the subdivider with the opportunity to outline the general nature of the proposal for subdivision so that the Planning Board can advise the subdivider on the proper method of application, the general acceptability of the concept, the consistency (or inconsistency) of the proposal with the Comprehensive Land Use Plan of the Town or any special considerations which should be made during the development of the preliminary and final subdivision plats (e.g., accommodation of any special soil conditions, handling potential flooding problems, developing open space areas, etc.).

(1) Submission of sketch plan. The submission of the sketch plan will be accepted, reviewed and commented on by the Planning Board, provided that the sketch plan complies with and includes the following:

(a) A sketch plan which conforms to the requirements specified in Subsection B of this section. Such sketch plan is to be clearly marked "sketch plan."

(b) At least four copies of all items and related supplementary materials are to be submitted to the Clerk of the Planning Board at least 15 days prior to the Planning Board meeting at which it is to be considered. The Planning Board shall formally notify the subdivider, giving at least five days' advance notice, of the meeting date at which the proposal will be reviewed.

(c) Either the subdivider or an authorized agent of the subdivider is to be present to participate in the review. Without such representation, the Planning Board shall table review of the proposal until the next available Planning Board meeting.

(2) Distribution of the sketch plan. The Chairman of the Planning Board shall distribute copies of the sketch plan to the Zoning Administrator, the Town Engineer, the Town Supervisor and any other persons with a specific interest in the proposal.

(3) Review of the sketch plan.

(a) No less than 15 days nor more than 30 days of receipt of a complete sketch plan meeting the requirements of § 90-12B, the Planning Board shall meet to review and discuss the proposed subdivision.

(b) Within 30 days after the sketch plan review meeting, the Planning Board shall notify the subdivider of the position that it has taken on the sketch plan. If the sketch plan concept is approved, the Planning Board shall move to direct its Chairman to formally notify the subdivider, in writing, that development of a preliminary plat for the proposed subdivision may proceed in compliance with the concepts outlined in the sketch plan.

(c) If the Planning Board does not approve of the sketch plan concept, it shall move to direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval. The subdivider may resubmit a revised sketch plan addressing the issues of disapproval specified. A disapproval of the sketch plan submission does not preclude the right of the subdivider to apply for preliminary plat approval.

(d) The Planning Board may also move to accept the sketch plan concept subject to certain conditions or modifications reasonably related to the requirements outlined in the subdivision regulations. Such conditions or modifications will be clearly stated and shall be contained in the letter of conditional approval from the Chairman of the Planning Board.

(4) Review considerations. The Planning Board, in determining if a sketch plan complies with the Town of Greenfield Subdivision Regulations, shall evaluate at least the following:

(a) Zoning requirements, adjustments, variances, etc., that may be applicable to the proposed subdivision concept.

(b) The potential impact of the proposal on the cost and extent of public services to be required (including but not limited to roads, water and sewer, where applicable, and municipal and voluntary services including schools, police and fire protection).

(c) The impact of the proposed development on existing private and public development in the area.

(d) The degree to which the proposal is consistent or inconsistent with the Comprehensive Land Use Plan.

(e) The nature of the soils in the area of proposed development.

(f) The topography of the proposed site.

(g) Other special site or community problems that may be involved in the successful development of a subdivision in the area proposed.

(h) The applicability of voluntary or required application for cluster development and the appropriateness of such a development on the site proposed.

(i) The intended ownership and maintenance of open space areas, as may be applicable.

B. Sketch plan submission requirements.

(1) Key map. A key map or location map shall show the location of the proposed subdivision within the municipality.

(2) Preparation. The sketch plan shall be prepared by a New York State licensed professional(s) empowered to certify all requirements specified by this regulation, including but not limited to a licensed professional engineer, architect, landscape architect or land surveyor.

(3) Required sketch plan information shall be as follows:

(a) A rough-scale sketch of the proposed subdivision and adjoining properties shall be based on Tax Map or other similarly accurate information, shown at a scale of not less than one inch equal to 100 feet.

- (b) The name and address of the subdivision, North arrow and scale.
- (c) The name of the owner of the subdivision and of all adjoining property owners.
- (d) Zoning district boundaries and surrounding land uses.
- (e) Topographic contours shown at ten-foot intervals minimum (United States Geological Survey and/or New York State Department of Transportation 7.5-minute quadrangle data is acceptable).
- (f) Existing drainage features (including but not limited to ponds, streams, marshes and culverts).
- (g) A map of soil interpretations of existing soils, indicating type, percolation rate and soil-bearing capacity.
- (h) Present site conditions, including but not limited to easements and existing utilities, structures, streets and street names, isolated trees over one-foot in diameter measured three feet above grade and tree masses.
- (i) Proposed street and block layout, with reference to surrounding properties and street pattern.
- (j) Proposed utilities: sewer, water, storm drainage, subsurface drains, stormwater and dewatering detention, infiltration and/or retention basins.
- (k) Approximate area, in square feet, of each proposed lot.
- (l) All setback and frontage requirements of the appropriate zoning district.
- (m) A written statement addressing how open space and shared facilities will be owned and maintained.

§ 90-13. Preliminary plat.

A. Preliminary subdivision plat review procedure. Upon review of the sketch plan concept, the subdivider may prepare a preliminary subdivision plat for submission to the Planning Board. Such a preliminary plat shall contain all the items and supplementary materials specified in Subsection B of this section.

(1) Submission of preliminary plat. The submission of the preliminary subdivision plat shall include the following:

- (a) A preliminary subdivision application (to be prepared on a form supplied by the Planning Board) and the appropriate environmental assessment form.
- (b) A preliminary subdivision plat which conforms to the requirements specified in Subsection B of this section. Such preliminary plat shall be clearly marked "preliminary."
- (c) A processing fee as set forth in Chapter A210, Fee Schedule, of the Code of the Town of Greenfield, New York, shall accompany all preliminary plat submissions.
- (d) At least four copies of all items and related supplementary materials shall be submitted to the Clerk of the Planning Board at least 15 days prior to the Planning Board meeting at which the preliminary plat is to be considered, at which time the subdivider or an agent of the subdivider should attend to be heard at that particular meeting. Only a complete preliminary subdivision plat will be accepted for filing with the Planning Board.

(2) Distribution of preliminary plat. The Chairman of the Planning Board shall distribute copies of the preliminary subdivision plat to the Zoning Administrator, the Town Engineer, the Town Board and any other persons who may have a specific interest in the proposal.

(3) Review of preliminary subdivision plat.

(a) The Planning Board shall have 45 days from the time of the submission of an accepted, complete preliminary plat to the Clerk of the Planning Board within which to hold a public hearing on the proposal. The public hearing shall be advertised in the official Town newspaper at least seven days in advance of the meeting date. Additionally, notice of the hearing shall be mailed at least 10 days prior to the hearing to all property owners within 500 feet of the nearest line of the property for which the subdivision is sought and to such other property owners as the Chairman of the Planning Board may direct. Failure of the Planning Board to hold a public hearing within the required time period shall be deemed to be equivalent to Planning Board approval of the preliminary plat.

[Amended 5-8-2008 by L.L. No. 1-2008]

(b) The Planning Board must act on the preliminary subdivision plat within 45 days of the date of the public hearing. Any comments received from the Zoning Administrator, the Town Engineer, the Town Board or other persons with a specific interest in the proposed subdivision should be taken into consideration by the Planning Board when making its review. The time within which the Planning Board must act on the preliminary plat may be extended by mutual consent of the owner and the Planning Board.

(4) Approval or disapproval.

(a) If the Planning Board approves the proposed preliminary plat as submitted, it shall direct the Chairman to notify the subdivider, in writing, of the Board's action. Approval of a preliminary plat shall not be construed as approval of a final plat. Such approval shall merely express the acceptance of the subdivision layout as a guide for the development of the final plat.

(b) If the Planning Board does not approve the preliminary subdivision plat as submitted or approves it subject to certain modifications, it shall move to direct the Chairman of the Planning Board to contact the subdivider, in writing, clearly explaining the reasons for disapproval or the modifications upon which approval is dependent.

(c) Failure of the Planning Board to act on the proposal within 45 days after the public hearing or within the period agreed upon by the owner and the Planning Board shall be equivalent to the Planning Board's having given its approval to the preliminary subdivision proposal.

(d) If a final plat is not submitted to the Planning Board within six months after the date on which the Planning Board approved the preliminary plat, the Planning Board may refuse to approve the final plat.

B. Preliminary subdivision plat submission requirements. Submission requirements for the preliminary plat are as follows:

(1) Key map. A key map shall be required, showing the following information:

(a) The map shall be at a scale of one inch equal to 800 feet.

(b) Information required for the proposed subdivision and areas extending 200 feet beyond the subdivision is as follows:

[1] Relationship of the proposed subdivision to the primary and secondary highway system and main intersections.

[2] Boundary lines of zoning districts, if applicable, special districts and municipal areas.

[3] Match lines, as needed, when there are two or more drawings to show the complete subdivision.

(2) Preparation. The preliminary plat shall be prepared by a New York State licensed professional(s) empowered to certify all requirements specified by this regulation and shall be signed and sealed by the

same. Said professional shall include but not be limited to a professional engineer, architect, landscape architect or land surveyor. All drainage and utility design shall be certified by a licensed engineer.

(3) Standards for drawing sheet. Standards for the drawing sheet shall be as follows:

- (a) The scale shall not be less than one inch equal to 50 feet unless otherwise approved by the Planning Board.
- (b) The size shall be not less than 8 1/2 inches by 14 inches nor more than 30 inches by 42 inches. A larger area necessitates the use of two or more sheets to show the entire subdivision.
- (c) If the case should warrant more than one sheet, a clearly drawn match line shall be placed on both sheets.

(4) Title block. The title block shall include:

- (a) The name of the subdivision.
- (b) The post office address of the subdivision.
- (c) The name and address of the subdivider.
- (d) The name and address of the owner.
- (e) The name, address, license number and seal of the professional engineer or land surveyor who prepared the drawing.
- (f) The date of original submission and of each subsequent submission.
- (g) The true or magnetic North and date taken.

(5) Topographic contours.

(a) Topographic contours shall:

[1] Be at not greater than two-foot intervals based on United States Geological Survey datum. Greater contour intervals may be used if approved by the Planning Board.

[2] Extend 200 feet beyond the subdivision boundary.

(b) The extent to which existing contours will be altered during the course of subdivision development for road and driveway placement, stormwater control, sewage disposal, etc., including identification of all grading and clearing limits.

(6) Existing site conditions. Existing site conditions shall be shown as follows:

(a) Street rights-of-way:

[1] The name.

[2] The location and width.

[3] The center-line elevations at intersections and other critical points.

(b) Other rights-of-way and easements:

[1] Identification.

[2] The location and width.

[3] Restrictions on use, if any.

(c) Drainage structures:

[1] The type of structure.

[2] The location, invert elevations, gradients and sizes of all structures, where applicable.

(d) Erosion control measures: placement of all erosion control measures required to comply with § 90-19E.

(e) Other utility structures, such as water, sewer, gas mains and power lines:

[1] The type of structure.

[2] The location, invert elevations and gradients of all structures, where applicable.

(f) Natural features:

[1] Marshes, ponds, streams, rivers or similar conditions, showing location and area covered, indicating apparent high-water level.

[2] Other natural features, such as wooded areas, rock outcrop or isolated preservable trees one foot or more in diameter as measured three feet above grade.

[3] Limits of clearing for all vegetated areas.

[4] All designated wetland areas as being Town-designated wetlands, New York State Department of Environmental Conservation freshwater wetlands and/or jurisdictional federal wetlands, flagged as necessary.

[5] All critical environmental areas, as designated by the Town Board, field located and certified by the applicant's licensed land surveyor.

(g) Test hole data, if required:

[1] Date and location.

[2] Graphic representation of findings for all test holes.

[3] The number and location of test holes shall be acceptable to the Planning Board.

(h) Municipal or other public lands and land designated as parks or open spaces or for some other public or community use.

(i) Buildings and other structures on the subdivision which are to remain.

(7) Proposed site conditions. Proposed site conditions must conform to the Town Zoning Law, Editor's Note: See Ch. 105, Zoning, where applicable. The following shall apply:

(a) Streets.

[1] Names shall be checked to avoid duplicate or similar names prior to submission at the Planning Board's office.

[2] Right-of-way and pavement width shall be shown.

[3] Tentative center-line elevations at principal changes in grades shall be shown.

[4] Tentative center-line gradient shall be shown in percent of slope on preliminary profiles.

(b) Lot layout.

[1] Dimensions, along with bearings and distances and the area of lots, shall be shown to the nearest one-hundredth-foot.

[2] Easements and restricted areas, with notation as to purpose, shall be shown (§ 90-22).

[3] Identification of lots or parcels for special use, whether they are to be offered for dedication or not, shall be provided.

[4] Street access to adjoining properties shall be shown.

[5] Lot drainage shall be shown.

[6] Blocks and lots shall be numbered.

(8) Stormwater management plan. The stormwater management plan shall be as outlined in § 90-23 and shall identify all proposed drainage features.

(9) Utilities plans. Utilities plans shall show:

(a) A proposed sewer plan showing structures and direction of flow and connection with existing system; and/or

(b) Typical details, site layout, expansion area and grading for independent systems, including limited community systems.

(10) Streetlighting. The location of all proposed streetlighting fixtures shall be shown.

(11) Open space.

(a) The location of open space areas shall be shown.

(b) Facilities shall be provided in open space areas. (See § 90-16.)

(12) Protective covenants. A draft of any protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development, including those required to preserve open space and those required for maintenance and care of shared open space and facilities shall be provided.

§ 90-14. Final plat.

A. Final subdivision plat review procedure. Upon receiving the approval of the preliminary plat by the Planning Board, the subdivider may proceed with the development of a final subdivision plat. Such plat shall be based exclusively on the design features presented in the preliminary plat, subject to those modifications stipulated by the Planning Board at the time of the preliminary plat approval. The final subdivision plat shall conform to the requirements described in Subsection B of § 90-14. The fee as set forth in Chapter A210, Fee Schedule, of the Code of the Town of Greenfield, New York, shall accompany said submission.

(1) Submission.

(a) The following submissions are required:

- [1] A formal application for final plat approval, on a form to be supplied by the Town.
- [2] A copy of the final subdivision plat corresponding to the requirements outlined in Subsection B of this section.
- [3] A performance bond estimate for all public improvements and utilities included on the final plat and the public utilities plan and profile.
- [4] Detailed plans and profile drawings of all proposed public utilities and improvements.
- [5] Evidence that the Board of Education for the area in which the subdivision is to be built has been made aware of the nature and extent of the proposed project.
- [6] Copies of all easement agreements, deeds, offers of cession, right-of-way acquisitions, planting areas, covenants and any other legal instruments, including documentation of the establishment of any homeowners' association, which may require review as part of the subdivision proposal.
- [7] Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the State Department of Transportation or County Public Works Department, approving proposed construction on state or county rights-of-way and indicating that the necessary permits have been issued by his office, or submission of a copy of permits.
- [8] Evidence that the proposed subdivision has been reviewed and approved by the New York State and/or County Department of Health and the New York State Department of Environmental Conservation, as required.
- [9] Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the agency, utility company, government authority or special district which has jurisdiction in the area of gas, electric, telephone, public sewer or public water improvements, approving such proposed installation.
- [10] Lot numbering as required by 911 numbering system.

(b) Unless otherwise specified in these regulations, six copies of all of the required materials in the final plat submission shall be placed on file with the Clerk of the Planning Board. No application will be accepted for filing unless it is complete, as defined by the requirements of these regulations.

(2) Distribution. Upon receipt of the completed final plat submission, the Chairman of the Planning Board shall transmit copies of the final submission to the Zoning Administrator, the Town Engineer, the Town Board and any other persons who may have a specific interest in the proposed subdivision.

(3) Public hearing.

(a) The Planning Board may waive holding a public hearing on a final plat if it finds that the final plat is in substantial agreement with the preliminary plat and a public hearing was held on the preliminary plat, including any modifications stipulated by the Planning Board as part of the preliminary plat approval. If the hearing is waived, the Planning Board shall act within 45 days from the date that the final plat was filed with the Clerk of the Planning Board.

[Amended 5-8-2008 by L.L. No. 1-2008]

(b) If the Planning Board does not waive the public hearing in accordance with § 90-14A(3)(a) hereinabove or the final plat is not in substantial agreement with the preliminary plat, including any modifications stipulated by the Planning Board as part of the preliminary plat approval, then a public

hearing shall be held within 45 days from the receipt of the final plat by the Clerk of the Planning Board. The public hearing shall be advertised in the official Town newspaper at least seven days in advance of the meeting date.

[Amended 5-8-2008 by L.L. No. 1-2008]

(c) If the Planning Board has been empowered to modify the provisions of the Zoning Law Editor's Note: See Ch. 105, Zoning. at the time of final plat approval (according to the provisions of § 281 of the Town Law) and wishes to do so in the case of a subdivision proposal, a hearing must be held on the final plat.

(4) Approval or disapproval. Unless extended by the mutual consent of the Planning Board and the subdivider, the Planning Board must act on the final subdivision plat within 45 days of the receipt of the application by the Clerk of the Planning Board if the public hearing is waived or within 45 days after the date of the public hearing. Failure of the Planning Board to take action within either of these required time periods will be deemed an act of approval by the Planning Board, granting to the subdivider all of the rights and privileges which such approval conveys. Upon failure of the Planning Board to take action within the above-specified period of time, a certificate to that effect will be issued on demand, by the Town Clerk, pursuant to § 276 of the Town Law.

(5) Review.

(a) The Planning Board shall review the final subdivision plat in accordance with the guidelines outlined in Subsection B of this section. It shall examine the final plat to see that it is consistent with the concept presented in the preliminary subdivision plat and that all of the required elements of submission have been placed on file with the Board, including any modifications stipulated by the Planning Board as part of preliminary plat approval.

(b) After the public hearing has been held on the final plat, if one is held, or within 45 days of receipt as specified above, the Planning Board shall meet to take action on the submission of a completed application. If the Board moves to approve the final plat as submitted, it shall direct the Planning Board Chairman to sign the final plat. The Chairman is required to sign the plat, subject to the following conditions:

[1] All of the requirements for final subdivision plat submission have been met.

[2] All required corrections and modifications have been made or a sufficient guaranty has been accepted by the Planning Board for such corrections and modifications. All such conditions must be met before the plat is signed by the Chairman of the Planning Board.

[3] Any performance bonds requested by the Planning Board have been obtained by the subdivider and approved by the Town Board.

[4] A statement has been supplied by the Town Attorney approving as to the legal sufficiency of all offers of cession or covenants governing the maintenance of unceded public open space.

(c) The Planning Board may move to conditionally approve the final plat. Within five days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy shall be filed in the office of the Clerk and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, shall authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. The subdivider shall have 180 days to meet the conditions set forth by the Planning Board for final plat approval, and the Planning Board may extend this time for up to 180 additional days.

(d) If the final plat is disapproved, the applicant shall be formally notified, in writing, by the Planning Board Chairman of the reason(s) for Planning Board disapproval.

(6) Recording and filing.

(a) Within 60 days after the Planning Board has approved a final plat, one copy of the subdivision plat shall be filed with the County Clerk, such copy to be printed on required medium. Failure to make such a filing with the County Clerk will result in a revocation of Planning Board approval of the final plat.

(b) No building permits may be issued for development within the proposed subdivision prior to the time that such a filing is made with the County Clerk.

(7) Streets and roads. Planning Board approval of the final plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for dedication to public use.

B. Final subdivision plat submission requirements. Requirements for the final plat shall follow those of the preliminary plat layout [§ 90-13B(1) through (12)], with the following changes and/or additions:

(1) Survey data shall show the following:

(a) Accurate traverse of subdivision boundaries with true bearings and distances.

(b) Municipal, Town, county and special district boundaries, referenced to the subdivision survey by true angles and distances.

(c) Radii, internal angles, points of curvature, tangent distances and lengths of all curves.

(2) Monuments.

(a) Accurate location of all monuments shall be provided. (See § 5 of Appendix A. Editor's Note: Appendix A is included at the end of this chapter.)

(b) Proposed new monuments or monuments to be reset shall be shown.

(c) One monument shall be located at each corner and at each general change in direction of the boundary.

(d) Two monuments shall be located at each street intersection.

(e) Monuments shall be located at the beginning and end of each curve along one side of the street right-of-way.

(3) Public improvement and utilities plan, details and profile. This plan and profile are declared to be an integral part of the final plat submission and shall be reviewed and approved by the Town Engineer. The performance bond and inspections of the public improvement and utilities plan shall be based on the public improvement and utilities plan and profiles, the final plat and the municipal specifications for such public improvements and utilities. A Health Department approval block with approval stamp by the Health Department shall be made on the document.

(a) Basic plan requirements shall be as follows:

[1] The sheet size shall be not less than 8 1/2 inches by 11 inches nor more than 30 inches by 42 inches. A larger area necessitates the use of two or more sheets to show the entire subdivision.

[2] The title block shall show the name of the subdivision, the scale and the date.

[3] The plan shall show the outline of all rights-of-way, easements and similar conditions.

[4] Street line gradients in percent shall be indicated with arrows to establish direction of flow.

[5] Critical street center-line grade elevations shall be shown.

(b) Drainage system requirements shall be as follows:

[1] A complete drainage system for the entire subdivision, with the appropriate development stages for each of the final plat sections, shall be shown graphically, with all existing drainage features which are to be incorporated properly identified as existing.

[2] The boundaries and area in acres of stormwater runoff watersheds shall be shown for each drainage structure.

[3] All proposed drainage structures (e.g., valley gutters) shall be shown.

[4] All drainage structures by county and Town shall be identified, specifying type and numbers, if available.

[5] The location of required test pits, borings and the description of soils condition and water table shall be shown.

[6] Notations and calculations concerning the ability of receiving waters or drains to accept the additional anticipated flows shall be shown.

(c) Utility systems requirements shall be as follows:

[1] Water supply distribution. The following shall be shown:

[a] The ownership of water supply.

[b] The location and type of source of supply on property, where piped in and the size of main supply.

[c] The details of water supply facility if other than municipal.

[d] The location and size of all distribution mains.

[e] The location of fire hydrants and hydrant valves. (Valves to be compatible with fire district equipment.)

[f] The location of all control valves.

[2] Sanitary sewers. The following shall be shown:

[a] The location and type of treatment facilities or, where discharged to the Town sewer, the size of the receiving sewer.

[b] The details of the treatment facility, if other than municipal.

[c] All sanitary manholes.

[d] The location, size and direction of flow for all sewers.

[e] The location of structures and any mechanical equipment.

[f] Detail sheets, manufacturers' specifications, installation instructions and parts list for all mechanical equipment.

(d) Profile drawing requirements.

[1] Drawings shall be made on standard profile paper with the following scales:

[a] A horizontal scale of one inch equals 50 feet.

[b] A vertical scale of one inch equals five feet.

[2] All profiles shall show the existing and proposed natural grades, the center lines of existing and proposed roads and a system of survey stations.

[3] The center-line profile and vertical curve data as to gradient and critical elevations shall be shown.

[4] The invert profile and location of all drainage structures in street rights-of-way and in drainage easements and the top of structures and invert elevations shall be shown.

[5] The invert profile and location of all manholes for sanitary sewers in street rights-of-way and in sanitary sewer easements and the top of structures and invert elevations shall be shown.

(e) Lighting requirements shall be as follows:

[1] All proposed lighting fixture locations shall be shown on the plans.

[2] Proposed lighting fixture model, along with manufacturer's specifications, shall be indicated on the plans.

(4) Performance bonds. See § 90-18.

(5) Offers of cession and protective covenants.

(a) Offers of cession by dedicating streets, rights-of-way and any sites for public uses, and agreements covering the improvements and maintenance of unceded public places and the conditions and time limits, if any, applying to site reservations, shall be provided.

(b) A statement by the Town Attorney approving as to the legal sufficiency of all offers of cession and all covenants governing the maintenance of unceded public open space shall be provided.

(c) Protective covenants in form for recording, including covenants governing the maintenance of unceded public spaces or reservations, shall be provided.

(6) Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in enforcing these regulations shall be provided.

ARTICLE IV. Additional Regulations

§ 90-15. Utilities.

A. Underground utilities. All electrical facilities extended to furnish permanent electrical service to new residential buildings within the Town of Greenfield, whether a minor or major subdivision, must be installed underground and in accordance with the related laws of New York State.

B. Installation.

(1) In the Town of Greenfield, it shall be the responsibility of the subdivider to provide for the installation of all of the major underground facilities which will be required to serve the subdivision. The subdivider shall be responsible for installing all trunk lines necessary to provide service to all of the lots in the subdivision, including house sewer laterals and water services to street right-of-way lines, in compliance with all of the regulations and standards specified by New York State and the Public Service Commission.

(2) The subdivider must submit a written statement as part of the final plat submission indicating that the subdivider agrees to pay for the cost of installing all underground trunk lines.

§ 90-16. Open space.

All major subdivisions shall make adequate provision for common open space and recreation areas in the preliminary and final subdivision plats. Such provisions shall be acceptable to the Planning Board and shall be subject to the following minimum standards:

A. Such open space areas shall be reasonably level, usable open space.

B. The open space and recreation area shall be conveniently located so as to be easily accessible to all areas of the subdivision.

C. Such space shall have a total required area equal to but not more than 10% of the gross land areas of the subdivision. This size standard may be reduced or waived, and cash in lieu of land may be accepted by the Planning Board. Whenever the Board, in its sole discretion, directs the payment of a sum of money to the Town of Greenfield for recreational purposes, the applicant shall do so in the amount and manner hereinafter set forth:

(1) In the instance of payment, the Planning Board shall require a payment of a sum of money to the Town of Greenfield as set forth in the Fee Schedule, Editor's Note: See Ch. A210, Fee Schedule, except that a lot created to accommodate an existing dwelling shall be exempt from this requirement. This payment shall be made prior to the granting of final approval by the Planning Board.

(2) All such cash deposits shall be made payable to the Town of Greenfield by certified check, bank check or money order, to be credited to a separate fund to be used for recreational purposes.

D. The subdivider shall make provisions to clear and develop the open space area or make it ready for development.

E. Development and maintenance of the open space areas may be accomplished by any one of the following methods:

(1) The subdivider may develop the open space area and maintain it.

(2) The subdivider may develop a deed for the open space area which specifically limits the use of the parcel to park, recreation and open space uses. He may:

(a) Prepare a written statement to be submitted as part of the preliminary plat, describing how he intends to establish a homeowners' association in his subdivision which will assume the ownership of the land and assume the responsibility of development, maintenance and legal liability. The plan for developing such an association must be acceptable to the Planning Board.

(b) Transfer the deed of the open space area to the Town or to an approved conservation agency or corporation (with provisions limiting its use exclusively to preserve land, open space, park or Town recreation). If the Town accepts the deed to the property, it shall assume the responsibility of developing and maintaining the open space area.

§ 90-17. Public improvements.

A. The following public improvements will be required except where the Planning Board finds that, due to the circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety or general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, in which case the Planning Board may waive such requirements:

(1) Streets.

- (2) Curbs and gutters.
- (3) Water supply, water mains and fire hydrants.
- (4) Sanitary waste disposal.
- (5) Storm drainage.
- (6) Sidewalks.
- (7) Streetlighting.

B. The cost of any required public improvements shall be paid by the subdivider.

C. Outline design and construction requirements for public improvements will be found in § 90-19 and Appendix A of these regulations. Editor's Note: Appendix A is included at the end of the chapter.

D. Building permits may not be issued unless the subdivision roads are complete, with the exception of the wearing surface (asphalt concrete).

[Added 2-8-1996 by L.L. No. 1-1996]

§ 90-18. Performance bonds.

A. Purpose. The Planning Board shall require a subdivider to post a performance bond, letter of credit or other security (hereafter referred to as a "performance bond" or "bond"). A bond posted by the subdivider guarantees to the Town that the required public improvements and utilities, which are an integral part of the final plat, will be constructed and that a construction deadline has been set.

[Amended 2-8-1996 by L.L. No. 1-1996]

B. Procedure.

(1) A performance bond estimate shall be prepared by a licensed professional engineer retained by the developer and approved by the Town Engineer or a professional engineer retained by the Town for such a review. The Planning Board shall pass a resolution either approving or adjusting the performance bond estimate and shall provide copies, signed by the Chairman, for use by the subdivider in obtaining and posting a bond.

[Amended 2-8-1996 by L.L. No. 1-1996]

(2) The subdivider shall present his performance bond, with signed copies of the performance bond estimate attached, to the Town Attorney at least one week prior to any Town Board meeting for approval as to form and sufficiency by the Town Board.

(3) The Town Attorney shall notify the Town Clerk prior to the Board meeting that the performance bond can be added to the agenda.

(4) The Town Board shall either approve or disapprove the performance bond as presented by the Attorney. If the performance bond is approved, one copy shall be forwarded to the Town Clerk for recording and one copy shall be forwarded to the Planning Board along with the Town Board resolution.

(5) The Chairman of the Planning Board shall receive the approval of the performance bond by the Town Board prior to signing the final plat.

(6) Reduction of bond; plans; report on condition of work.

[Amended 2-8-1996 by L.L. No. 1-1996]

(a) As construction progresses, the subdivider may choose to request to have the performance bond amount reduced in an amount commensurate with the amount of work completed. The procedure to request such reductions is for the subdivider's professional engineer to submit a revised estimate and request that the letter of credit or performance bond be reduced by the Town. The Town Engineer shall review the revised estimate and confirm the amount of work completed and make a recommendation to the Town Board to either reduce the amount as requested, reduce the bond to a different amount or hold the present amount of the bond.

(b) Upon completing the construction of the public improvements covered by the performance bond and prior to termination of the bond period, the subdivider shall prepare a set of the approved public utility and utility plans and profiles, amended to indicate as-built information, and shall apply to the Town Engineer for an inspection of the work.

(c) The Town Engineer shall report to the Town Board on the condition of the work and recommend that the performance bond be released, extended or declared in default. The Town Board may act on the release of, extension at or default on the performance bond. The subdivision performance bond may be released with the exception of a minimum amount of 20% of the value of the construction which has been completed and approved by the Town Engineer, which shall be kept in effect for one year.

(7) After one year the Town Engineer shall complete a final inspection. The Town Engineer shall report to the Town Board on the condition of the work and recommend that the performance bond be released, extended or declared in default. The Town Board may act on the release of, extension of or default on the performance bond.

[Amended 2-8-1996 by L.L. No. 1-1996]

C. Term.

(1) A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond, within which required improvements must be completed. The term of such performance bond may be extended by the Planning Board with the consent of the parties thereto.

(2) Any such bond shall comply with the requirements of § 277 of the Town Law and, further, be satisfactory to the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.

§ 90-19. Design standards.

The following standards apply to both major and minor subdivisions as defined in § 90-3 of these regulations:

A. Land use standards.

(1) Proposed land uses shall conform to the Zoning Law of the Town of Greenfield, Editor's Note: See Ch. 105, Zoning, the Town Comprehensive Land Use Plan and the provisions of these regulations.

(2) Subdivision designs shall indicate consideration for suitable protection of different types of land uses and the segregation of vehicular and pedestrian traffic incompatible with particular uses.

(3) It is desirable that sites be provided for public and semipublic land use, such as schools, firehouses, churches, etc.

(4) Subdivision design shall preserve, insofar as is possible, the natural features, terrain and drainage of the land to be developed.

(5) Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard.

(6) Lot dimension requirement. The ratio of the depth of any lot to its width shall not be greater than that specified in the appropriate zoning district identified in the Zoning Law for the Town of Greenfield, New York. Editor's Note: See Ch. 105, Zoning.

B. Street design. (Also see Appendix A Editor's Note: Appendix A is included at the end of this chapter. for guideline construction specifications.)

(1) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to other existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

(2) Streets in a subdivision shall:

(a) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance of or conformance with existing streets impractical.

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

(4) Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(5) Reserve strips controlling access to streets, water plants or sewage treatment plants or other land dedicated to public use shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.

(6) Street jogs with center-line offsets of less than 125 feet shall be avoided, except in exceptional cases approved by the Planning Board.

(7) Property lines at street intersections shall be rounded with a radius of 25 feet or with a greater radius where the Planning Board may deem it necessary. The Planning Board may permit comparable cutoffs or chords in place of rounded corners.

(8) Curb radii at intersections shall not be less than 20 feet.

(9) Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning Board finds that it will be practical to require the dedication of the other half when the adjoining property is submitted, the other half of the street shall be platted within such tract. A temporary cul-de-sac sufficient to meet the needs of highway maintenance equipment shall be provided at the end of any half street. Said cul-de-sac will meet required dimensions as specified by the Town Highway Superintendent.

(10) Dead-end streets shall be no longer than 1,500 feet and shall be provided at the closed end with a cul-de-sac turnaround having an outside roadway diameter of at least 210 feet or as acceptable to the Planning Board.

[Amended 5-8-2008 by L.L. No. 1-2008]

(11) Block lengths shall not exceed 1,200 feet nor be less than 400 feet. Block widths shall not be less than 250 feet.

(12) All local streets, designed and so designated by the Planning Board, shall have a minimum right-of-way of 60 feet. The drive strip of said local streets shall have a minimum width of 27 feet where curbs are installed. The Planning Board may, at the request of the developer, approve a rural road section Editor's

Note: The Rural Road Section diagram is located at the end of this chapter. in lieu of the curbed roadway. The use of a rural road section requires approval from the Highway Superintendent and the Town Engineer.

[Amended 2-8-1996 by L.L. No. 1-1996]

(13) All primary and secondary streets shall have a minimum right-of-way width of 60 feet unless otherwise approved by the Town Board and Planning Board on a case-by-case basis. The drive strip shall have a minimum pavement width of 27 feet. The amount of right-of-way to be cleared shall be approved by the Highway Superintendent and the Town Engineer.

(14) All streets designated by the Planning Board as primary streets shall have a minimum right-of-way width and a minimum drive strip width as specified by the Planning Board after a thorough study of the potential future use, traffic volume and area development has been made.

(15) Special treatment along primary and secondary streets. When a subdivision abuts or contains an existing or proposed primary or secondary street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(16) Intersections.

(a) No more than two streets shall intersect or meet on any point.

(b) No street shall intersect or meet at any angle of less than 75° nor more than 105°.

(c) Local street openings into secondary or primary roads shall, in general, be at least 500 feet apart.

(17) Pedestrian circulation. Pedestrian crosswalks with a right-of-way of not less than 10 feet wide shall be required where deemed essential to provide circulation or access to schools, playgrounds and other community facilities. Five-foot sidewalks may be required by the Planning Board.

C. Culverts shall be at least 18 inches in diameter under any paved surface.

D. Drainage improvements.

(1) Removal of spring- and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring- or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width.

(2) Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on anticipated runoff from a ten-year storm under conditions of total potential development permitted by the Zoning Law Editor's Note: See Ch. 105, Zoning, in the watershed. This requirement shall in no way be deemed as satisfying the requirements of § 90-23 of this regulation.

(3) Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. This study shall comply with the requirements of § 90-23 and shall be reviewed by the Town Engineer. If it is determined that development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the Town Board and applicant of such potential condition. In such case, the Planning Board shall not approve the subdivision until such provision has been made for the improvement of said condition.

(4) Dewatering. Should dewatering of a site be proposed by the subdivider for any purpose, the subdivider's engineer shall also study the effect of said dewatering on the existing downstream drainage facilities outside the area of the subdivision. This study shall be reviewed by the Town Engineer. Where it is anticipated that

the additional discharge of water from the dewatering operation incident to the development of the subdivision could overload an existing downstream drainage facility, discharge runoff on adjacent lands in excess of existing conditions and/or increase the potential for flooding of downstream areas, the Planning Board shall notify the Town Board and applicant of such potential conditions. In such case, the Planning Board shall not approve the subdivision until such provision has been made for the mitigation of said condition.

E. Erosion control. Prior to approval of any subdivision by the Planning Board, identification of proposed erosion control measures are to be outlined which meet or exceed the following requirements:

(1) Construction of required improvements shall minimize cut-and-fill operations. If it is determined, after review by the Town Engineer, that construction of required improvements could be supported with less alteration of the natural terrain, the Planning Board shall not approve the subdivision until such provision has been made for the improvement of said condition.

(2) During development and construction of required improvements, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills. Such measures may include, but are not limited to, erosion control fabric, siltation fences, hay bale barriers, terracing, riprap, mulching, vegetative strips, etc.

(3) Fills shall not encroach upon natural watercourses or their floodplains in any manner which may adversely affect their natural capacity to transfer water, accommodate floodwaters and or provide habitat for plant and wildlife.

(4) Development of land is to take place in increments of workable size which can be completed during a single construction season. Erosion and sediment control measures are to be coordinated with the sequence of grading, developing and construction operations. Control measures, including but not limited to hydroseeding, berms, interceptor ditches, terraces, and sediment traps, are to be placed into effect prior to the commencement of each increment of the development/construction process.

(5) Sediment basins (debris basins, desilting basins or silt traps) are to be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters draining from land undergoing development. Said basins are to be reclaimed after construction and may be used in conjunction with other stormwater management practices to meet the requirements of § 90-23.

(6) Existing trees are not to be cut or otherwise damaged or destroyed within portions of property to be used for required open space, setback or buffer requirements. Site development is to be accomplished so that significant stands of trees are preserved to the maximum extent practical.

(7) Removal and damage to vegetation along stream banks shall be minimized such that all living trees are retained within any flood zone or wetland and within 15 feet on each bank of any stream. Exceptions to this may include road and utility rights-of-way, stream crossings, stream retention ponds and related drainage improvements meeting the requirements of § 90-23 of this regulation.

(8) In cases where retention of natural trees and other vegetation would create unusual hardship or development problems in open space, setback and buffer areas, planted trees and other vegetation may be required. The Planning Board shall determine when such hardship or development problem exists and may designate that certain areas be replanted in lieu of preserving existing trees and other vegetation.

(9) No paving with impervious materials will be allowed within the tree crown (dripline) of trees to be preserved.

(10) Soil and other materials are not to be temporarily or permanently stored in locations which would cause suffocation of root systems of trees to be preserved. To this extent, all stockpile areas are to be shown on subdivision plates in relation to all trees and tree masses to be preserved.

(11) Revegetation of disturbed areas shall be installed as soon as utilities and other site improvements are in place and final grades are achieved.

(12) Pavement of streets, parking areas, sidewalks and other impervious surfaces is to be completed within 30 days after final grading and removal of surface vegetation.

§ 90-20. Cluster developments.

Whereas the Planning Board is empowered to modify certain provisions of the Zoning Law Editor's Note: See Ch. 105, Zoning, in accordance with the provisions of § 281 of the Town Law (that is, the minimum lot area requirements of the law) for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the procedures and standards:

A. Applicability.

(1) This section shall apply only to major subdivisions of land parcels containing an area of appropriate size and dimension to accommodate no less than five lots in accordance with the Town Zoning Law Editor's Note: See Ch. 105, Zoning, and other relevant Town law.

(2) Request by subdivider. A subdivider may request the use of this section simultaneously with or subsequent to presentation of a preliminary plat. In the event of a request by the subdivider, two preliminary plats, meeting the requirements described in Article III, § 90-13, shall be presented simultaneously for Planning Board review, or, in lieu of two preliminary plats, the subdivider may present two sketch plans as provided for in Article III, § 90-12, prior to preliminary plat submission, for concept review by the Planning Board. Any subdivider presenting a sketch plan for concept review must, subsequently, formally apply for preliminary and final plat review as described in Article III, §§ 90-13 and 90-14.

(3) Application required by the Planning Board. The Planning Board, in accordance with § 105-122 of the Greenfield Town Zoning Law, Editor's Note: See Ch. 105, Zoning, may require that application be made in accordance with § 90-20 of this regulation simultaneously or subsequent to presentation of a preliminary plat. Two preliminary plats meeting the requirements described in Article III, § 90-13, shall be presented simultaneously for Planning Board review. At the discretion of the subdivider, two sketch plans as described in Article III, § 90-12, may be submitted in lieu of two preliminary plats for concept review by the Planning Board. Any subdivider presenting a sketch plan for concept review must, subsequently, formally apply for preliminary and final plat review as described in Article III, §§ 90-13 and 90-14.

B. Procedures.

(1) Preliminary plat/optional sketch plan. A complete application under this section shall include a preliminary plat or optional sketch plan of a cluster development form in accordance with the provisions of this section and a standard subdivision layout which is consistent with all the criteria established by these subdivision regulations, including but not limited to streets being consistent with the street specifications Editor's Note: Street specifications are included at the end of this chapter. and lots being consistent with the Zoning Law. Editor's Note: See Ch. 105, Zoning.

(2) Determination. Determination on voluntary or required applications under this part shall be made by the Planning Board based on the preliminary plat or optional sketch plan and other information required by this chapter and other Town law, in accordance with the criteria presented in § 105-122 of the Zoning Law. Editor's Note: See Ch. 105, Zoning.

(3) Plat submission. Upon a determination by the Planning Board that such preliminary plat or optional sketch plan is suitable for the use of this section, one preliminary plat meeting all of the requirements of such a determination shall be presented to the Planning Board, and thereafter the Planning Board shall proceed with the required public hearings and all other requirements of these regulations.

(4) Local filing and notation on Official Zoning Map. Any subdivision plat finally approved which involves modifications as provided for in this section shall be filed with the Town Clerk, who shall make appropriate notation and reference thereto on the Official Zoning Map. Editor's Note: The Zoning Map is on file in the office of the Town Clerk.

C. Standards.

(1) No such modifications by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, as specified in the Zoning Law Editor's Note: See Ch. 105, Zoning, and as shown on the Official Zoning Map. Editor's Note: The Zoning Map is on file in the office of the Town Clerk.

(2) No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land or which shall not be consistent with the purposes and intent of the Town Zoning Law Editor's Note: See Ch. 105, Zoning, or the policy of these regulations.

(3) In the event that the implementation of this section results in a plat showing lands available for park, recreation or other municipal purposes directly related to the plat or in a plat showing land to be retained in open space in order to comply with the average density of lots or dwelling units greater than is permitted in the zoning district wherein such lands lie, then the Planning Board, as a condition of plat approval, may establish, in the case of lands for park, recreation or other municipal purpose, such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes and may further, in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or conservation restriction to the Town or other appropriate means against any development or land use inconsistent with their retention in open space.

(4) The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the Town Zoning Law. Editor's Note: See Ch. 105, Zoning.

§ 90-21. Adirondack Park subdivisions.

All subdivisions of land within the Adirondack Park within the Town of Greenfield shall be subject to the review, approval and permit system of the Adirondack Park Agency. All such subdivisions shall also be subject to the rules and requirements of these regulations as well as any local zoning requirements Editor's Note: See Ch. 105, Zoning, that may be in effect.

§ 90-22. Easements.

A. In areas where permanent improvements are to be located in or on land that is not or will not be publicly owned, permanent easements shall be required.

(1) Said easements shall have a minimum width of 50 feet.

(2) Said easements shall provide usable access to a public way.

(3) Said easements shall be reviewed and approved by the Town Attorney and New York State Attorney General as required.

(4) Easements can be released only at the discretion of the Town Board.

B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose. In no case shall the drainage easement be less than 20 feet in width.

§ 90-23. Stormwater management plan.

[Amended 2-8-1996 by L.L. No. 1-1996]

The following stormwater management requirements are modeled after the New York State Department of Environmental Conservation, Division of Water, Technical and Operations Guidance Series 95.1.8, Stormwater Management Guidelines for New Development. A stormwater management plan must be submitted prior to the Planning Board taking any action on any major subdivision and or any development of land specified elsewhere in

the Code of the Town of Greenfield, New York. In addition to the following requirements, all applicants must comply with the Federal Stormwater Regulations.

A. Flood control requirements. The following requirements are to be followed to ensure that stormwater runoff is safely conveyed through and beyond a development site during and after construction. Also, through peak flow attenuation, the requirements are to be used to facilitate the control of stormwater runoff so as to minimize or alleviate flooding and stream bank erosion associated with land development and urbanization. The requirements are as follows:

(1) Peak flow attenuation.

(a) The release of stormwater runoff from development should not exceed predevelopment (natural) conditions. To accomplish this, stormwater runoff is to be controlled so that during and after development, the site will generate no greater peak than prior to development for a two- , ten- , and one-hundred-year twenty-four-hour storm considered individually.

[1] Attenuation of the two-year storm is intended to achieve stream channel erosion control.

[2] Attenuation of the ten-year storm is intended to assure the adequacy of existing and proposed culverts and storm drain systems.

[3] Attenuation of the one-hundred-year storm is intended to reduce the rate of runoff from development to prevent expansion of the one-hundred-year floodplain so as to alleviate flooding of improved properties and roadways.

(b) It is not necessary that peak flow attenuation requirements be satisfied only by means of detention basins. For example, infiltration trenches, dry wells or stone reservoirs underneath paving may be used for the purpose of attenuating peak flows for smaller storms with appropriate consideration for length of life of the stormwater facility and feasibility of maintenance.

(c) Where dams are to be constructed for attenuating peak flows, approval may have to be obtained from the Department of Environmental Conservation pursuant to Article 15, § 15-0503, of the Environmental Conservation Law.

(2) One-hundred-year floodplains.

(a) Encroachment into any area of special flood hazard shall be allowed only in compliance with Chapter 5Z, Flood Damage Prevention, of the Code of the Town of Greenfield, New York.

(b) A one-hundred-foot buffer (building restriction line) is required between the flood hazard area and any structure as a safety factor to allow for inaccuracy in boundary determination. Pursuant to Article 24 of the Environmental Conservation Law, a one-hundred-foot buffer is also required around any protected wetland.

(c) The stormwater management plan for all developments of five or more acres or containing five or more dwelling units located wholly or partially within a one-hundred-year floodplain, where flood elevation data are not available through the National Flood Insurance Program, must include a study to determine one-hundred-year-floodplain elevations in accordance with TR-20, HEC-2 or other standard engineering methods. Such elevation data shall be used to regulate floodplain encroachments in accordance with the National Flood Insurance Program. The one-hundred-year-floodplain elevation and the building restriction line shall be shown on the subdivision plat.

(3) Runoff conveyance systems.

(a) Priority shall be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches in an open condition.

(b) Where closed storm drain systems (i.e., those involving a culvert or similar conduit) are deemed essential, justification should be made as to why it is necessary to have a closed system. When justified, the closed system should be designed to:

[1] Convey the ten-year storm flow within the closed storm drain system; and

[2] Provide for safe overland conveyance of flow of the one-hundred-year storm through the development (generally over the top of the closed storm drain system). All overland flow conveyance structures are to be at least one foot above the one-hundred-year-floodplain elevation and the outfalls of such conveyances are to be stabilized with riprap or other suitable material to reduce erosion.

(c) Any alteration to a stream, a stream bed or the banks thereof, including the installation of stormwater conveyance systems, will require an Article 15 protection of water permit and may require an Article 24 freshwater wetlands permit administered through the New York State Department of Environmental Conservation. When stream protection measures are mandated on a protected stream, a fisheries habitat technician should be involved with the planning and design of such measures.

(d) Any culvert or stormwater structure placed in a stream shall not impede fish migration.

(4) Stream corridor management.

(a) Consistent with the state's Stream Corridor Management Program, land clearing and land grading within a stream corridor shall be avoided or minimized, except at stream crossings, so that stream and drainage courses remain in a natural state. Editor's Note: See New York State Department of Environmental Conservation Stream Corridor Management: A Basic Reference Manual, Albany, 1986.

(b) Care should be exercised to ensure that riparian vegetation, including grasses, shrubs and trees in the stream corridor or along the watercourse, remain undisturbed during land clearing, land grading and land development.

B. Water quality management requirements. The following requirements are to be used in conjunction with the flood control requirements outlined in Subsection A to protect water quality from runoff associated with land clearing, land grading and construction activities. The requirements must be presented by the subdivider in the form of a stormwater management plan (SMP). These requirements apply to all land areas where soil permeability has been and/or will be changed as a result of land clearing, land grading and land development.

(1) Control of first flush. Control of the first flush is a priority in stormwater management as most runoff-related water quality contaminants are transported from land, particularly impervious surfaces, during the initial stages of a storm event. Regardless of whether infiltration, retention or extended detention practices are used to capture the first flush, the required control shall accommodate the following: provide for control of the first 1/2 inch of runoff from all land areas for which the surface porosity has been or will be changed from predevelopment (natural) conditions due to land clearing, land grading and land development. Editor's Note: In addition to paved surface areas and areas covered by roofed structures, the contributory area for which the first 1/2 inch of runoff is to be controlled includes lawn and similarly landscaped surfaces.

(2) Control of thermal discharges. Control of thermal energy in stormwater runoff in watersheds having streams which support cold water fisheries is essential. Impervious surfaces, including asphalt parking areas and roofs, store large quantities of heat during hot weather. The heat from such surfaces is released to stormwater through conduction during storm events. Stormwater runoff having elevated temperatures can, in turn, increase stream temperatures during storm events and adversely impact cold water fisheries. Accordingly, stormwater discharges are to be consistent with the thermal criteria found in Part 704 of the Water Quality Regulations, Title 6, Chapter X, New York State Codes, Rules and Regulations.

(3) Hierarchy of methods for managing stormwater quality. (Also see Appendix B, Design Guidelines for Controlling the First 1/2 Inch of Runoff. Editor's Note: Appendix B is included at the end of this chapter.) The following stormwater management systems, summarized in descending order of preference, are to be used to control the first flush when designing stormwater facilities. The practices are (a) infiltration, (b) retention and (c) extended detention. When a stream supporting a cold-water fishery is the object of protection, extended detention should be placed ahead of retention in the hierarchy. A combination of these practices, including stormwater management adjuncts [(d) in the hierarchy], may be used to achieve first flush control

objectives. Justification for the rejection of practices listed as having a higher priority must be provided prior to acceptance of a stormwater management plan by the Planning Board.

(a) Infiltration. Infiltration of runoff on-site by use of vegetated depressions and buffer areas, pervious surfaces, dry wells, infiltration basins and trenches permits immediate recharge of groundwater and aids quality treatment through soil filtration. This practice eliminates or minimizes direct stormwater discharges to a water body and provides thermal benefits to cold-water fisheries.

(b) Retention. Retention by use of wet ponds and wetlands constructed in upland areas provides for the storage of collected runoff in a holding area prior to release in a waterway, allowing quality treatment by sedimentation, flocculation and biological removal. Retention is used when post-development runoff volume is expected to exceed the capabilities of infiltration. However, summer temperatures of water in a retention facility may exceed temperatures required to sustain a cold-water fishery. Therefore, retention is not appropriate where stored (warm) water in a retention facility is displaced by storm runoff and discharged to a trout stream in contravention of Part 704 standards.

(c) Extended detention.

[1] Extended detention provides for the temporary storage of collected runoff in a holding area prior to release into a waterway. Settling is the primary pollutant removal mechanism associated with extended detention. As such, the degree of removal is dependent on whether a given pollutant is in particulate or soluble form. Removal is likely to be quite high if a pollutant is a particulate, whereas very limited removal can be expected for soluble pollutants.

[2] Extended detention can provide thermal benefits to a trout stream. By using a perforated low-flow drainpipe encased in a gravel jacket having an adequate mass, extended detention may be used to dissipate heat and cool stormwater runoff prior to its discharge to a trout stream.

(d) Stormwater management adjuncts. Flow and pollutant attenuation by use of open vegetated swales, vegetated buffer zones or filter strips provides water quality treatment by filtration, attenuation, buffering, sedimentation, biological removal and particle retention. These practices should be used to complement infiltration, retention or extended detention.

C. Subdivisions shall also comply with the requirements of the stormwater management and erosion and sediment control provisions of Chapter 85 of the Town Code.

[Added 12-13-2007 by L.L. No. 5-2007]

§ 90-24. As-built plans.

A. Permanent improvements, such as sanitary sewers, water mains and storm sewers, often require maintenance and repair following their installation. To facilitate repair and maintenance, it is necessary to know exact locations of the utilities in order to avoid tedious and expensive search.

B. Exact locations based upon engineering and surveying techniques of direction, distance and grade are to be drawn to scale on plans submitted by the subdivider or his engineer to the Town for its records. Information such as the following is to be indicated on the plans:

- (1) The location of manholes (both vertical and horizontal).
- (2) The location of catch basins (both vertical and horizontal).
- (3) The location (both vertical and horizontal) and direction of sanitary sewer lines, storm sewer lines and water mains.
- (4) The location of connections between the sanitary sewer trunk line and laterals.
- (5) Grades for laterals.

(6) The depth and grade of main trunk lines and laterals.

(7) The location of all transmission utilities, including gas, electric, telephone, etc., both surface and subsurface.

§ 90-25. Inspections.

A. All permanent improvements, as herein defined, shall require inspections by the Town Engineer or that person retained by the Town for such purpose.

B. The owner, developer or an agent of the subdivider shall inform the Town Engineer or person charged with such inspections at least 24 hours before such inspection is required and shall not conceal, cover, hide or in any way render invisible any portion of a permanent improvement until such inspection has been made and approved.

C. All street grades and methods of construction shall require inspection before acceptance of the same for future maintenance.

D. The street inspections shall be conducted by the Town Engineer or person charged with such duty.

E. Where a percolation test is required, the Building Inspector is required to be present at the conducting of all percolation tests unless otherwise approved by the authority having jurisdiction. Failure to notify the Building Inspector of the scheduling of such a test or conducting a percolation test without the Building Inspector's being present will result in either revocation of any building permit that has been issued or any application for a building permit being considered incomplete as a matter of law.

§ 90-26. Waivers.

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purpose of the Comprehensive Land Use Plan or the Zoning Law. Editor's Note: See Ch. 105, Zoning. Moreover, in granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

Attachments:

090a App A Improvement Specs

090b App B Design Guidelines

090c Self-Assessment Checklist

090d Diagrams

CHAPTER 93. TARGET SHOOTING

§ 93-1. Prohibited acts.

§ 93-2. Penalties for offenses.

CHAPTER 93. TARGET SHOOTING

[HISTORY: Adopted by the Town Board of the Town of Greenfield 12-28-1988 by L.L. No. 10-1988. Amendments noted where applicable.]

§ 93-1. Prohibited acts.

Notice shall be given that no target shooting will be allowed at the Town gravel bank on Bockes Road or the tri-Town gravel bank on Lake Desolation Road.

§ 93-2. Penalties for offenses.

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250 or imprisonment for a term not to exceed 15 days, or both.

CHAPTER 96. TAXATION

ARTICLE I. Business Investment Exemption

§ 96-1. Repeal of benefits.

ARTICLE II. Senior Citizens Tax Exemption

§ 96-2. Grant of exemption; qualification.

§ 96-3. Amount of exemption; qualification.

ARTICLE III. Cold War Veterans Exemption

§ 96-4. Purpose.

§ 96-5. Amount of exemption.

CHAPTER 96. TAXATION

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

ARTICLE I. Business Investment Exemption

[Adopted 3-10-1977 by L.L. No. 1-1977]

§ 96-1. Repeal of benefits.

Pursuant to the authority of Subdivision 7 of § 485-b of the Real Property Tax Law, the partial exemption from taxation, special ad valorem levies and service charges provided by such § 485-b is hereby repealed insofar as such exemptions would have been applicable to eligible real property assessed for Town purposes.

ARTICLE II. Senior Citizens Tax Exemption

[Adopted 2-9-1995 Editor's Note: This resolution superseded former Article II, Senior Citizens Tax Exemption, adopted 1-10-1991. This resolution also provided that it would apply only to tax rolls prepared on or after 3-1-1995. **]**

§ 96-2. Grant of exemption; qualification.

Pursuant to § 467 of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Greenfield to the extent of 50% of the assessed valuation thereof, provided that:

A. The income of the persons owning the property, or the combined income of such persons, does not exceed \$15,000, as the term "income" is defined in such section of the Real Property Tax Law.

B. Such person or persons meet all other qualifications for such exemption according to the provisions of said § 467 of the Real Property Tax Law.

C. Such person or persons comply with the procedures set forth therein in relation to the application for such exemptions.

§ 96-3. Amount of exemption; qualification.

Pursuant to § 467, Subdivision 1(b), of the Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Greenfield to the extent indicated below, provided that:

A. The income of the owner or combined income of the owners does not exceed the amounts indicated below:

Annual Income/Source of Exemption	Percentage Assessed Value Exempt from Taxation
Up to and including \$15,000	50%
More than \$15,000 but less than \$16,000	45%
More than \$16,000 but less than \$17,000	40%
More than \$17,000 but less than \$18,000	35%
More than \$18,000 but less than \$18,900	30%
More than \$18,900 but less than \$19,800	25%
More than \$19,800 but less than \$20,700	20%

B. Such person or persons meet all other qualifications for such exemption according to the provisions of said § 467 of the Real Property Tax Law.

C. Such person or persons comply with the procedures set forth therein in relation to the application for such exemptions.

ARTICLE III. Cold War Veterans Exemption

[Adopted 2-12-2009 by L.L. No. 1-2009]

§ 96-4. Purpose.

The purpose of this article is to provide for the maximum veterans exemption allowable pursuant to § 458-b of the Real Property Tax Law of the State of New York.

§ 96-5. Amount of exemption.

Pursuant to the provisions of Subdivision 2 of § 458-b of the Real Property Tax Law of the State of New York, the maximum veterans exemption allowable from real property taxes is established as follows:

A. Qualified 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 the lesser of \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate for the Town.

B. In addition to the exemption provided by Subsection A, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed the lesser of \$40,000 or the product of \$40,000 multiplied by the latest state equalization rate for the Town.

CHAPTER 100. VEHICLES AND TRAFFIC

ARTICLE I. Temporary Closing of Town Streets
§ 100-1. Vehicle weight limits.
§ 100-2. When effective; duration.
§ 100-3. Penalties for offenses.
ARTICLE II. Seasonal Parking Restrictions
§ 100-4. Designation of snow removal period.
§ 100-5. Restrictions on parking and standing.
§ 100-6. Removal and storage of vehicles; costs.
§ 100-7. Penalties for offenses.

CHAPTER 100. VEHICLES AND TRAFFIC

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

ARTICLE I. Temporary Closing of Town Streets

[Adopted 2-12-1987 by resolution]

§ 100-1. Vehicle weight limits.

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

§ 100-2. When effective; duration.

[Amended 12-28-1988]

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

§ 100-3. Penalties for offenses.

Any person or persons violating this article shall be subject to punishment as provided in § 1800 of the Vehicle and Traffic Law.

ARTICLE II. Seasonal Parking Restrictions

[Adopted 9-10-1987 by L.L. No. 6-1987]

§ 100-4. Designation of snow removal period.

The period between November 1 and April 15 of the following calendar year shall be known as and designated as the "snow removal period."

§ 100-5. Restrictions on parking and standing.

During said snow removal period, there shall be no parking or standing of motor vehicles of any kind or nature upon any public highway in the Town of Greenfield, Saratoga County, New York.

§ 100-6. Removal and storage of vehicles; costs.

A. During said snow removal period, any motor vehicle parked or standing on a Town highway or Town right-of-way for highway purposes shall be subject to removal by towing or otherwise and storage by the Town Highway Department.

B. The last known registered owner of any vehicle removed or towed by the Town shall be responsible to the Town for all costs in connection with such removal and/or towing and storage, provided that the cost of towing shall not exceed the sum of \$60 and the cost of storage shall not exceed the sum of \$45 per day, per vehicle.

[Amended 12-10-2009 by L.L. No. 3-2009]

§ 100-7. Penalties for offenses.

[Amended 12-10-2009 by L.L. No. 3-2009]

In addition to any penalty contained in any other provision of the law, any person who shall violate any provisions of this article shall be guilty of a violation and shall be punishable by a fine of not less than \$50 nor more than \$100.

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CHAPTER 105. ZONING

[HISTORY: Adopted by the Town Board of the Town of Greenfield 3-22-2007 by L.L. No. 1-2007. Editor's Note: This local law also repealed former Ch. 105, Zoning, adopted 2-21-1991 by L.L. No. 2-1991, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental Commission — See Ch. 11.
Alarm systems — See Ch. 32.
Unsafe buildings — See Ch. 40.
Environmental quality review — See Ch. 49.
Fire prevention and building construction — See Ch. 54.
Flood damage prevention — See Ch. 57.
Junkyards — See Ch. 65.
Subdivision of land — See Ch. 90.
Planning Board bylaws — See Ch. A110.
Fee Schedule — See Ch. A210.

ARTICLE I. Title and Purpose

§ 105-1. Title.

This chapter shall be known and cited as the "Town of Greenfield Zoning Law."

§ 105-2. Purpose.

This chapter is adopted pursuant to the laws of the State of New York in order to protect and promote the health, safety and welfare of the community. The regulations, administrative procedures, enforcement mechanisms and penalties have been prescribed to implement the policies of the Comprehensive Land Use Plan of the Town of Greenfield, as may be edited and amended by the Town of Greenfield.

§ 105-3. (Reserved)

§ 105-4. (Reserved)

§ 105-5. (Reserved)

ARTICLE II. Definitions and Word Usage; Controlling Regulation

§ 105-6. Word usage; controlling regulation.

A. Word usage. For the purposes of this chapter, certain terms and words shall be interpreted to have the following meanings:

- (1) Words used in the present tense include the future.
- (2) Words used in the plural include the singular.
- (3) The word "shall" is mandatory.
- (4) The word "may" is permissive.
- (5) The word "Town" shall mean the Town of Greenfield, New York.

B. Controlling regulation. Where provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall be controlling. When the provisions of any

statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

§ 105-7. Definitions.

Certain words and terms used in this chapter are defined, for the purposes hereof, as follows:

ACADEMIC INSTITUTIONS

Facilities and accessory grounds and structures that provide a curriculum of junior college, college, graduate and postgraduate instruction. Housing for students, faculty and staff is an allowed component of an academic institution.

ACCESSORY BUILDING/STRUCTURE

A detached subordinate building, the use of which is customarily incidental to that of a principal building, which is located on the same lot with such principal building.

ACCESSORY FACILITIES OR EQUIPMENT

Any structure, other than a wind turbine, related to the use and purpose of deriving, collecting or distributing energy from such wind turbines located on or associated with a wind energy facility, small wind energy facility, or wind measurement tower.

[Added 11-12-2009 by L.L. No. 2-2009]

ACCESSORY USE

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building or on an adjacent lot, if in the same ownership and a part of the same establishment and contributing to the comfort, convenience or necessity of occupants of the principal building or principal use.

ADIRONDACK PARK

Land lying within the area defined in Subdivision 1 of § 9-0101 of the Environmental Conservation Law of the State of New York, including any future amendments thereto.

ADULT USE ESTABLISHMENT

A. A business enterprise or adult entertainment establishment having a substantial or significant part of its operations depicting or relating to "specified sexual activity" or "specified anatomical area" (as defined below) for observation by patrons therein.

(1) Specified sexual activity:

(a) Human genitals in a state of sexual stimulation or arousal.

(b) Acts of human masturbation, sexual intercourse or sodomy.

(c) Fondling or other erotic touching of human genitals, the pubic region, buttocks or the female breast.

(2) Specified anatomical area:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(b) Human male genitals in a discernibly turgid state, whether or not covered.

B. A substantial or significant portion of its stock-in-trade shall be determined to exist if more than 20% of its gross sales receipts comprise items described in Subsection A(1) or (2) hereof or more than 20% of the net square footage of the establishment is dedicated to the display or advertising of items described in Subsection A(1) or (2) hereof or more than 100 square feet of net floor is dedicated to the display or advertising of items described in Subsection A(1) or (2) hereof.

ADVERTISING SIGN

A sign which directs attention to a business, industry, profession, commodity, service or entertainment not conducted, sold or offered upon the same premises where the sign is located. Billboards are included in this definition.

AGENT OF OWNER

Any person who can show written proof that he/she is acting for the property owner.

AGRICULTURAL PROCESSING

The conversion of agricultural products, including slaughterhouses, canneries and packinghouses.

AGRICULTURAL STRUCTURE

Any barn, stable, shed, silo, garage, farm housing, permanent fruit or vegetable stand, observation tower or other structure directly and customarily associated with agriculture or forest management activities.

AGRICULTURAL USE

Any management of any land for agriculture; the raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land and the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

ALL-WEATHER DUSTLESS MATERIAL

Any material or treatment that serves to reduce or eliminate dust generation on road surfaces. Such material or treatment need not contain any bituminous materials but must provide a type of surface which will remain durable through all types of climatic conditions.

ALTERATION OF A STRUCTURE OR BUILDING

As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities; an enlargement, whether by extending on a side or by increasing height; or the moving from one location or position to another, excluding normal maintenance or repairs.

ANIMALS, DOMESTIC

Household pets, such as dogs, cats, birds, fish, etc.

ANIMALS, NONDOMESTIC

Animals, including but not limited to sheep, horses, cattle, goats, swine, fowl, ducks and geese.

ANIMATED SIGN

Any sign designed to give forth sound or movement on any portion thereof, either by the use of lights or a mechanical device that simulates movement.

AREA REGULATIONS

The regulation of building size, setbacks or yards, parking and loading requirements and similar regulations, but excluding performance standards.

AUTOMOBILE JUNKYARD

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

AUTOMOBILE SALES

The use of land or buildings primarily for the display and sale of new or used motor vehicles, which may include repair or service facilities.

AUTOMOBILE SERVICE, GASOLINE, WASHING OR FILLING STATION

A building or place of business where gasoline, oil and greases, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and where automotive repairs may be made and automobiles may be washed. This definition includes the repair, painting, cleaning and detailing of automobile bodies.

BANK

An institution which deals in money and credit and in which money and/or other valuables may be deposited for safekeeping.

BASAL AREA

The cross-sectional area of a tree 4 1/2 feet above the ground.

BASEMENT

That space of a building that is partly below grade which has more than 1/2 of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

BED-AND-BREAKFAST

A residential lodging facility in an owner-occupied dwelling, offering from one to three bedrooms without kitchen facilities and housing transient guests for a daily fee. The facility may provide breakfast.

BITUMINOUS MATERIAL

Any material or treatment, containing a mineral pitch or asphalt base, which provides a durable road surface able to withstand all types of climatic conditions.

BOARDINGHOUSE

A private dwelling in which three to six rooms, with or without meals, are offered for rent. A house or a finished rooming house shall be deemed a "boardinghouse" if more than two rooms within it are available for rent.

BOND

A written agreement issued by a qualified agent which guarantees either the performance of a certain agreed-upon activity or an equivalent consideration if the activity is not completed as required.

BUILDING

Any structure wholly or partially enclosed within exterior walls and columns or within exterior and party walls and a roof, affording shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more fire walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.

BUILDING CODE

The current Uniform Fire Prevention and Building Code of the State of New York.

BUILDING COVERAGE

The percentage of the plot or lot area covered by the building area.

BUILDING, FRONT LINE OF

The line of that face of the building nearest the front line of the lot. This face shall include covered porches, whether enclosed or unenclosed, or any projections thereof.

[Amended 7-12-2007 by L.L. No. 2-2007]

BUILDING HEIGHT

The vertical distance measured from the mean level of the ground surrounding the building to the highest point of the roof, but not including chimneys, spires, towers, tanks and similar projections permitted within this chapter.

BUSINESS SIGN

A sign which directs attention to a business, industry, profession, commodity, service or entertainment sold or offered upon the same premises where the sign is located.

CAMP

Any area of land or water on which is located one or more cabins, tents, travel trailers, houseboats or other accommodations of a design or character suitable for seasonal or temporary recreation-oriented occupancy, regardless of whether such accommodations are actually occupied on a seasonal basis or otherwise.

CAMPGROUND

A plot of ground upon which two or more campsites or seasonal rental cabins are located and maintained for occupancy by tents, camper trailers or other recreational vehicles as temporary living quarters for recreational, educational or vacation purposes. The term "campground" includes the terms "day camp," "group camp," and "travel trailer camp."

CAMPSITE

Includes camps, campgrounds, day camps, group camps, travel trailer camps and seasonal rental cabins as defined herein.

CELLAR

That space of a building that is partially or entirely below grade, which has more than 1/2 of its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building.

CEMETERY

Property used for internment of the dead.

CENTRAL PRIVATE UTILITY

A sewer or water system which serves a subdivision and which is paid for with nonpublic funds and without special district taxation.

CHILD DAY CARE, EXEMPT

Daytime care or instruction of two or fewer individuals away from their own homes for more than three but less than 24 hours per day on a regular basis by an individual, association, corporation, institution or agency, whether or not for compensation or reward.

CHILD DAY CARE, LICENSED

A place, other than an occupied residence, providing or designed to provide day care for any number of individuals, or an occupied residence providing or designed to provide day care for eight or more individuals.

CHILD DAY CARE, REGISTERED

An owner-occupied residence providing or designed to provide day care for more than three but not more than seven children less than 14 years of age.

CLEAR-CUTTING

A stand in which essentially all trees have been removed in a single operation or a series of related operations.

CLERK OF THE PLANNING BOARD

That person who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations.

CLUSTER DEVELOPMENT

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas without exceeding the overall maximum density permitted by this chapter. Refer to § 281 of the New York State Town Law. Editor's Note: Former § 281 of the New York State Town Law was renumbered as § 278 by L. 1992, c. 727, § 3. The term "average density development" is normally a synonym for cluster development; however, the term "average density development" is used in this chapter only in reference to development within the Adirondack Park boundaries, regulated under the requirements of the Adirondack Park Agency.

CODE ENFORCEMENT OFFICER

The officer charged with enforcement of building or fire codes.

COMMERCIAL LAUNDRY

A building for the cleaning of clothing and household goods.

COMMERCIAL SAND AND GRAVEL EXTRACTION

Any extraction from the land of more than 50 cubic yards in any two-year period of sand, gravel or topsoil for the purpose of sale or use by persons other than the owner of the land or for the purpose of use by any municipality.

COMMERCIAL TIMBER HARVESTING

The removal of forest crops from forest land for which the landowner receives economic value either from sale or through utilization. The cutting of 30 or fewer standard cords of firewood cut annually for the owner's own use shall not be included in this definition.

COMMERCIAL USE

Any use involving the sale, rental or distribution of goods or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee or as otherwise defined by this chapter.

[Amended 5-8-2008 by L.L. No. 1-2008]

COMMUNITY RESIDENCE

A residence for a dependent population, sponsored by a charitable, religious or government agency, providing a homelike environment and supervision for the housing and care of dependent persons in a setting that is integrated within the community, established similar to a single-family residence with shared living area, kitchen and bathroom facilities. The definition includes group homes, halfway houses and supervised living facilities.

COMPREHENSIVE LAND USE PLAN

The long-range plan intended to guide growth and development of the Town, expressing official contemplations on the course of its housing, public utilities, community facilities, transportation and land use distribution and intensity.

CONDOMINIUM

A multifamily project of one-family dwelling units, which may consist of one, a part of one or more than one building, wherein the real property title and ownership are vested in an owner who has an undivided interest with others in the common-usage areas and facilities which serve the development. The means of administration and maintenance of common areas are mutually entered into by the respective owners.

CONTRACTORS STORAGE YARD, LARGE

A lot or a portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. A "building trade or construction contractor" is defined as but not limited to carpenters, electricians, masons, site work contractors, plumbers, HVAC technicians, general contractors, etc. No more than eight registered vehicles with a gross vehicle weight of over 26,000 pounds may be stored at the storage site.

[Amended 7-12-2007 by L.L. No. 2-2007]

CONTRACTORS STORAGE YARD, SMALL

A lot or a portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. A "building trade or construction contractor" is defined as but not limited to carpenters, electricians, masons, site work contractors, plumbers, HVAC technicians, general contractors, etc. No more than two registered vehicles with a gross vehicle weight of over 26,000 pounds may be stored at the storage site.

[Amended 7-12-2007 by L.L. No. 2-2007]

CONVENIENCE STORE

A retail store contained on one floor with a total floor area of less than 5,000 square feet intended to provide a variety of small goods needed immediately and often by consumers, including newspapers, ready-made food items and candy, and which may include gasoline, automobile parts or apparel.

CROSSWALK or WALKWAY

An accessway designed for pedestrian traffic and dedicated to public use.

CUL-DE-SAC

A designed turnaround area for vehicles at the dead end of a street.

DAY CAMP

Land and facilities thereon designed to provide for the daytime care and instruction of children on a seasonal basis.

DEVELOPER

The legal or beneficial owner or owners of all the land proposed to be included in a development proposal. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 20 years or other person having an enforceable proprietary interest in such land shall be deemed to be the developer for the purposes of this chapter.

DIRECTIONAL SIGN

A sign which gives directions to a business, industry, profession, commodity, service, event, activity or entertainment not sold or offered upon the same premises where the sign is located.

DOUBLE FRONTAGE LOT

A lot with the rear and front lot lines abutting existing or proposed streets.

DRIVE-IN ESTABLISHMENT

A use which, by design of facilities or procedures, encourages or permits customers to receive service and obtain products, such as banking and pharmacy services, but not including fast food, while remaining in their vehicles.

DWELLING (residence)

Any stationary building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, including modular, panelized or sectional housing, but not including hotels, boardinghouses and bed-and-breakfasts.

A. **DWELLING, SINGLE-FAMILY** — A building designated for or occupied exclusively by one family and containing not more than one dwelling unit.

B. **DWELLING, TWO-FAMILY** — A building occupied by two families where not more than two individual dwelling units are separated by vertical walls or horizontal floors.

C. **DWELLING, MULTIFAMILY** — A building designed for occupancy by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT

One or more rooms with the provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family.

EASEMENT

A property right giving the holder thereof right of access to land for a specified purpose.

EDUCATIONAL USES

Facilities and accessory grounds and structures that provide a curriculum of nursery, elementary, secondary academic and/or postsecondary instruction, including public or private nursery schools, kindergartens, elementary schools, high schools, trade schools or other types of training facilities. Housing for students, faculty and staff is an allowed component of an educational use.

ENGINEER

An individual duly qualified and licensed to perform engineering work in the State of New York. Editor's Note: The former definition of "essential services," which immediately followed, was repealed 7-12-2007 by L.L. No. 2-2007.

EXCAVATION

Any extraction from the land of more than 50 cubic yards of sand, gravel, clay, shale, rock, topsoil or other natural mineral deposits.

FAMILY

One or more persons occupying a dwelling unit and living as a single housekeeping unit.

FARM HOUSING

Dwelling units located on an active farm which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household. Any farm housing shall be located on the same parcel as the agricultural use.

FARM POND

As distinguished from a swimming pool, any standing body of water used for the purposes of watering livestock, fish pond or wildlife marsh.

FARMSTAND

A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

FIREWOOD

Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

FLOODABLE AREA

The maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years, as determined by the Federal Insurance Administration of the Department of Housing and Urban Development.

FLOOR AREA RATIO

The ratio of the sum of the floor area of all stories of a building or group of buildings, excluding cellars, on one lot to the total lot area.

FOOD MARKET

A retail business devoted to the retail sale of an assortment of fast-moving packaged and perishable food and general household items.

FORESTRY

Any management of a forest or woodland, including logging and the construction, alteration or maintenance of wood roads, skidways, landing fences, forest drainage systems and other accessory uses and structures customarily associated with forestry activities.

FRONTAGE

That side of a lot abutting a Town road or a road meeting Town road standards, ordinarily regarded as the front of the lot. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a road shall be considered frontage.

FUNERAL HOME

A building or part thereof used for human funeral services. Such a building may contain space and facilities for:

- A. Embalming and performance of other services used in preparation of the dead for burial, excluding cremation.
- B. The performance of autopsies and other surgical procedures.
- C. The storage of caskets, funeral urns and other related funeral supplies.
- D. The storage of funeral vehicles.
- E. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE APARTMENT

An independent dwelling unit within a private garage that is accessory to a one- or two-family dwelling. The garage apartment is restricted to 1,000 square feet for the apartment.

[Amended 11-12-2009 by L.L. No. 2-2009]

GARAGE, PRIVATE

Any enclosed space for the storage of one or more motor vehicles and within which space no business activity or industry connected directly or indirectly with motor vehicles is conducted.

GRADE, MEAN FINISH

The average grade level of the ground measured at the front wall of the building.

GROUP CAMPS

Any land or facility for seasonal housing and recreational, educational or business-related use by private or semipublic groups, such as Boy or Girl Scout camps, fraternal lodges or university or college conference centers.

HOME OCCUPATION TYPE 1

A profession or trade conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residence for residential purposes, and does not change the character thereof, and does not involve the employment of more than one person who does not reside in the residence. There shall be no exterior evidence, including signs, of such home occupation.

HOME OCCUPATION TYPE 2

A profession or trade conducted on a residential property and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residential purposes, and does not change the character thereof. A Type 2 home occupation may employ up to three persons. There may be a sign advertising the presence of the home occupation in accordance with Article XI of this Code. The sale of stock-in-trade or the entertainment of clients may be allowed. A special use permit is required for a Type 2 home occupation.

HOMEOWNERS' ASSOCIATION

A contract agreed to by owners of homes in any area that provides regulations for the operation and maintenance of commonly owned facilities and/or open space, in accordance with New York State law.

HOSPITAL

An institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

HOTEL or INN

A facility offering transient lodging accommodations for a daily rate to the general public in which no provision is made for cooking in any individual room or suite. A bed-and-breakfast offering four or more rooms shall be included under this definition. A hotel or inn may provide additional services, such as restaurants, meeting rooms and recreation facilities.

IMMEDIATE FAMILY

Parents, children, brothers and sisters, grandparents, grandchildren and spouses. The term includes members of a family, whether by adoption or blood relation.

IMPERVIOUS SURFACE RATIO

The ratio of the total area of parcel covered by impervious surfaces to the total lot area. Impervious surfaces include buildings, parking lots, roads, drives, accessways, sidewalks, paved drainageways and any other surfaces covered by pavement or materials which substantially impede the percolation of rainwater into the soil.

INFORMATIONAL SIGN

A sign indicating proximity and/or direction to a noncommercial parcel of land, noncommercial service or noncommercial activity.

IN-LAW APARTMENT

A single dwelling unit contained within and accessory to a single-family detached structure.

JUNK

Goods that are so worn, deteriorated or obsolete as to make them unusable for their original purpose in their existing condition but are subject to being dismantled, including but not limited to used paper, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys and rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, appliances, fixtures, utensils, used boxes or crates, other lumber, used pipe or pipe fittings and used tires.

JUNKYARD

Any area of land, including buildings thereon, which is used primarily for the collecting, storage or sale of wastepaper, rags, scrap metal or discarded material or the collecting, storage, dismantling or salvaging of machinery or vehicles not in running condition and the sale of parts therefrom. The deposit on a lot of two or more wrecked or broken-down machines or the major parts thereof for three or more months will be deemed to make the lot a junkyard.

KENNEL

An establishment licensed to house dogs, cats or other domestic animals more than six months of age and where the grooming, breeding, boarding, training or selling of animals is conducted as a business.

KEYHOLE LOT

A lot located to the rear of another lot that meets all the requirements of this chapter, except minimum lot frontage, and has access to a Town road or a road meeting Town road standards by a strip of land in fee simple ownership, at least 40 feet wide.

LANDSCAPING

The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.

LIFE CARE FACILITY

A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate living where residents live in individual units, either with or without cooking facilities, and share common meals, health care, recreation facilities and nursing home services as the need arises.

LIGHT INDUSTRY

The act of storing, preparing for treatment, manufacturing or assembling any article, substance or commodity not intended for retail sale on the same premises, not to include the storing or processing of raw materials.

LIVING AREA

That area comprised of the enclosed, occupied living accommodations within a residence, exclusive of cellars, garages and open porches.

LOADING AREA

An off-street space, area or berth, with an appropriate means of access to a street or way, intended for the temporary parking of a vehicle while loading or unloading merchandise materials.

LOCAL STREET

A street or road designated to provide access to abutting property and not intended for through-traffic movement.

LOT

A parcel of land having a distinct and defined boundary as described in a separate deed, occupied or capable of being occupied by a building or buildings and by accessory buildings and/or uses, including such open spaces as are required by this chapter, and having frontage on an existing or proposed road.

A. **LOT, CORNER** — A lot abutting upon two or more streets, roads or highways at their intersection or upon two parts of the same street, road or highway, such streets, roads or highways or parts of the same street, road or highway forming an interior angle of less than 105°. The point of intersection of the street lot lines is the corner.

B. **LOT DEPTH** — The mean horizontal distance between the front and rear lot lines measured along the median between the two side lot lines.

C. **LOT LINES** — The property lines bounding the lot.

D. **LOT LINE, FRONT** — The line separating the lot from a street, road, highway or right-of-way line.

E. **LOT LINE, REAR** — The lot line opposite and most distant from the front lot line.

F. **LOT LINE, SIDE** — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street, road or highway is called a "side street, road or highway lot line."

G. **LOT LINE, STREET, ROAD, HIGHWAY or RIGHT-OF-WAY** — A lot line separating the lot from a street, road, highway or right-of-way.

H. **LOT WIDTH** — The width of the lot at the building line measured at right angles to its depth.

I. **LOT AREA** — The computed area maintained within the lot lines.

J. **LOT COVERAGE RATIO** — The ratio of the area of a lot covered by buildings or structures to the total lot area.

MAJOR SUBDIVISION

The division of a single parcel into at least two or more lots in such a way that it requires the construction of a new street or public utility or the expansion or extension of an existing street or public utility for the parcels to be developed or which involves the creation of more than four lots.

MANUFACTURING

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, and the blending of materials such as oils, resins or liquors.

MINING

The act of removing any natural resources from the land. This includes but is not limited to the removal of earth, rock, gravel, sand and underground materials.

MINOR SUBDIVISION

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

MIXED-USE STRUCTURE

A building in part for one use and in part for some other use not accessory thereto, where one use may be considered primary and the other secondary.

MOBILE HOME

Any portable vehicle which is designed to be transported on its own wheels or those of another vehicle, which is designed to be used as a year-round detached single-family residence and which is a complete

independent unit to be occupied as permanent living quarters, containing sleeping accommodations, a flush toilet, a tub/shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems, whether placed on a foundation or not. Modular, sectional and panelized dwellings are not included in this definition.

MOBILE HOME LOT

A designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.

MOBILE HOME PARK

A contiguous parcel of land plotted with two or more mobile home lots which are to be rented or leased for more than 90 consecutive days but not sold. The management and maintenance of a mobile home park shall be deemed to be the responsibility of a single owner or operator, with improved lots and/or services being available under a leasing arrangement.

MOBILE HOME STAND

A durable surface located on a mobile home lot which is to be used for placement of and capable of supporting a mobile home.

MODULAR HOUSE

A housing unit constructed off site consisting of more than one segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate.

MOTEL

A building or group of buildings, whether attached or detached, containing for hire individual living and sleeping accommodations, each of which is considered a unit, is provided with a separate exterior entrance and a parking space and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes but is not limited to every type of similar establishment known variously as an "auto court," "motor hotel," "motor court," "motor inn," "motor lodge," "tourist court," "tourist cabins" or "roadside hotel."

MUNICIPAL BUILDINGS AND FACILITIES

Facilities owned and operated by the Town of Greenfield or other municipality for the conduct of the Town's business, including but not limited to municipal office buildings, schools, police and fire stations, public works garages and facilities, public safety facilities, solid waste disposal facilities, sewer systems, sewage disposal facilities and similar uses.

NEIGHBORHOOD GROCERY

A retail business with a total area of not more than 5,000 square feet devoted to the retail sale of an assortment of packaged and perishable food and general household items.

NONCONFORMING LOT, USE OR BUILDING

A use, activity or structure which may have existed lawfully prior to the adoption, revision or amendment of this chapter but which fails to comply with the regulations currently applying to the district in which it is located.

NON-GRID-ONLY WIND ENERGY FACILITY

A wind energy conversion system consisting of a wind turbine or mill, a tower, and associated control electronics, electrical collection and distribution equipment or mechanical windmill components, and accessory facilities or equipment, which is less than 35 feet in total height and is not connected to the power grid.

[Added 11-12-2009 by L.L. No. 2-2009]

NURSING OR CONVALESCENT HOME

A state-licensed residential care facility in which nursing and medical services are performed under the general direction of persons licensed to practice in the State of New York, for the accommodation of convalescent or other persons who are not in need of hospital care but who do require, on a twenty-four-hour basis, nursing care and related medical services. This definition shall include skilled nursing facilities, intermediate care facilities, nursing facilities and life care facilities.

OFFICE BUILDING

A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business or for public or semipublic activities in whole or part are included in this definition.

OFFICE USE

Any use of a primarily clerical or professional nature, such as but not limited to insurance, government, real estate, legal or medical services.

OFFICIAL MAP, TOWN

The map established by the Town Board under § 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes and additions thereto made under the provisions of the Town Law.

OPEN SPACE

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

OUTDOOR FURNACE

Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

PARKING AREA

An open area, a street, road or highway or other public way used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

PARKING LOT

Any space for the storage of more than three vehicles on a continuing basis, such space being either for hire or accessory to an existing building or use of land.

PERMIT

A permit issued pursuant to this chapter granting the holder the right to construct, maintain, and operate a wind energy facility, small wind energy facility, or wind measurement tower.

[Added 11-12-2009 by L.L. No. 2-2009]

PERSON

Any individual, corporation, partnership, association, trustee or other legal nongovernmental entity.

PERSONAL FARM ACTIVITIES

The cultivation by the occupant of land for an agricultural or horticultural purpose.

PERSONAL SERVICE OUTLET

A business with the primary purpose of providing service to individual consumers, such as shoe repair, dry cleaning, laundromat, barbershop, beauty parlor or bank.

PLAN

The design of a development, including a plat of a subdivision, all covenants relating to use, location and bulk of buildings and other structures, the intensity of use or density of development and private streets, ways and parking facilities. The phrase "provisions of the plan," when used in these regulations, shall mean the written and graphic materials referred to in this definition.

PLANNED UNIT DEVELOPMENT

A tract of land which is developed as a unit with a grouping of residential, commercial and/or industrial buildings, together with their accessory buildings and all appurtenant roadways, parking areas, loading areas, open spaces and service buildings and facilities.

PLAT, FINAL

The final plans, drawings and supplementary details of a subdivision which are to act as a guide for the actual subdivision of the land and which, if approved by the Planning Board, shall be submitted for filing with the County Clerk.

PLAT, PRELIMINARY

The salient features of a proposed subdivision, including the preliminary plans, drawings and supplementary details indicating the proposed layout of the subdivision, to be submitted to the Planning Board for its consideration.

PRINCIPAL BUILDING

The building in which the primary use or function of the lot is conducted.

PRINCIPAL USE

The use which is primary and dominant to the lot.

PRIVATE CLUB

A facility operated by a corporation, association or group of people for the social, educational or recreational intent of the dues-paying members and their guests, but not primarily for profit nor to render a service which customarily is carried on as a business. Adult uses are not allowed as part of a private club.

PUBLIC AND SEMIPUBLIC USE

Land use or buildings under the auspices of a governmental unit, public agency or those involving public benefit or advantage. Hospitals, schools, parks and recreational facilities, cemeteries, passenger stations, libraries, fire stations, public utility installations, government offices or facilities (i.e., Town garage, landfill operation, water or waste material treatment or pumping facilities, etc.), philanthropic institutions, places of worship, community centers, day nurseries and like uses are included in this definition.

PUBLIC ROAD

Any federal, state, county, city, Town or village road which is open to the public, or private road regularly used by multiple persons for access to separate off-site parcels of land, access to which is unrestricted by the owner(s) of said private road.

[Added 11-12-2009 by L.L. No. 2-2009]

PUBLIC UTILITY USE

A building, structure or lot used for or in connection with the transmission, distribution or regulation of water, gas, electric, telephone or other public utility service.

RECREATIONAL FACILITIES

Recreational uses that involve structural development or disturbance of the natural terrain. "Recreational uses" includes public or commercial parklands, golf courses, playing fields, ice-skating facilities, hiking facilities, nature preserves, bike paths, nature walks, horseback riding, fishing, cross-country skiing, sledding, sailing, motorboating, swimming, tennis court facilities, snowmobiling, motorbiking and other more-intensive uses.

RELIGIOUS INSTITUTION

An institution that people regularly attend to participate in or hold services, meetings and other activities. The term shall not carry a secular annotation and shall include buildings in which religious services of any denomination are held.

RESEARCH LABORATORY

A facility for investigation of the natural, physical or social sciences, which may include engineering and product development.

RESIDENCE

Any dwelling located off-site which is suitable for habitation on the date a wind energy facility, small wind energy facility, or wind measurement tower permit application is received by the Town and deemed complete by the Planning Board in accordance with § 105-133E, and for which a valid certificate of occupancy has been issued or should have been issued prior to such date. A residence may be part of a multifamily dwelling or multipurpose building, and shall include buildings such as hotels or motels, hospitals, day-care centers, dormitories, sanitariums and nursing homes.

[Added 11-12-2009 by L.L. No. 2-2009]

RESTAURANT

Any establishment which serves prepared meals for consumption on the premises or for takeout. It includes the term "tavern" or "bar". It does not include drive-in restaurants. See "drive-in establishment."

RETAIL STORE

A business contained within a floor area of 5,000 square feet or less, engaged in the sale of commodities to walk-in consumers for direct consumption and not for resale, including apparel stores, pharmacies, bookstores and other retail outlets, excluding gasoline or filling stations.

RIGHT-OF-WAY

A property right, giving the holder thereof right to access to land for a specified purpose.

ROADS

A. **ALLEY** — A public or private way permanently reserved as a secondary means of access to abutting property.

B. **ROAD, STREET or HIGHWAY** — A public thoroughfare which affords the principal means of access to abutting property, including an avenue, plan, way, drive, land, boulevard, highway, road and any other thoroughfare except an alley.

C. **ROAD, STREET or HIGHWAY CENTER LINE** — The line determined by connecting the midpoints of the surfaced portion of any street, road or highway.

D. **ROAD, STREET or HIGHWAY LINE** — The limit of the street or highway right-of-way line. For the purpose of this chapter, "road line," "street line" and "highway line" shall mean the same.

E. **ROADS, PRIMARY (also known as "arterials")** — Interregional roads conveying traffic between towns, villages and other urban centers. Efficient movement is the primary function of arterial roads; hence, they are designed to provide fast-moving, free-flowing traffic.

F. **ROAD, SECONDARY** — A road or street designated for the movement of traffic between primary roads and local roads as well as for serving adjacent land uses.

G. **ROAD, LOCAL** — A road or street designated to provide access to abutting property and not intended for through traffic movement.

SCREENING

Fences, bushes or trees or other natural and/or artificial material which obscures the visual character of any given building or use of land.

SELF-STORAGE

A building or group of buildings containing separate individual and private storage spaces of varying sizes and available for lease or rent for varying periods of time.

SETBACK AGREEMENT

Any agreement, contract, easement, covenant or right in land which burdens land for the benefit of an applicant or permittee such that the burdened land is similar in character to land on which any wind energy facility is located. A setback agreement must expressly release any right which the owner(s) of such burdened land may have in the enforcement of this chapter, and acknowledge the applicable requirements of this chapter. All setback agreements shall run with the land and be recorded to apprise any potential purchasers of such land of the same at least for as long as any permit issued under this chapter shall remain in effect. In the event a setback agreement lapses prior to full decommissioning of the wind energy facility, small wind energy facility, or wind measurement tower, the previously burdened land shall be considered off-site, and the applicant, permittee or owner of the same shall be required to bring the project into conformance with the requirements of this chapter.

[Added 11-12-2009 by L.L. No. 2-2009]

SETBACK, FRONT

The required minimum distance between the front line of a building and the related front lot line. See "building, front line of," and "lot line, front."

SETBACK, REAR

The required minimum distance between a rear lot line and the rear of a building. The building rear line shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof.

[Amended 7-12-2007 by L.L. No. 2-2007]

SETBACK, SIDE

The required minimum distance between a side lot line and the closest side of a building. The building side shall be measured from any bay windows, covered porches, whether enclosed or unenclosed, or any projections thereof.

[Amended 7-12-2007 by L.L. No. 2-2007]

SEWER, COMMUNITY

A system whereby water wastes from toilets, wash basins and laundry and/or other facilities in dwellings, accessory buildings or business or industrial establishments, or any combination thereof, on two or more lots are conducted through pipes to a treatment plant where wastes are treated, the solids and liquids separated and the effluent, which has been treated to a level measuring against pollution, discharged through an outfall sewer into an acceptable stream or other permanent body of water.

SEWER, PRIVATE

An on-site method of sewage treatment (usually a septic tank and a drainage field or fields) desired, installed, operated and maintained by the owner of the premises in accordance with the requirements and standards of the State Department of Health.

SHOPPING CENTER

A lot used for two or more commercial units, attached or detached, which relate to a common parking area and common points of ingress and egress and a common circulation pattern.

SIGN

Any structure or part thereof or any device painted or represented which shall display or include any letter or word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. A sign includes any billboard.

SITE

The parcel(s) of land where a wind energy facility, small wind energy facility, wind measurement tower, or non-grid-only wind energy facility is to be placed. The site can be publicly or privately owned by an individual or a group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership, the combined lots shall be considered as one for purposes of applying setback requirements. Any property which has a wind energy facility, small wind energy facility, or wind measurement tower, or has entered an agreement for said facility, shall not be considered off-site.

[Added 11-12-2009 by L.L. No. 2-2009]

SMALL WIND ENERGY FACILITY

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics and electrical collection and distribution equipment, and accessory facilities or equipment, which has a nameplate capacity of not more than 100 kilowatts.

[Added 11-12-2009 by L.L. No. 2-2009]

SOIL MINING

Excavating for the purpose of removal of gravel, quarrying and any soil removal.

SPECIAL USE

A use which, because of its unique characteristics, requires individual consideration in each case by the Planning Board before it may be permitted in a district.

STABLE, LARGE

The building and land on which more than five horses are kept.

[Amended 7-12-2007 by L.L. No. 2-2007; 11-12-2009 by L.L. No. 2-2009]

STABLE, SMALL

An accessory building in which no more than five horses are kept.

[Amended 7-12-2007 by L.L. No. 2-2007]

STORY

That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there is no floor above it, then the place between the floor and the ceiling above it.

STRUCTURE

That which is built or constructed, or a portion thereof, either on site or prebuilt.

[Amended 5-8-2008 by L.L. No. 1-2008]

STUDIO

The workshop of an artist, sculptor, photographer or craftsperson, including the sale of works or products produced therein.

SUBDIVIDER

The developer or contractor who will subdivide, the owner of the land to be subdivided or any authorized agent of the developer, contractor or owner.

SUBDIVISION

Any division of land into two or more lots, parcels, blocks or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy, including grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division, by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. "Subdivision of land" shall include any map, plat or other plan of the division of land, whether or not previously filed. "Subdivision of land" shall not include the lease of land for hunting and fishing and other open space recreation uses.

SWIMMING POOL

A structure intended for bathing, swimming or diving purposes, made of concrete, masonry, metal or other impervious materials, and provided with a recirculating and/or controlled water supply.

TAVERN

An establishment devoted to the primary use of selling alcoholic beverages for consumption on the premises; it may serve food as an incidental use. A bar, grill, saloon, pub or similar establishment shall be considered a tavern.

TELECOMMUNICATIONS TOWER

Any structure greater than 35 feet in height which is capable of receiving and/or transmitting signals (for the purpose of communication).

THEATER

A place of assembly for the showing of movies and the production of plays and special events.

TOTAL HEIGHT

The highest point above ground level of any improvement related to a wind energy facility, small wind energy facility, or wind measurement tower. Total height as applied to wind turbines shall include the highest point of any wind turbine blade above the tower.

[Added 11-12-2009 by L.L. No. 2-2009]

TOWNHOUSE

A two-story, single-family dwelling unit attached to another similar dwelling unit, utilizing common open space and parking.

TOWN LAW

McKinney's and McKinney's Consolidated Laws of New York Annotated, Book 61.

TRAVEL TRAILER

Any portable vehicle, including a tent camper, truck camper or motor home, which is designed to be transported on its own wheels, which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes and which may or may not include one or all of the accommodations and facilities customarily included in a mobile home, provided that any travel trailer used for residential purposes for more than 30 consecutive days or 45 days aggregate in any one calendar year shall be considered a mobile home.

TRAVEL TRAILER CAMP

A parcel of land under single ownership which is designed and improved for use by two or more travel trailers for no more than three months.

UNTREATED LUMBER

Wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

VARIANCE

Permission by the Zoning Board of Appeals to use land for a use or in a configuration which is not in accordance with or is prohibited by the applicable zoning regulations.

VARIANCE, AREA

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 this chapter.

VARIANCE, USE

The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by this chapter.

VETERINARY HOSPITAL

A structure or place for the medical care and treatment of animals.

WAREHOUSE

A building designed or used as a wholesale distribution center.

WASTE DISPOSAL AREA

Any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

WATER SUPPLY AND DISTRIBUTION SYSTEM, COMMUNITY

A supply of water from a reliable source adequate to meet the daily needs of dwellings and their permitted accessory buildings or business or industrial establishments or any combination thereof on two or more lots or parcels of land and having a system of intake conduits or pipes, pumps, purification and storage equipment and facilities, hydrants and other ancillary equipment and a system of distribution mains and pipes whereby the potable water is conducted to the dwellings, accessory buildings, business or industrial establishments or any combination thereof located on the lots served by the system.

WIND ENERGY FACILITY

Any wind turbine or array of wind turbines designed to deliver electricity to the power grid for sale with a combined production capacity of more than 100 kilowatts of energy, including all related infrastructure, electrical collection and distribution lines and substations, access roads, and accessory structures, including accessory facilities or equipment.

[Added 11-12-2009 by L.L. No. 2-2009]

WIND MEASUREMENT TOWER

A tower used for the measurement of meteorological data such as temperature, wind speed and wind direction.

[Added 11-12-2009 by L.L. No. 2-2009]

WINDMILL

A wind energy conversion facility not involved in the production or distribution of electricity but designed to do mechanical work such as (but not limited to) pumping water or grinding flour.

[Added 11-12-2009 by L.L. No. 2-2009]

WIND TURBINE

A wind energy conversion system consisting of a tower, nacelle, and associated control or conversion electronics and equipment contained within or atop the tower.

[Added 11-12-2009 by L.L. No. 2-2009]

WATER SUPPLY, PRIVATE

A supply of potable water from a reliable source adequate to meet the daily needs of a dwelling and its permitted accessory buildings or a business or an industry on a lot or parcel of land meeting the area and frontage requirements for use in the district in which it is located and which supply of water is approved as to potability, reliability and adequacy by the State Department of Health. Such private water supply may be from an on-site well or from a spring, stream, river, lake or other permanent source of water.

WHOLESALE ESTABLISHMENT

A building or buildings used as a wholesale distribution center.

YARD

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

A. **YARD, FRONT** — An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unoccupied, shall be considered as part of the principal building and shall not project into a required front yard.

B. **YARD, REAR** — An open space extending across the entire width of the lot between the principal building and the rear line of the lot.

[Amended 7-12-2007 by L.L. No. 2-2007]

C. **YARD, SIDE** — An open space on the same lot with a principal building, between the principal building and the side line of the lot and extending through from the front yard to the rear yard.

[Amended 7-12-2007 by L.L. No. 2-2007]

ZONING ADMINISTRATOR

The individual appointed by the Town Board for the purpose of handling the daily administration of the Zoning Law.

§ 105-8. (Reserved)

§ 105-9. (Reserved)

§ 105-10. (Reserved)

ARTICLE III. Zoning Districts

§ 105-11. Establishment of districts.

A. For the purpose of this chapter, the Town of Greenfield is hereby divided into the following zoning districts:

LDR	Low Density Residential
MDR1	Medium Density Residential 1
MDR2	Medium Density Residential 2
TC	Town Center

OR	Office Residential
IM	Industrial Manufacturing
PR	Parkland Recreational

B. For the purpose of this chapter, the following overlay districts shall apply in the Town of Greenfield:

EME	Earth Material Extraction
FMWRC	Floodplain Management, Wetland Resource Conservation
KROD	Kayderosseras Ridge Overlay District
LDOD	Lake Desolation Overlay District

§ 105-12. Zoning Map.

Said districts are shown, defined and bounded on the Town of Greenfield Zoning Map, which by act of the Town Board will be made part of this chapter. The Official Zoning Map shall be filed in the Town Hall and shall be available for public inspection.

§ 105-13. Interpretation of district boundaries.

A. The Town Clerk, with the assistance of the Town Engineer or such other qualified person as may be designated by the Town Board, shall make changes on said map as directed by the Town Board.

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

(1) Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways, railroads or public utility line easements or actual or projected Town boundary lines or property lines, said boundaries shall be construed as being coincident with such lines.

(2) Where district boundaries are indicated as approximately parallel to the center lines or right-of-way lines of streets, highways, railroads or public utility line easements or actual or projected Town boundary lines or property lines, said boundaries shall be construed as being parallel thereto and at such distances as are indicated on the Official Zoning Map or as shall be determined by the scale shown on the Official Zoning Map.

(3) The official duly appointed by the Town Board of Greenfield to administer this chapter shall interpret the location of district boundary lines with respect to specific properties, who may solicit the advice of the Zoning Board of Appeals or the Planning Board. The official's interpretation may be appealed to the Zoning Board of Appeals.

(4) Where a boundary is shown as following a certain distance from a road, the boundary shall be measured from the center line of the road.

C. Where a district boundary line divides a lot, the regulations for either portion may be extended not more than 30 feet into the other portion.

D. Where a structure is located on a lot that is located in two districts, the area requirements for the district in which the majority of the structure is located shall apply.

§ 105-14. District regulations.

Use and area regulations are found in Tables 1 and 2. Editor's Note: Tables 1, Use Regulations, and 2, Area Regulations, are included at the end of this chapter.

§ 105-15. (Reserved)

§ 105-16. (Reserved)

§ 105-17. (Reserved)

§ 105-18. (Reserved)

§ 105-19. (Reserved)

§ 105-20. (Reserved)

ARTICLE IV. Administration and Enforcement

§ 105-21. Conformance required.

[Amended 12-13-2007 by L.L. No. 5-2007]

No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein set forth for the district in which it is located and with the requirements of the stormwater management and erosion and sediment control provisions of Chapter 85 of the Town Code.

§ 105-22. General provisions.

A. (Reserved)

B. Minimum lot size. No division of land may be made whereby any lot created is smaller than the minimum size permitted in the district in which said lot is located or has less frontage, setback or yard space than the minimum required, except as explicitly provided in other sections of this chapter.

C. Nonconforming uses.

(1) Any use that was lawfully in existence prior to the adoption or the subsequent amendment of this chapter may continue to exist as a prior nonconforming use; provided, however, that any expansion of said use which occurred subsequent to the adoption or amendment of this chapter and was not lawful at the time shall not be granted prior nonconforming use status.

[Amended 7-12-2007 by L.L. No. 2-2007]

(2) Any use that was previously granted a special use permit by the Town of Greenfield may continue to exist under the terms and conditions of said special use permit; provided, however, that any expansion of said special use which occurred subsequent to the issuance of the special use permit and was not lawful at the time shall not be considered authorized by the special use permit and shall not be granted prior nonconforming use status.

(3) (Reserved) Editor's Note: Former Subsection C(3), regarding application for a special use permit for an existing nonconforming use, was repealed 5-8-2008 by L.L. No. 1-2008.

(4) Any use which was a legally existing permitted use prior to the adoption or subsequent amendment of this chapter and which becomes a special use as a result of the adoption or amendment shall not be deemed to be a nonconforming use but shall be deemed to be and shall be regulated as a special use for which a permit was duly issued.

(5) A prior nonconforming use may be expanded only in compliance with the provisions of this chapter.

D. Principal buildings per lot. Unless otherwise specified, there shall be only one principal use and building per lot.

E. Height exceptions. The limitation of height shall not apply to chimneys, aeries, silos, elevators, water tanks, ventilators, skylights, tanks and other necessary features usually carried above roofs or to towers, antennas or spires of churches or other buildings.

F. Double frontage. For any through lot fronting on parallel or abutting streets, both frontages shall comply with the front yard setback requirements of the district in which it is located.

[Amended 7-12-2007 by L.L. No. 2-2007]

G. Residential lots on culs-de-sac. Residential lots which front culs-de-sac shall meet all the space and bulk requirements of the district in which they are located, except that the frontage adjacent to the cul-de-sac may be 60 feet or more, provided that the median lot width equals or exceeds the minimum frontage requirement of the district.

H. Maximum cul-de-sac length. The maximum length of a dead-end road ending in a cul-de-sac shall be 1,500 feet.

§ 105-23. Designation of enforcing official.

This chapter shall be administered and enforced by one or more administrative official(s), heretofore referred to as the "official," duly appointed by the Town Board of Greenfield to carry out the word and intent of this chapter.

§ 105-24. Duties of administrative official.

A. Rules, regulations and forms. The official shall have the authority to make, adopt and promulgate written rules, regulations and forms as may be necessary for administration and enforcement of the content and intent of this chapter. The official shall be responsible to submit such rules, regulations and forms to the Town Board, which shall move to approve, reject or modify the same within 60 days after submission. Once approved by the Town Board and filed with the Town Clerk, rules, regulations and forms shall have the same force and effect as the provisions of this chapter and be subject to the same penalties for violation thereof.

B. Entry and inspection. The official shall have the right to enter upon, examine and inspect or cause to be entered, examined and inspected any building or property for the purpose of carrying out the provisions of this chapter after reasonable written notice of intent to examine or inspect has been provided to a property owner and permission of the owner has been granted. If such permission is denied, access shall be pursued by the Town Attorney, who shall be notified by the official.

C. Referral to the Planning Board, Town Board and Zoning Board of Appeals. The official shall inform any applicant of the appropriate Town agency to whom the application should be presented prior to the issuance of a building permit, in accordance with this chapter and all other state, county and local law.

D. The official shall be charged with the general and executive administration of this chapter and shall have the following general duties and powers:

(1) To oversee and enforce all provisions of this chapter and all rules, conditions, information, and requirements adopted or specified pursuant thereto.

(2) To record all identifiable complaints or violations of any provision of this chapter and the subsequent action taken on each such complaint.

(3) To file a report with the Town Board at quarterly intervals, summarized for a period since the most recent previous report, listing all complaints of violations and subsequent action taken on each such complaint.

E. In addition to any and all other authority vested in the official by state law and this chapter, the official is hereby authorized and empowered to issue appearance tickets, in a form to be prescribed by the Town Board, for the prosecution of all violations of this chapter. Following the filing of information, the official shall have the authority to appear at any and all actions and proceedings in furtherance of said prosecution in any court of competent jurisdiction.

§ 105-25. Conflicts with other provisions.

This chapter shall be administered and enforced in tandem with all other applicable Town, county, state and federal laws, including but not limited to Chapter 54, Fire Prevention and Building Construction, of the Code of the Town of Greenfield, and Chapter 49, entitled "Environmental Quality Review," of the Code of the Town of Greenfield, New York.

§ 105-26. Enforcement; penalties for offenses.

A. Notice of violation. Whenever, in the opinion of the official after proper examination and inspections, there appears to exist a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall serve a written notice of violation upon the owner or occupant of the premises. Such notice of violation shall inform the recipient of:

- (1) The nature and details of such violation.
- (2) Recommended remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.
- (3) The date of compliance by which the violation must be remedied or removed.
- (4) The right to a hearing before the official in accordance with Subsection C below.

B. Extensions. The official may extend the date of compliance in a notice of violation, after written application, if, in his opinion, there is reasonable evidence of intent to comply and reasonable conditions exist which prevent compliance by the specified date.

C. Request for hearing. Any person served with a notice of violation in accordance with Subsection A above and who denies the violation or is allegedly aggrieved by the required action necessary for compliance may, within 10 days after service of notice, make a request, in writing, for a hearing before the official, stating the reasons why such a hearing is requested.

D. Abeyance. Compliance with a notice of violation shall not be required while a hearing is pending.

E. Hearing. Within 10 days after receipt of a request for a hearing, the official shall acknowledge receipt in writing and set a time and place for such hearing, not later than 30 days after the date the request was received. Hearings may be postponed beyond 30 days by the official for just cause, and notice of postponement shall be served. The person requesting the hearing shall be required to show cause or give evidence why he should not be required to remedy the violation or why he is unable to comply with the remedial action outlined in the notice of violation.

F. Findings. After consideration of all testimony given at the hearing held in accordance with Subsection E above, the official shall sustain, withdraw or modify the notice of violation as originally served. If such notice is sustained or modified, the official shall set a new compliance date by which the violation shall be remedied or removed in accordance with the original notice of violation or modified remedial action specified at the hearing.

G. Certificate of zoning compliance. On reinspection following the expiration of the date of compliance as specified in the notice of violation, if the violation has been remedied or removed in accordance with the specified remedial action and there is no longer a violation of any provision of this chapter, then a certificate of zoning compliance shall be issued by the official.

H. Legal action by the Town of noncompliance. On reinspection following the expiration of the date of compliance as specified in the notice of violation or as extended in accordance with Subsection B above, if the

remedial action specified has not been carried out and there is still in existence, in the opinion of the official, a violation of a provision of this chapter, then the official shall thereupon institute appropriate legal action.

I. Penalties.

(1) Any person who shall violate or cause to be violated or assist in the violation of any provisions of this chapter shall be subject to conviction of an offense by a proper court and be subject to 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, subject to a fine of 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, subject to a fine of 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 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.

(2) The term "person," as used in this subsection, shall include an owner, occupant, mortgagee, tenant, vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a building property or part thereof.

§ 105-27. Fees.

In addition to the fee set forth in the Fee Schedule in Chapter A210, Fee schedule, of the Code of the Town of Greenfield, the Town Board, Planning Board and Zoning Board of Appeals may charge a fee to developers of projects requiring legal and technical review, provided that the fee charged reflects the cost of legal and technical assistance to the board. This fee shall not exceed \$1,000 without notice to the applicant.

§ 105-28. (Reserved)

§ 105-29. (Reserved)

§ 105-30. (Reserved)

§ 105-31. (Reserved)

§ 105-32. (Reserved)

§ 105-33. (Reserved)

§ 105-34. (Reserved)

§ 105-35. (Reserved)

§ 105-36. (Reserved)

§ 105-37. (Reserved)

§ 105-38. (Reserved)

§ 105-39. (Reserved)

§ 105-40. (Reserved)

ARTICLE V. Nonconforming Land, Structures and Uses

§ 105-41. Continuation and prior approval.

The use of land, buildings or structures lawful at the time of adoption or subsequent amendment of this chapter may continue although such use does not conform to the provisions of this chapter. Nothing herein contained shall require any change in the plans, construction or designated use of a building complying with previous laws or for which a final permit had been duly granted prior to the date of adoption of this chapter or any applicable amendment thereto.

§ 105-42. Regulation of nonconforming uses and structures.

Except as provided herein, no nonconforming uses or structure may be enlarged, extended, reconstructed, substituted or structurally altered.

A. Change of use.

- (1) A nonconforming use may not be changed into another nonconforming use.
- (2) A nonconforming use may be changed into a conforming use in accordance with this chapter.

B. Repairs, maintenance and structural additions.

(1) Nonconforming uses.

(a) Normal maintenance, repairs and alterations incidental to a building or other structure containing a nonconforming use are permitted, provided that they do not extend the area or volume of space occupied by the nonconforming use. If the building or structure containing the nonconforming use needs to be replaced for the reasons set forth in Subsection B(2)(b) below, the provisions set forth herein shall apply.

(b) A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability, provided that no alterations shall be made which would increase the number of dwelling units or square footage.

(2) Nonconforming structures.

(a) A nonconforming structure may be the site of a minor exterior structural addition or alteration (defined as an unenclosed porch, deck, stairway or other similar facility), provided that such proposed construction conforms in all respects to the affected district's height, setback and yard requirements and does not increase the degree of any yard, bulk, parking or other nonconformity of the existing property. The enlargement or addition may be initiated without a variance upon issuance of a building permit in accordance with Chapter 54, Fire Prevention and Building Construction, of the Code of the Town of Greenfield, New York.

(b) A nonconforming structure which houses a conforming or nonconforming use which has deteriorated (through the normal use or age of that structure) to a point where the structure needs to be replaced in order to ensure that the health, safety and general welfare of the occupants is safeguarded, or if the cost of maintenance and repair of the structure is not cost effective, may be replaced after a site plan review by the Planning Board. This review shall be conducted prior to when any demolition or removal of the structure begins. If the nonconforming structure is demolished or removed prior to review, it shall constitute an abandonment as regulated under § 105-43 and shall not be replaced/reestablished.

§ 105-43. Termination of nonconforming uses and structures.

A. Abandonment. The discontinuance of a nonconforming use or structure for a period of one year shall be considered abandonment thereof, and such nonconforming use shall not be revived.

B. Change of use. The change of a nonconforming use or structure to a more restricted or conforming use for any period of time shall be considered abandonment thereof, and such nonconforming use shall not be revived.

§ 105-44. Damage or destruction.

A. Partial damage.

(1) Where any nonconforming structure or use is partially damaged or destroyed, other than by demolition, to the extent of 50% or less of the cost of replacement of the entire structure new, the proof to be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies, repairs may be made to reconstruct the structure, upon issuance of a building permit in accordance with Chapter 54, Fire Prevention and Building Construction, of the Code of the Town of Greenfield, New York, and it shall be used as it existed prior to the damage. No repairs or restorations shall be made which increase the degree of any yard, bulk, parking or any other nonconformity existing prior to the damage.

(2) In the event that a structure remains vacant due to partial damage, the owner or agent shall have one year to receive a building permit. In the event that the building remains vacant for one year without the issuance of a building permit, it shall constitute an abandonment as regulated under § 105-43 and shall not be restored. Proof of proper application within allowable time periods shall be the responsibility of the applicant.

B. Substantial damage or destruction. In the event that any nonconforming structure or use is substantially damaged or destroyed, by any means other than demolition, to the extent of more than 50% of the cost of replacement of such structure new, proof should be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies. Such structure shall not be restored unless, if within 30 days after the substantial damage, the owner of said nonconforming use notifies the Zoning Administrator, in writing, of his intent to restore said nonconforming use substantially to the conditions existing prior to the disaster. It is the owner's responsibility to provide documentation of existing nonconforming conditions prior to the disaster to satisfy the Zoning Administrator. In that instance, the Zoning Administrator shall permit the issuance of a building permit within 30 days of receipt of the written notice of intent for such substantial restoration without further action. Restoration under this section shall be commenced within six months of the date of issuance of a building permit, and restoration shall be completed within one year of the issuance of the building permit. In the event that the Zoning Administrator is not notified of the intent to restore the nonconforming use within the time limit stated, such structure shall not be restored unless the structure and use thereof shall conform to all current regulations of this chapter.

C. Demolition. Except as provided in § 104-44A and B above, where any nonconforming structure or use is partially or substantially damaged or destroyed by demolition, repairs may not be made to reconstruct the nonconforming use as it existed prior to the damage. Any and all restoration shall conform to all current regulations of this chapter.

§ 105-45. Regulation of nonconforming lots.

A. Single unimproved lots. A single, unimproved, lawfully nonconforming lot held in single ownership as of February 22, 1991, may be used as if it were a conforming lot, provided that all of the following conditions are met:

[Amended 7-12-2007 by L.L. No. 2-2007; 11-12-2009 by L.L. No. 2-2009]

- (1) The proposed use is permitted by current regulations of the particular district.
- (2) The use conforms spatially to all other requirements of the particular district, including all space and bulk requirements, except lot size, frontage and depth, or a variance has been obtained from the Zoning Board of Appeals.
- (3) The use conforms to all other applicable local and state land use regulations.
- (4) The lot has a minimum area of one acre, or a variance has been obtained from the Zoning Board of Appeals.

B. Multiple unimproved lots. Two or more contiguous, unimproved nonconforming lots held in the same ownership of record as of March 22, 2007, shall be combined to the extent necessary to comply with the space and bulk regulations of the district in which they are located and thereafter shall be considered under the provisions of § 105-45A.

[Amended 7-12-2007 by L.L. No. 2-2007; 11-12-2009 by L.L. No. 2-2009]

C. Lots within approved subdivisions.

(1) Any lot in a subdivision whose final plat has been approved by the Planning Board and properly filed with the officer of the county prior to the passage of this chapter with area and dimensions of less than the specified minimum lot requirement of this chapter for that district but in compliance with the minimum standards set forth in § 105-45A may be considered in compliance with this chapter, and no variance shall be required.

(2) Any lot on an approved final plat, filed with the officer of the county prior to the passage of this chapter, with area dimensions of less than the specified minimum lot requirement of this chapter and not in compliance with the minimum standards set forth in § 105-45A shall be exempt from compliance with such revised minimum lot requirements for a period of three years after the filing of the subdivision plat or first section thereof.

§ 105-46. (Reserved)

§ 105-47. (Reserved)

§ 105-48. (Reserved)

§ 105-49. (Reserved)

§ 105-50. (Reserved)

ARTICLE VI. Special Uses

§ 105-51. Applicability.

A building, structure or parcel of land may be employed for a special use if the use is specifically listed as a special use in the regulations governing the zoning district where the use is proposed and if a special permit is approved by the Planning Board in accordance with this article. It is recognized that a proposed special use may actually consist of a principal special use and some related use or uses. An applicant may seek authorization for a group of related special uses, so long as they are components of one overall operation conducted by related or affiliated entities and they are adequately described and approved in one special use permit application. Any special use permits which have already previously been authorized and which include any special uses related and/or ancillary to a principal special use shall be deemed to be validly authorized special uses. A special permit, in accordance with § 105-136, is also required for any new telecommunications tower or shared use of an existing tall structure for telecommunications purposes in all zoning districts.

§ 105-52. Application for permit.

A special permit application shall be filed with the official by the owner or owner's agent at least two weeks (14 days) prior to the Planning Board meeting at which it is to be introduced, on forms prescribed by the official. A nonrefundable special permit application fee, as set forth in the Fee Schedule in Chapter A210, Fee Schedule, of the Code of the Town of Greenfield, New York, shall accompany each application.

A. A special permit application shall contain the following to be deemed complete:

(1) Two copies of a completed application form, containing:

(a) The applicant's name, address and interest in the property.

(b) The name of the owner of the subject property (if different from the applicant).

(c) The subject property address and Tax Map and lot number as shown on the tax records of the Town of Greenfield.

(d) The current zoning district classification and present use of the subject property.

(2) A written general description of the proposed project, the number of buildings to be constructed or converted, their present and proposed uses and the number and type (resident, employee, etc.) of occupants anticipated to be accommodated by the project after completion.

(3) A preliminary site plan, at a scale of one inch to 50 feet or less as may be required by the official, which shall display:

(a) All property lines, building setback lines, easements and right-of-way lines with dimensions, bearings and distances.

(b) A North arrow, scale and date of original submission and of each subsequent submission.

(c) A title block identifying the project name, the name and address of the applicant and/or property owner, and the name, address, license number and seal of a New York State licensed professional empowered to certify all requirements specified in this chapter who prepared the drawing.

(d) A key map at a scale of one inch equals 800 feet, showing the location of the proposed project within the Town.

(e) Existing structures within 200 feet of the property boundaries and an indication of any water bodies or other sensitive environmental features lying within 200 feet of the site.

(f) Existing and proposed contour lines and spot grades as required to demonstrate grading and drainage.

(g) All proposed buildings (with dimensions), parking and loading areas, curbing, sidewalks, access drives and fences.

(h) The design specifications and construction materials of all proposed site improvements.

(i) The proposed method of providing potable water and sewage disposal. Proposed locations, design specifications, calculations, and construction materials must be provided to show their adequacy for serving the proposed project.

(j) A site drainage plan, showing the location and design of proposed stormwater management facilities. Calculations concerning the ability for the existing and proposed drainage system and any existing facilities to accept additional anticipated flows shall be submitted.

(k) A delineation of the existing and proposed plant materials on site. This plan shall include a planting schedule listing all proposed plants, their size at initial planting and the quantity of each plant material specified.

(l) Proposed area lighting, indicating the location and type of the proposed fixtures.

(m) The location of at least one central point for trash removal.

(n) Vehicular circulation, providing adequate turnaround area for emergency vehicles and accessibility to all required off-street parking, on-site loading and maneuvering space and trash pickup area.

(o) The location and design for proposed signs.

(p) The type of materials and exterior treatment of all structures proposed.

(q) Provisions for the physically impaired.

(4) Application for a site plan approval will be accompanied by a fee in accordance with the Fee Schedule contained in Chapter A210 of the Code of the Town of Greenfield, New York.

(5) The following additional information shall be required and may be provided on the site plan or on additional drawings, as appropriate:

(a) The location of any water bodies, floodplains, wetlands or other potentially sensitive environmental features at the site.

(b) Topographic slopes in excess of a grade of 15%.

(c) Bedrock and other significant geological features.

(6) A statement and documentation as may be required to comply with this chapter or other relevant Town law describing the intended method of ownership and maintenance of open space.

(7) Copies of any applications or reports submitted to the Town of Greenfield Environmental Commission, required in compliance with Chapter 49, Environmental Quality Review, of the Code of the Town of Greenfield, New York.

B. Other elements integral to the proposed development may be required by the Planning Board where considered necessary to carry out the intent of this chapter, including but not limited to testing to assess environmental capabilities.

§ 105-53. Public hearing.

A. Notice.

[Amended 5-8-2008 by L.L. No. 1-2008]

(1) Within 45 days of receipt of a complete special permit application, the Planning Board shall hold a public hearing to receive comments on the application. The Planning Board shall fix a reasonable time for the hearing on the application and give public notice thereof by publishing a notice of such hearing in a paper of general circulation in the Town at least seven days prior to the date thereof, and at least 10 days prior to the date of the hearing, by mailing notices of the hearing:

(a) To the parties and to the County Planning Board, as required by § 239-m of the General Municipal Law. The notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

(b) To all owners of property within 500 feet of the nearest line of the property for which the special use permit is sought, and to such other property owners as the Chairman of the Planning Board may direct.

(2) A sign advertising the public hearing shall be provided by the Town to the applicant, who shall be responsible for posting it on the property for a period of 10 days prior to the hearing. In the event the sign is lost or removed from the premises, the applicant shall make arrangements to replace the same within 24 hours. The applicant shall provide the Board with proof of posting on a form to be provided by the Town.

B. Adjournment of hearing. The Planning Board may adjourn any hearing upon the mutual consent of the Planning Board and the applicant.

§ 105-54. Granting of special permit.

After considering the evidence presented at the public hearing and after making any further investigations considered necessary to ensure compliance with this chapter, the Planning Board shall determine whether or not to grant a special permit for the proposed use. A special permit shall be issued if the use for which it is sought is consistent with all of the following standards:

A. Operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, illumination or other potential nuisance than the operation of any permitted use in the particular district.

B. Community infrastructure and services, including but not limited to protective services, roadways, garbage collection, schools and water and sewer facilities, are currently or will be of adequate capacity to accommodate the proposed use.

C. The proposed site possesses adequate soil capacity and natural features to safely support proposed facilities and structures, including water and septic services at the site.

D. The proposed use, building design and site layout shall meet the provisions of the Zoning Law and other regulations and ordinances of the Town and standards of New York State and comply with the intent of the Town's Comprehensive Land Use Plan.

E. Vehicular and pedestrian traffic patterns associated with the proposed use will be appropriate and satisfactorily established and managed for the area involved. Factors for the Planning Board to consider in making this determination include turning movements in relation to traffic flow, proximity to and relationship to intersections, adequacy of sight distances, location and access of off-street parking, provision for pedestrian traffic, capacity of existing roads and minimizing pedestrian-vehicular circulation conflicts.

F. The proposed use, design and layout will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.

G. The proposed location and height of buildings or structures, walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage appropriate development of land adjacent to the proposed site or unreasonably affect its value.

H. In areas where there are patterns and similarities in the scale and design of neighborhood structures, the scale, design and material of the proposed structure(s) shall be compatible with existing structures within 500 feet of the site.

I. Adequate screening, landscaping, exterior lighting, signs and architectural designs compatible with the neighborhood and of appropriate size and style will be provided to protect neighborhood properties within 500 feet of the site from any adverse impacts that might result from the proposed use.

J. The development will be organized in a way which reflects the natural capabilities of the site to support such a use. Buildings, lots and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, such as wetlands, steep slopes, floodplains and unique natural features, will be maintained and preserved.

K. The existing landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil. Landscaping will be provided to adequately define street edges, buffer adjacent properties and break up parking areas.

L. As appropriate, the site will provide for recreation areas and open space sufficient to meet the needs of users and residents of the development and shall be owned and managed in accordance with § 105-122 of this chapter.

M. The proposed use has been preliminarily approved by all other governmental entities and agencies which have jurisdiction.

N. The Planning Board may adopt site plan review design guidelines for the Town as a whole or tailored to specific geographic areas, such as hamlet areas or commercial corridors, as necessary to further implement the policies contained in the Town's Comprehensive Land Use Plan. Said guidelines shall be advisory in nature. Applicants for special use permits will be encouraged to consider and incorporate said guidelines in the preparation of applications.

O. The proposed site or use will comply with the requirements of Chapter 49, Environmental Quality Review, of the Code of the Town of Greenfield, New York.

P. The proposed development will comply with the stormwater management requirements put forth in § 90-23 of the Subdivision Regulations of the Town of Greenfield, New York. Editor's Note: See Ch. 90. Subdivision of Land.

Q. Any person who applies for any reason to the Town of Greenfield Planning Board or the Town of Greenfield Zoning Board of Appeals must be in compliance with all sections of the Town of Greenfield Zoning Law, except for the item or items encompassed in that particular application, for that application to be accepted for action by either Board.

§ 105-55. Determination.

A. Denial. If the Planning Board determines that the proposed use would not comply with the requirements of this chapter and in particular with the standards stated in § 105-54, it shall deny the application.

B. Approval. If the Planning Board determines that the proposed use will comply with this chapter and in particular with the standards stated in § 105-54 of this article, the Board shall grant a special use permit for the proposed use. In rendering its decision, the Board shall issue a written decision that shall include any reasonable additional conditions imposed on the proposed use by the Board to prevent or minimize any potentially adverse impacts of the proposed use on adjacent property or the surrounding neighborhood. Such conditions may incorporate the standards set forth in § 105-54. Such conditions shall only go as far as to minimize or mitigate any adverse impacts directly associated with the use in question, and the conditions imposed may not have the primary effect of benefiting the Town.

§ 105-55.1. Terms of permit.

A. The Planning Board, as a condition of granting a special permit, may specify its term of validity. There are three types of permits which may be granted by the Planning Board, as described as follows:

(1) Permanent. Permits a specific use to continue indefinitely until the specific use ceases for any reason for a period of 12 consecutive months.

(2) Temporary. Permits a specific use to continue until a specific date, at which time the special use permit shall automatically terminate and the use shall be permanently discontinued. This type shall not be extendable.

(3) Renewable. Permits a specific use to continue until a specific date, unless renewed or extended by the Planning Board for an additional period of time. If not extended, the use shall be permanently discontinued. It is the responsibility of the applicant and not the Town of Greenfield, or any board, officer or employee thereof, to initiate the request for the renewal or extension prior to the expiration of the original term of such renewable special use permit. If not extended or renewed prior to the date set for expiration, the right to continue such special use shall terminate on such expiration date, subject to the right of the applicant to seek an extension or renewal. Applications for permit extensions or renewals shall follow the same process as for new permits.

B. Any applicant who receives a temporary or renewable special use permit and who decides to proceed with the special use does so realizing that the temporary special use permit has a fixed duration and that all rights to continue that use terminate upon the expiration of the specified time and that the renewable special use permit may not be extended beyond its original term without approval pursuant to this section. The applicant, in accepting a temporary or renewable special use permit, acknowledges and agrees that such special use permit confers no rights or privileges other than those specifically contained therein.

§ 105-56. Action on application.

Upon making a determination on the application for a special use permit, the Planning Board shall inform the official of its decision. If the application for a special use permit is approved, the official will issue a written permit to the applicant, containing a written explanation of any special conditions imposed by the Planning Board. If the Planning Board disapproves the application for a special use permit, the official shall inform the Building Department not to issue a building or use permit to the applicant but shall supply written notice of the disapproval to the applicant.

§ 105-57. Effect of issuance.

The issuance of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the processing of applications for any permits or approvals which may be required by Town, county or state codes or laws. Where applicable, the review of a special use permit application shall include the site plan review that shall be required under Article IX, Site Plan Review.

§ 105-58. Time limitation extensions.

A. No special use permit shall be valid for a period longer than one year from the date of issuance if construction of the special use has not begun. If construction of a special use has actually begun within the first year and is thereafter diligently pursued to completion within the second year, the special use permit shall remain in force. In the event that construction has not been completed two years from the date of the special permit issuance, the special use permit shall expire, unless extended by the Planning Board. It is the responsibility of the applicant and not the Town of Greenfield, or any board, officer or employee thereof, to initiate the request for the renewal or extension prior to the expiration of the original term of such special use permit. If not extended or renewed prior to the date set for expiration, the right to continue such special use shall terminate on such expiration date, subject to the right of the applicant to seek an extension or renewal. Applications for permit extensions or renewals shall follow the same process as for new permits.

[Amended 5-8-2008 by L.L. No. 1-2008]

B. One or more extensions of said time, each not to exceed one year, may be granted by the Planning Board to extend the effective life of a special permit if the facts which supported the granting of the permit have not materially changed.

§ 105-59. Transfer, expansion or alteration of special use permit.

A special use permit authorizes only the activity expressly described in the application and approved permit materials. A special use permit shall expire upon change in property ownership or property transfer, unless the official is notified by the owner, in writing, prior to property transfer and the Planning Board reviews the use or activity and special permit documents and is satisfied that the use has and is being conducted in a manner that is consistent with the special permit and any conditions which may have been stipulated at the time of its issuance and approves, in writing, the transfer of the special use permit. Lack of reply from the Planning Board within 30 days of notification by the property owner shall constitute approval of the continuation of the special use permit. A new special use permit shall be required for any expansion, alteration or variation of a use already authorized by a special use permit. A request for such a permit shall be subject to the application and review procedures described in this article.

§ 105-60. (Reserved)

ARTICLE VII. General Provisions

§ 105-61. General provisions.

Refer to Chapter A110, Planning Board Bylaws, of the Code of the Town of Greenfield, New York.

§ 105-62. (Reserved)

§ 105-63. (Reserved)

§ 105-64. (Reserved)

§ 105-65. (Reserved)

§ 105-66. (Reserved)

§ 105-67. (Reserved)

§ 105-68. (Reserved)

§ 105-69. (Reserved)

§ 105-70. (Reserved)

§ 105-71. (Reserved)

§ 105-72. (Reserved)

§ 105-73. (Reserved)

§ 105-74. (Reserved)

§ 105-75. (Reserved)

§ 105-76. (Reserved)

§ 105-77. (Reserved)

§ 105-78. (Reserved)

§ 105-79. (Reserved)

§ 105-80. (Reserved)

ARTICLE VIII. Zoning Board of Appeals

§ 105-81. Creation; membership.

A. There is hereby established a Zoning Board of Appeals, hereinafter the "ZBA," having the powers authorized under § 267 of the Town Law of the State of New York. Said ZBA shall consist of five members and an alternate appointed by the Town Board.

B. The Town Board shall appoint a Chairman and members in accordance with the Town Law of the State of New York. An appointment to a vacancy occurring prior to expiration of a term shall be for the remainder of the unexpired term.

C. The ZBA shall adopt rules and regulations consistent with state law and this chapter.

§ 105-82. Organization and procedure.

A. Meetings of the ZBA shall be held at the call of the Chairman and at other such time as the ZBA may determine.

B. The presence of a majority of the members shall constitute a quorum. The Chairman and, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

C. All hearings of the ZBA shall be public.

D. The ZBA shall keep minutes of its proceedings, showing the action taken at the end, the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its inspections and other official actions, all of which shall be a public record.

§ 105-83. Powers and duties.

The ZBA shall have the following powers and duties under this chapter:

- A. Administrative appeals: to hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter.
- B. Grant variances: to approve, approve with conditions or disapprove appeals for variances from the strict enforcement of only the provisions of this chapter which relate to the use, space and bulk standards of the district, regulations and performance standards.
- C. Permit building in bed of mapped streets: The ZBA may grant a permit for a building in the bed of a mapped street or highway shown upon the Official Map of the Town of Greenfield.
- D. Interpret district boundaries of this chapter: Upon appeal from a decision by the official to decide any question involving the interpretation of any provision of this chapter or where uncertainty exists as to the boundaries of any zone district, the ZBA shall, upon written application or upon its own motion, determine the location of such boundaries of such districts as are established and as designated on the Official Zoning Map of the Town of Greenfield.
- E. Authorize temporary uses: to permit temporary occupancy and use of a structure in any district for a purpose that does not conform to the district requirements, provided that such occupancy and use is truly of a temporary nature and subject to any reasonable conditions and safeguards which the ZBA may impose to minimize any negative effect upon the neighborhood or to protect contiguous property. The approval of the ZBA and any permit based thereon for such temporary occupancy and use shall not be granted for a period of more than 12 months and shall not be renewable more than once, and then for a period of not more than 12 months. This provision is intended to supersede the criteria for use and area variances set forth in Town Law § 267-b, Subdivisions 2 and 3, to the extent that it is inconsistent with Town Law § 267-b, Subdivisions 2 and 3.

§ 105-84. Initiation of proceedings.

A. Procedure for appellant.

- (1) An appeal to the ZBA pertaining to a ruling of any Town officer administering any portion of this chapter may be taken by any person aggrieved or by an officer, department, board or bureau of the Town affected. Such appeal shall be made by filing a notice of appeal, specifying the grounds of the appeal, with the Chairman of the Zoning Board of Appeals and the officer whose action is the subject of the appeal within 60 days after said ruling.
- (2) All applications and appeals made to the Zoning Board of Appeals shall be in writing on forms prescribed by the Zoning Board of Appeals. Every applicant must be in compliance with all sections of the Town of Greenfield Zoning Law, except for the item or items contained in that particular application, for that application to be considered. Every application or appeal shall contain the following information:
 - (a) The name and address of the applicant or appellant.
 - (b) The name and address of the owner of the lot to be affected by such proposed change or appeal.
 - (c) A brief written description and location of the lot to be affected by such proposed change or appeal, including the present zoning classification of the lot in question, the improvements thereon and the present use thereof and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction details.
 - (d) Eight complete copies of any application form prescribed by the ZBA and fees as outlined in Chapter A210, Fee Schedule, of the Code of the Town of Greenfield, New York.
 - (e) Interpretations and variances.

[1] If seeking an interpretation, a written description of the specific provision of the rule in question and the interpretation claimed and a sketch plan of the real property to be affected, indicating the location and size of the lot and the size of improvements proposed to be completed.

[2] If seeking a variance, eight copies of a preliminary site plan as required by Article VI, § 105-52A(3), a legal description of the property, plans and elevations necessary to show the proposed variance and either drawings or information reasonably considered necessary by the ZBA to fully assess the proposed use and its relationship to surrounding properties.

B. Procedure for the official.

(1) A notice of appeal from any order, requirement, decision or determination made by the administrative official charged with the enforcement of this chapter shall be filed with such administrative official and with the ZBA within 60 days after the filing of the order, requirement, decision or determination. The official shall transmit to the ZBA all papers constituting the record upon which the action appealed from was taken.

(2) It shall be incumbent upon the official to recommend to the ZBA a modification or reversal of his action in cases where he believes substantial justice requires the same but where he has not himself sufficient authority to grant the relief sought.

C. Referral to the Planning Board.

(1) At least 14 days before the date of the public hearing held in connection with any application to the ZBA, the ZBA may, at its discretion, transmit a copy of said application to the Planning Board and shall request that the Planning Board submit to the ZBA its advisory opinion on said application. When a referral occurs, the Planning Board shall submit a report of such advisory opinion prior to the time set for the ZBA to render its decision. Failure of the Planning Board to submit such report shall be interpreted as a no-recommendation opinion by the Planning Board.

(2) In the case of a request or an application to build in the bed of a mapped street, the official shall transmit a copy of the application, plans and other available data to the Planning Board not less than 10 days prior to a public hearing on the application. Prior to or at the time of hearing, the Planning Board shall submit a report to the ZBA as to the probable effect such an application would have on the Comprehensive Land Use Plan, public health, safety and welfare of the Town of Greenfield.

§ 105-85. Public hearing and notice.

A. Notice.

[Amended 5-8-2008 by L.L. No. 1-2008]

(1) The ZBA shall fix a reasonable time for the hearing on the appeal application and give public notice thereof by publishing a notice of such hearing in a paper of general circulation in the Town at least seven days prior to the date thereof and, at least 10 days prior to the date of the hearing, by mailing notices of the hearing:

(a) To the parties and to the County Planning Board, as required by § 239-m of the General Municipal Law. The notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

(b) In case of an appeal for a variance, to all owners of property within 500 feet of the nearest line of the property for which the variance is sought and such other property owners as the Chairman of the ZBA may direct.

(2) A sign advertising the public hearing shall be provided by the Town to the applicant, who shall be responsible for posting it on the property for a period of 10 days prior to the hearing. In the event the sign is lost or removed from the premises, the applicant shall make arrangements to replace the same within 24 hours. The applicant shall provide the Board with proof of posting on a form to be provided by the Town.

B. Adjournment of hearing. The ZBA may adjourn any hearing upon the mutual consent of the ZBA and the applicant.

§ 105-86. Decisions.

The ZBA shall decide each appeal within 62 days from the date of the final hearing. The time within which the ZBA must render its decision may be extended by mutual consent of the applicant and the ZBA. Upon the hearing, any party may appear in person or be represented by an agent or attorney. In the exercise of its functions upon such appeals, the ZBA may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and shall have all the powers of the administrative official from whose other requirement, decision or determination the appeal is taken and may make such order, requirement, decision or determination in accordance with the provisions hereof.

A. Voting. The ZBA shall act by resolution. The concurring vote of a majority of the total members of the ZBA shall be necessary to make a determination on any issue in accordance with this chapter. Each action by the ZBA shall immediately become part of the public record and shall be filed with the Town Clerk within five business days after the decision is rendered and a copy mailed to the applicant.

B. Standards for granting appeals. The ZBA shall grant an appeal only when it finds that the following standards have been met:

(1) Administrative appeals: that the official at whom the appeal is directed erred in either interpretation of the law or in the application of the Code to the particular circumstances of the application. If the ZBA finds that the official misinterpreted or misapplied the provisions of this chapter, the decision of the official shall be reversed, and the ZBA shall make an official interpretation of the law to be used by the official.

(2) Area variances:

(a) The ZBA shall have the power to grant area variances from the area or dimensional requirements of this chapter.

(b) In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant in making such determination. The ZBA shall also consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

[3] Whether the requested area variance is substantial;

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

(c) The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) Use variances:

(a) The ZBA shall have the power to grant variances authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter.

(b) No use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the ZBA that:

[1] Under applicable zoning regulations the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

[2] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

[3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] The alleged hardship has not been self-created.

(c) The ZBA, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Conditions of approval. In granting any appeal, the ZBA may impose conditions on that approval that it finds necessary to ensure full satisfaction of the standards imposed for the granting of the appeal and other applicable provisions of the law. Violations of these conditions shall be a violation of this chapter. Such conditions may include but are not limited to specifications for the following:

(1) Vegetation, buffering and screening.

(2) Increased setbacks and yards and access restrictions.

(3) Hours of use and operational controls.

(4) The location of signs, parking and lighting.

(5) Conservation easements and other deed restrictions.

(6) The professional maintenance and inspection of facilities or improvements necessary to ensure adequate maintenance and inspection.

§ 105-87. Expiration of decision.

Unless otherwise specified by the ZBA, a decision of any appeal or request for a variance shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of said authorized permit within one year from the date of authorization.

§ 105-88. Subsequent hearings.

After hearing all evidence presented upon an application or appeal under the provisions of this chapter, the ZBA shall refuse to hold further hearings on said or a substantially similar application or appeal by the same applicant, its successors or assigns for a period of one year, except and unless the ZBA shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified.

§ 105-89. (Reserved)

§ 105-90. (Reserved)

ARTICLE IX. Site Plan Review

§ 105-91. Purpose.

The purpose of site plan review is to provide for the review and approval of development plans to ensure that land development occurs in harmony with surrounding uses, without adversely impacting neighboring parcels, property values, public facilities, infrastructure or the natural environment.

§ 105-92. Applicability.

A. Before a building permit or certificate of occupancy can be issued for any of the activities to which site plan review applies, a site plan must be approved by the Planning Board and filed with the official.

B. The requirements of this section shall apply to uses listed as requiring site plan review in Table 1, Table of Uses, Editor's Note: Table 1, Use Regulations, is included at the end of this chapter. as well as to the following projects:

- (1) All expansions of existing commercial, industrial or multifamily property which involve an increase in the gross floor area of an existing structure by more than 20%, provided that such expansion involves at least 1,000 square feet.
- (2) Any conversion of an existing residential structure to a nonresidential use (except as required for the establishment of a home occupation).
- (3) Any conversion of an existing nonresidential structure into a residential structure containing three or more units.
- (4) Any modification to an existing residential structure which increases the number of dwelling units in the building to three or more units.
- (5) Any new development within or expansion of a mobile home park.
- (6) Any change of an existing nonresidential building from one type of use to another (i.e., conversion of a commercial structure to an industrial facility).
- (7) Any new telecommunications tower or collocation on a previously approved telecommunications tower.

C. This section does not apply to the construction of single-family homes, two-family dwellings, agricultural or forest management buildings or structures or the placement of modular, panelized, manufactured or mobile homes on individual lots.

§ 105-93. Procedure.

A. The applicant shall have the option to make an informal presubmission presentation to the official, at which time site plan application requirements can be reviewed. A sketch plan should be prepared by the applicant and employed at the presubmission meeting to indicate the nature of the proposal.

B. The applicant shall make formal application for site plan approval by submitting, at minimum, a completed application form, the appropriate environmental assessment form and a preliminary site plan to the official. The application shall consist of the following:

- (1) A preliminary site plan as required under application for a special permit, in compliance with § 105-52A, documentation of maintenance and ownership of open space and park facilities as required under § 105-126 of this chapter and documentation of compliance with Chapter 49, Environmental Quality Review, of the Code of the Town of Greenfield, New York, as applicable.
- (2) A front view of all signs to be employed at the project.
- (3) Other information determined by the official or Planning Board as necessary to review the development for compliance with this chapter.

(4) Stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 85 of the Town Code. The SWPPP shall meet the performance and design criteria and standards of Chapter 85 and the approved site plan shall be consistent with the provisions of Chapter 85.

[Added 12-13-2007 by L.L. No. 5-2007]

C. Application for a site plan approval shall be accompanied by a fee in accordance with the Fee Schedule contained in Chapter A210, Fee Schedule, of the Code of the Town of Greenfield, New York.

§ 105-94. Public hearing.

A. Notice.

[Amended 5-8-2008 by L.L. No. 1-2008]

(1) The Planning Board shall fix a reasonable time for the hearing on the application and give public notice thereof by publishing a notice of such hearing in a paper of general circulation in the Town at least seven days prior to the date thereof and, at least 10 days prior to the date of the hearing, by mailing notices of the hearing:

(a) To the parties and to the County Planning Board, as required by § 239-m of the General Municipal Law. The notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

(b) To all owners of property within 500 feet of the nearest line of the property for which site plan review is sought, and to such other property owners as the Chairman of the Planning Board may direct.

(2) A sign advertising the public hearing shall be provided by the Town to the applicant, who shall be responsible for posting it on the property for a period of 10 days prior to the hearing. In the event the sign is lost or removed from the premises, the applicant shall make arrangements to replace the same within 24 hours. The applicant shall provide the Board with proof of posting on a form to be provided by the Town.

B. Adjournment of hearing. The Planning Board may adjourn any hearing upon the mutual consent of the Planning Board and the applicant.

§ 105-95. Decision.

Upon receipt of a complete site plan application, the official shall refer the application to the Planning Board. The Planning Board shall review the site plan application, and within 30 days of receipt, the Planning Board may schedule a public hearing to receive comments on the application. The Planning Board shall either approve, approve with conditions or disapprove the application within 45 days after such hearing. If there is no public hearing held, the Planning Board shall either approve, approve with conditions or disapprove the application within 45 days of receipt of a complete application. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to render a decision within the prescribed time limits shall constitute approval by the Planning Board.

§ 105-96. Criteria.

[Amended 12-13-2007 by L.L. No. 5-2007]

The Planning Board shall review the project to determine consistency with the guidelines and standards presented in Article VI, Special Uses, § 105-54B through Q and full conformance with the stormwater management and erosion and sediment control provisions of Chapter 85 of the Town Code.

§ 105-97. Action by Planning Board.

In acting on a site plan application, the Planning Board may issue any one of the following decisions:

A. Approval. Upon approval of the site plan, the Planning Board shall endorse a copy of the site plan within 120 days of the date of approval and immediately file it with the official. The official shall notify the applicant of approval.

B. Conditional approval. Upon conditional approval of the site plan, the Planning Board shall issue a written statement to the applicant, indicating the modifications which are required prior to approval of the site plan. After adequate demonstration to the Planning Board that all conditions will be met, the Planning Board shall endorse its approval on a copy of the site plan within 120 days of the time when it determines that all conditions have been met and shall immediately file it with the official, along with the written statement containing the modifications required by the Planning Board. The official shall transmit a copy of the same to the applicant.

C. Disapproval. Upon disapproval of the site plan, the decision of the Planning Board shall immediately be filed with the official and a copy thereof mailed to the applicant.

§ 105-98. (Reserved)

§ 105-99. (Reserved)

ARTICLE X. Overlay District Requirements

§ 105-100. (Reserved)

§ 105-101. (Reserved)

§ 105-102. (Reserved)

§ 105-103. (Reserved)

§ 105-104. (Reserved)

§ 105-105. (Reserved)

§ 105-106. (Reserved)

§ 105-107. (Reserved)

§ 105-108. (Reserved)

§ 105-109. (Reserved)

§ 105-110. (Reserved)

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

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

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

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

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

E. Special uses. Any use permitted with a special use permit in the underlying zoning district shall be permitted in the Earth Material Extraction Overlay District. In addition, except when incidental to the construction of a building on the same lot, the excavation, processing or sale of earth, sand, gravel, clay or other natural mineral deposits or the quarrying of any kind of rock formation hereafter may be carried out only after the issuance of a special use permit in accordance with Article VI Editor's Note: See Art. VI, Special Uses, in this chapter. and in accordance with all additional standards of this section.

F. Space and bulk standards. All associated space and bulk requirements in the underlying zoning district remain. In that case, the side yard setbacks do not apply. In addition, the following standards apply to any operation involving the excavation, processing or sale of earth, sand, gravel, clay or other natural mineral deposits or the quarrying of any kind of rock formation:

(1) Minimum lot size:

(a) Excavation of earth, sand, gravel, clay or other natural mineral deposits: 20 acres.

(b) The processing or sale of earth, sand, gravel, clay or other natural mineral deposits in connection with excavation activities: 30 acres.

(2) Minimum lot frontage:

(a) Excavation of earth, sand, gravel, clay or other natural mineral deposits: 500 feet.

(b) The processing or sale of earth, sand, gravel, clay or other natural mineral deposits in connection with excavation activities: 700 feet.

(3) Front setback, all uses: 200 feet.

(4) Minimum side yard, all uses, except where two mines abut one another on adjoining properties: 100 feet. In the case where two mines abut one another on adjoining properties, no side yard setback is required.

(5) Minimum rear yard, all uses: 100 feet.

(6) Maximum lot coverage ratio: 0.15.

(7) Maximum building height: 50 feet.

G. Additional standards. Any building, structure or use of land or the creation of new lots within the Earth Material Extraction Overlay District shall comply with the following standards:

(1) The general standards of performance of Article XI shall apply where applicable.

(2) The slope of material in such earth, sand, gravel, clay or other natural mineral deposits shall not exceed the normal angle of repose of such material.

(3) The top and the base of such slopes shall not be nearer than 100 feet to any property line nor nearer than 100 feet to the right-of-way of any street or highway.

(4) A plan for the restoration and rehabilitation of a commercial earth excavation area or borrow pit shall accompany the application for a permit and shall assure conformance with the public health, safety and welfare. The plan shall include but not be limited to all of the following.

(a) A regrading plan at a contour interval of not less than five-foot contours.

- (b) Revegetation and stabilization techniques to be employed.
 - (c) Erosion control measures.
 - (d) Stormwater and runoff control measures.
 - (e) Impacts of truck traffic from the proposed operation.
 - (f) A review of noise and visual impacts as deemed appropriate by the Planning Board.
 - (g) A full environmental assessment form in compliance with Chapter 49 of the Code of the Town of Greenfield, New York. Editor's Note: See Ch. 49, Environmental Quality Review.
- (5) A reclamation bond, escrow account or other approved bonding mechanism must be submitted prior to approval of a special permit; said reclamation bond or an acceptable substitute is to be determined by the Town Board and will represent the estimated cost to the Town for reclamation of the affected land should the permittee fail to complete the reclamation plan.
- (6) An amended application is required for any significant changes in the mining operation, such as an addition of land to be affected by mining, major changes in stockpile or processing areas, changes in mining equipment or processing facilities and any changes in the mining or reclamation objectives. Amended plans may result in an adjustment to the reclamation bond.

H. Projects subject to DEC permit. For any project which is subject to the permit requirements of the New York State Mined Land Reclamation Law Editor's Note: See § 23-2701 et seq. of the Environmental Conservation Law. and which has received a mined land reclamation permit from the New York State Department of Environmental Conservation, Planning Board review of the special permit application shall consider the preceding requirements of this section only to the extent that they are not preempted by the provisions of the Mined Land Reclamation Law. Denial of the special use permit or imposition of conditions on the special use permit by the Planning Board shall be limited to the following factors:

- (1) Ingress and egress to public thoroughfares controlled by the Town;
- (2) Routing of mineral transport vehicles on roads controlled by the Town;
- (3) Requirements and conditions as specified in the DEC mined land reclamation permit concerning setback from property boundaries and public thoroughfare rights-of-way, natural or man-made barriers to restrict access, dust control and hours of operation, when such requirements and conditions are part of the DEC mined land reclamation permit;
- (4) Enforcement of reclamation requirements contained in the DEC mined land reclamation permit; and
- (5) Any other factors allowed under applicable state law.

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

A. Statement of purpose.

- (1) The purpose of the Floodplain Management, Wetland Resource Conservation Overlay District is to regulate land development within flood hazard zones, wetlands and the Kayderosseras Creek area basin. Population growth, attended by housing, roads and other construction, along with increased demands on the Town's natural resources, has been found to be encroaching on, despoiling or eliminating many of the Town's wetlands, water bodies, watercourses and other natural resources and processes associated therewith.
- (2) The conservation, preservation and maintenance of these natural resources in any undisturbed and natural condition constitutes important physical, ecological, social, aesthetic, recreational and economic

assets necessary to promote the health, safety and general welfare of present and future residents of the Town and of downstream drainage areas.

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

(4) Specifically, the following objectives pertain:

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

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

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

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

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

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

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

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

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

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

D. Space and bulk standards. Any building, structure or use of land within the Floodplain Management, Wetland Resource Conservation Overlay District shall comply with the space and bulk requirements of the underlying zoning district.

E. Additional standards. Any building, structure or use of land within the Floodplain Management, Wetland Resource Conservation Overlay District shall comply with the following requirements:

(1) No filling, grading, dredging, excavation or construction, other than permitted piers, docks and similar water-dependent uses, shall be allowed within the Floodplain Management, Wetland Resource Conservation Overlay District.

(2) Within the Federal Emergency Management Agency Flood Hazard Zone, all new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(3) All development shall be constructed and maintained in such a manner that no net reduction occurs in the flood-carrying capacity of any watercourse.

(4) No development may take place within the five-hundred-foot conservation buffer zone unless such development is determined by the Planning Board to be in compliance with the following criteria:

(a) That environmental resource constraints are fully considered in establishing land use patterns in the stream corridor.

(b) That open space and visual amenities in rural areas are maintained and preserved by establishing and maintaining greenbelts along the stream corridor.

(c) That development in the stream corridor is consistent with the historical and cultural character of the surroundings and fully reflects the need to protect visual amenities.

(d) That disturbance of streambeds and streambank erosion are minimized and, where practical, eroding streambanks shall be restored to a natural or stable condition.

(e) That runoff from development areas is controlled such that it does not unnecessarily increase the frequency and intensity of flooding at the risk of threatening life and property.

(f) That the natural vegetative canopy along the stream corridor is maintained or restored to ensure that midsummer stream temperatures do not exceed tolerance limits of desirable aquatic organisms.

(g) That accelerated enrichment of the stream corridor and contamination of waterways from runoff containing nutrients, pathogenic organisms, organic substances and heavy metals and toxic substances are minimized.

(h) That any habitable structure shall be constructed with its lowest floor elevation at least one foot above the base flood elevation.

(i) That any structure shall not cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.

(j) That any structure shall be constructed and placed on any building site so as to offer the minimum obstruction to the flow of waters.

(k) That any structure shall be firmly anchored to prevent flotation, collapse or lateral movement which may result in damage to other structures, restrictions of bridge openings and other narrowings of the watercourse.

(l) That all new and/or replacement water supply and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters, including individual septic and well sources.

(m) That service facilities, such as electrical and heating equipment, will be constructed at or above the base flood elevation for the particular area or shall be floodproofed.

(n) That new construction and substantial improvements shall be constructed using materials, methods and practices that minimize flood damages.

(o) That base flood elevation data is provided regardless of the proposed development size.

(p) That other data or evidence as may be requested by the Planning Board pertaining to flood and site plan information has been submitted.

F. Performance standards. The following performance standards apply to any land within the five-hundred-foot conservation buffer zone, in addition to the requirements of Article XI:

(1) Agriculture.

(a) Agricultural practices shall be conducted in such a manner that shall minimize soil erosion and contamination of surface waters by sedimentation, nutrient enrichment and fecal bacteria.

(b) An untilled filter strip of natural vegetation shall be retained between the tilled ground and the normal high-water mark of the surface waters protected by this district, in accordance with a plan designed after New York State Department of Environmental Conservation guidelines for preventing erosion and sedimentation.

(2) Clearing and noncommercial tree cuttings.

(a) The clearing of trees and conversion to other vegetation is permitted for approved construction and landscaping. Where such clearing extends to the shoreline, a cleared opening(s) not greater than 25 feet in width for every 100 feet of shoreline (measured along the normal high-water mark) may be created. This opening applies to all areas up to 50 feet inland from the normal high-water mark and paralleling the shoreline. Where the natural vegetation is removed, it is to be replaced with other vegetation that is equally effective in retarding erosion and preserving natural beauty. The total width of any opening to the shore shall not exceed 40 feet.

(b) Tree cutting for noncommercial purposes is permitted, provided that no more than 50% of existing trees six or more inches in diameter, measured at five feet above ground level, are removed from any contiguous stand or grouping of trees. In no case shall the area of contiguous clearing exceed 7,500 square feet.

(3) Erosion and sedimentation control.

(a) On slopes greater than 15%, there shall be no grading or filling within 100 feet of the normal high-water mark, other than for road construction or water crossings, except to protect the shoreline and prevent erosion.

(b) Filling, grading, lagooning, dredging, earthmoving and other land use activities shall be conducted in such a manner as to prevent, to the maximum extent possible, erosion and sedimentation loading of surface waters. Such activities shall incorporate the following practices:

[1] As little bare ground as possible shall be exposed and for as short a time as is feasible.

[2] Full use shall be made of temporary ground cover, such as mulch, and permanent cover, such as sod, to stabilize fill and disturbed areas.

[3] Sediment shall be trapped by diversion ditches, silting basins, terraces, siltation fences, hay bale barriers and other devices.

[4] The sides of channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter, unless bulkheads or riprapping are provided and the sides are stabilized to prevent slumping.

(4) Wetland alteration.

(a) No filling, dredging or other earthmoving shall be carried out within the limits of a wetland as identified by the New York State Department of Environmental Conservation (NYSDEC) except in connection with road construction as set forth under Subsection E.

(b) Within 75 feet of any NYSDEC-designated wetland, the land shall be maintained in a natural vegetative state and no buildings, structures or impervious surfaces shall be placed or erected.

(c) Within 100 feet of a NYSDEC-designated wetland, a NYSDEC permit shall be obtained for the placement of buildings, structures, subsurface drainage or impervious surfaces, prior to their placement or erection.

(5) Roads and water crossings.

(a) All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of flowing streams or standing beds of water shall be revegetated or otherwise stabilized so as to reasonably prevent erosion and sedimentation of water bodies. Temporary erosion control measures, including siltation fences and hay bale barriers or other devices, will be installed where appropriate and/or required by the Town Engineer.

(b) Road banks shall have a slope no greater than two horizontal to one vertical, extending back 75 feet from the normal high-water mark.

(c) Drainage ditches are to be provided so as to effectively control water entering and leaving the road area within 75 feet of the normal high-water mark. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion is minimized.

(d) To prevent road surface drainage from directly entering water bodies, roads and their associated drainage ditches shall be located, constructed and maintained to provide an unscarified filter strip, of at least the width indicated below, between the road and the normal high-water mark of a surface water body.

Average Slope of Land Between Road and Normal High-Water Mark	Width of Strip Between Road and Normal High-Water Mark (linear feet along surface of ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

NOTE: This requirement does not apply to road approaches to water crossings.

(e) Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate twenty-five-year storm frequency water flows.

(f) Culverts used in water crossings shall be installed at or below streambed elevation, be seated on firm ground, have soil compacted at least halfway up the side of the culvert, be covered by soil to a minimum depth of one foot or according to the culvert manufacturer's specifications, whichever is greater, and have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert. These standards do not apply to any water crossing or encroachment regulated by any county, state or federal body.

(6) Subsurface sewage disposal. All subsurface sewage disposal facilities shall be installed in conformance with the State of New York Department of Health Standards for Individual Water Supply and Individual Sewage Treatment Systems as well as other appropriate State of New York and Town of Greenfield regulations. In addition, the following standards apply:

(a) All subsurface sewage disposal systems shall be located in areas of suitable soil and size to meet state standards.

(b) The minimum setback for subsurface sewage disposal facilities with design flows of 300 gallons per day or less shall be no less than 100 horizontal feet from the normal high-water mark of the regulated stream(s) or wetland. Systems with design flows of greater than 300 gallons per day shall have a minimum setback of 300 horizontal feet.

(7) Timber harvesting. Commercial timber harvesting, other than for road building and water crossings or that in conjunction with development activities, is prohibited in the Floodplain Management, Wetland Resource Conservation Overlay District.

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

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

B. Boundaries; site plan review required.

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

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

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

[Added 7-12-2007 by L.L. No. 2-2007 Editor's Note: This local law also redesignated former Subsections C through J as Subsections D through K, respectively.]

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

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

F. Structure design. Structures shall be designed to blend in with the natural surroundings and landscaping.

(1) Preferred use of natural wood siding and stone and the use of roofing materials with earth tone colors. Light, bright, and reflective materials shall be avoided on the exterior surfaces of structures.

(2) Windows shall not occupy more than 50% of any building facade.

(3) Roof slopes shall follow the natural contour of the land where possible.

G. Lighting. The location, height, design, arrangement and intensity of outside lighting shall minimize glare and shall be directed and shaded such that light shall not be directed off site. Residential and nonresidential structures may be illuminated to the minimum extent required to provide safe ingress and egress to the structure.

H. Structure screening. The applicant may be required to preserve existing vegetation or provide new plantings of native vegetation to screen structures.

I. Existing vegetation. Vegetation shall be preserved to the maximum extent possible. Every attempt shall be made to limit the amounts of cutting necessary for either construction or the opening of views from the subject site so as to maintain the natural vegetation as a screen for structures as seen from public streets or parks and other public views.

J. Buffer area. A buffer area having a minimum width of 25 feet shall be established along rear and side lot lines of any parcel proposed for development.

K. All buildings, structures, and/or accessory elements of buildings and structures shall be limited to no more than 35 feet in height.

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

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

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

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

D. Sewage treatment and disposal. Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows:

(1) Publicly owned sewer systems must be used where available.

(2) All private sewage treatment and disposal systems must meet or exceed the standards of the New York State Department of Health and the Town of Greenfield and shall be verified by a professional engineer for compliance with said standards.

[Amended 7-12-2007 by L.L. No. 2-2007]

(3) All private sewage treatment and disposal systems which discharge sewage into the ground must be set at least 150 feet from the ordinary high-water mark of Lake Desolation and/or any tributary stream.

(4) A sewage treatment system not meeting the requirements of this section must be replaced with a conforming system, any time a permit or variance of any type is required for any improvement on, or use of, the property.

(5) In the event the property owner cannot comply with the provisions of this section by reason of the physical layout of the property, a variance must be obtained from the Board of Health. In evaluating the variance, the Board of Health shall consider the sewage treatment and water supply constraints of the lot and adjoining properties and shall deny the variance if adequate facilities cannot be obtained.

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

[Added 7-12-2007 by L.L. No. 2-2007]

§ 105-115. (Reserved)

§ 105-116. (Reserved)

§ 105-117. (Reserved)

§ 105-118. (Reserved)

§ 105-119. (Reserved)

§ 105-120. (Reserved)

ARTICLE XI. Supplementary Regulations

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

The purpose of this section is to provide guidance as to the appropriate parking, loading, sidewalk and curb and buffer facilities that shall be required in conjunction with new development or a change of use in the Town of Greenfield.

A. Off-street parking.

(1) Spaces required.

(a) Off-street parking spaces shall be required in any district whenever any new use is established or any existing use is enlarged, in accordance with Table 3. Editor's Note: Table 3, Parking Requirements, is included at the end of this chapter. The Planning Board shall determine the parking requirement for any use not listed or where it is given the discretion to do so.

(b) The Planning Board reserves the right to waive any portion of the parking requirement in the event that proximate public parking exists to support the use in question.

(c) The Planning Board reserves the right to waive the construction of any portion of the parking requirement in the event that the applicant can demonstrate, to the Board's satisfaction, that the parking requirement is greater than would be required for the specific use requested, provided that the parking requirement pursuant to this article is shown on the plan and could be built at some future time if deemed necessary by the Planning Board. By agreeing to a waiver of any portion of the parking requirement pursuant to this section, the applicant or its successor expressly agrees that it will construct the parking requirement pursuant to this article if the Planning Board should require it in the future.

(d) In any district, the Planning Board, at its sole discretion, may approve the joint use of a parking facility and a reduction in the parking requirement of up to 30% by two or more principal buildings or uses, either on the same, adjacent or nearby parcels, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by patrons or employees among such establishments or by virtue of pedestrian pathways that facilitate walking within 1/2 mile. There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use. Such covenant shall:

[1] Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;

[2] Be enforceable by either of the parties having beneficial use thereof as both; and

[3] Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

(e) No use may provide parking in excess of 20% over the amount specified in this section.

(2) Design of off-street parking facilities.

(a) Each parking space shall comply in size and dimension with the following standards:

Parking Lot Sizes and Dimensions

Angle (degrees)	Stall Width (feet)	Stall to Curb (19-foot stall) (feet)		Curb Length	Aisle Width per Car (feet)
90	9.0	19.0	24.0*		9.0
60	9.0	21.0	18.0		10.4
45	9.0	19.8	13.0**		13.4
30	9.0	17.3	11.0**		18.0
0	9.0	9.0	12.0		23.0

NOTES:

* Two-way circulation.

** One-way circulation.

(b) Driveways providing access to parking aisles shall be at least 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that twelve-foot-wide driveways are permissible for two-way traffic when the driveway is not longer than 50 feet and it provides access to not more than six spaces, with sufficient turning space provided so that vehicles need not back onto a public street.

(c) Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces created contain within them the rectangular area required by this section.

(d) Handicap parking spaces are to be supplied in accordance with Part 1102 of the General Building Construction Section of the State of New York Uniform Fire Prevention and Building Code.

(3) Landscaping requirements for parking areas.

(a) Each off-street parking area is to have a landscaped area equivalent to one parking space for every 30 parking spaces, which is to be located in such a way as to ensure that there are no more than 15 cars in a row without interruption by landscaping. Off-street parking areas are to be landscaped with shrubs no higher than three feet over half their surface and canopy trees of a minimum caliper of 2 1/2 inches, with branches no lower than seven feet. A minimum of one canopy tree per equivalent landscaping space shall be required. Such landscape spaces are to be located in a manner not impairing visibility. Parking lot landscaping is not to be construed as meeting any other landscaping, screening and/or buffering requirements of this chapter.

(b) A screen planting of appropriate plant material not less than three feet in height shall be provided between off-street parking areas and any lot line or street line, except where a building intervenes or where the distance between such areas and the lot line or street line is greater than 150 feet.

(c) All loading areas are to be landscaped and screened sufficiently to obscure the view of the parked vehicles and loading platforms from any public street, adjacent residential land use or district or commercial frontage.

(4) Pavement requirements.

(a) Off-street parking areas and loading areas, including access aisles, driveways and fire lanes, shall be surfaced as outlined below. Alternate methods of an equivalent quality may be permitted subject to approval by the Town Engineer.

[1] Areas of ingress, egress, loading and unloading, major interior driveways or access aisles and other areas likely to experience similar heavy traffic shall be paved with not less than 12 inches of

suitable subbase material in compliance with New York State Department of Transportation Standard Specification Type 4 equivalent gravel. Areas with soft soil conditions may require subbase material up to 18 inches based on the Town Engineer's recommendation. Under extremely soft soil conditions, a soil stabilization fabric shall be deemed necessary and required after review by the Town Engineer. Bituminous surfacing shall be used unless an equivalent is approved after review by the Town Engineer. Bituminous surfacing shall consist of 1 1/2 inches of compacted Type 6 or 6F New York State Department of Transportation equivalent top course and a three-inch compacted Type I New York State Department of Transportation equivalent base course for a total compacted bituminous material thickness of at least 4 1/2 inches. Should unstable subsurface soil conditions exist, additional subbase and/or bituminous base course may be required depending on the Town Engineer's recommendation.

[2] Parking stall areas and other areas likely to experience similar light traffic shall be paved with not less than 12 inches of New York State Department of Transportation Type 4 equivalent gravel. Bituminous surfacing is to be used unless an equivalent is approved after review by the Town Engineer. Bituminous surfacing shall consist of at least one inch of compacted Type 6 or 6F New York State Department of Transportation equivalent top course and 2 1/2 inches of compacted Type 3 or Type 1 New York State Department of Transportation equivalent binder or base course for a total compacted bituminous material thickness of at least 3 1/2 inches. Should unstable subsurface soil conditions exist, additional subbase and/or bituminous base course may be required depending on the Town Engineer's recommendation.

(b) All parking areas, regardless of size and location, shall be suitably drained and maintained with slopes on paved surfaces established between 1% and 8% in parking stall areas and with driveway grades no greater than 10%.

(c) All off-street parking lots shall be adequately demarcated with reflective painted lines or other markings to indicate traffic flow and parking spaces.

(5) Other use of parking facilities prohibited. Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or service of any kind. The required parking areas shall be permanently available for the use by patrons and employees of establishments providing such spaces.

B. Commercial landscaping standards.

(1) Landscaped strips along street. A landscaped strip shall be provided adjacent to all public and private streets. The landscaped strip shall be a minimum of 10 feet wide, exclusive of street right-of-way. Within the landscaped strip, one shade tree (three inches caliper minimum) shall be provided per every 150 linear feet, or any portion thereof, of landscaped strip. Required shrubbery shall be no higher than four feet above existing street grades. All landscaping (trees, shrubs, planted bed) shall be maintained within 20 feet of any street intersections or 10 feet of driveway/street intersections. This restriction is for purposes of maintaining visibility at all times.

(2) Where parking lots and driveways abut the landscaped strip along street rights-of-way, evergreen shrubs selected from the list below must be provided for screening. The screening must be a plant species that grows a minimum of three feet high and extends along the entire street frontage of the parking lot, exclusive of driveways and visibility clips. A landscaped berm must be provided in lieu of required shrubs. The berm must be 18 inches to 40 inches above the average grade of the street and parking lot curbs, with a slope not to exceed 3:1. If a parking lot is located 50 feet or more from the street right-of-way line, no screening shrubs or berm will be required.

Suggested Evergreen Low Screening Shrubs

Common Name	Scientific Name
Euonymous	Euonymous fortunei
Oregon grape	Mahonia aquifolium
Rhododendron	Rhododendron ('compacta' varieties)

Suggested Evergreen Low Screening Shrubs

Common Name	Scientific Name
Holly	Ilex ('compacta' varieties)
Dwarf Hinoki false cypress	Chamaaecyparis obtuse 'Nana Gracilis'
Spruce	Picea (varieties)
Juniper	Juniperus (varieties)
Yew	Taxus (varieties)

Suggested Evergreen Tall Screening Shrubs

Common Name	Scientific Name
Spruce	Picea (varieties)
Juniper	Juniperus (varieties)
Yew	Taxus (varieties)
The blue holly	Ilex meservae
Mountain laurel	Kalmia latifolia
Firethorn	Pyracantha
Rhododendron	Rhododendron
Leatherleaf viburnum	Viburnum rhytide phyllum

C. Off-street loading.

(1) Whenever the normal operation of any use requires that goods, merchandise or equipment be delivered to or shipped from the use, sufficient off-street loading and unloading space shall be provided to accommodate loading and unloading operations.

(2) The loading and unloading area shall be of sufficient size to accommodate the numbers and types of vehicles that are likely to use the facilities. The following chart indicates the number and size of spaces that may, presumptively, provide safe and convenient loading and unloading facilities; however, the Planning Board reserves the right to adjust the loading area if reasonably necessary to ensure safe, convenient and efficient operations.

Gross Leasable Area of Building (square feet)	Number of Spaces
5,000 to 79,999	1
80,000 to 127,999	2
128,000 to 191,000	3
192,000 to 255,999	4

**Gross Leasable Area of Building
(square feet)**

Number of Spaces

256,000 to 319,000

5

320,000 to 391,999

6

Each additional 72,000 or fraction thereof

Plus 1

(3) Each loading space shall possess a minimum area of 12 feet by 55 feet and an overhead clearance of 14 feet from the street grade.

(4) Loading and unloading areas shall be located and designed such that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the loading and unloading operations without obstruction or interfering with any public right-of-way or any parking space or parking lot aisle or fire right-of-way or lane.

(5) No area used for loading and unloading facilities shall be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

D. Curbs and sidewalks.

(1) Granite or concrete curbing shall be installed, as required, to adequately control stormwater runoff and to delineate and protect other site features, including but not limited to sidewalks, ingress and egress locations, landscaped islands and planting beds and parking and loading areas, and at intersections with existing town, county or state roads. The appropriateness of curbing shall be reviewed and approved by the Town Planning Board and/or its consultant. Construction of said curbing shall be laid in a manner approved by the Town Engineer.

(2) Curbing shall be laid in compliance with the following:

(a) All concrete curbing shall have a twenty-eight-day compressive strength of 4,000 pounds per square inch. Expansion joints shall be provided at intervals of 20 feet and shall be sealed. Curb vertical face exposure shall be at least six inches above the pavement surface.

(b) Granite curbing shall be constructed to show a vertical face above the pavement surface of at least six inches.

(3) Sidewalks shall be supplied in compliance with the following:

(a) Sidewalks may be required as part of any site layout, along all streets in the TC or OR Districts and other areas determined appropriate by the Planning Board, to facilitate adequate separation of pedestrian and vehicular traffic and to supply ample space along existing roads for safe pedestrian movement. Sidewalks shall be approved by the Town Planning Board in light of the above requirement, depending on the probable volume of pedestrian traffic and the development's location in relation to other development areas.

(b) Where required, sidewalks shall be at least four feet wide and located to avoid conflicts with vehicular traffic as reviewed and approved by the Town Planning Board. Said sidewalks are to be concrete or an equivalent acceptable to the Board and are to be constructed in accordance with New York State Department of Transportation Standard Specification 608.

E. Buffers.

(1) Mixed-density residential buffers shall consist of a naturally landscaped area, including lawns, shrubs and trees creating a screened effect between dissimilar uses.

(2) A buffer area or strip required adjacent to residential lots/districts shall consist of shrubs, trees and lawns culminating with a fence-like screen of trees near the property line or a spacing of trees throughout the required buffer area effectively creating screening between adjacent dissimilar uses.

(3) Types of buffer zones between uses.

(a) The purpose of buffer zones is to separate land uses and offer visual screening between uses that may not be compatible. The level of general compatibility dictates the level of screening. Three different types of buffers are specified. The buffer types are designated as Type A, Type B and Type C buffers. The following table illustrates the types of buffers required between adjacent uses.

Buffer Requirements Between Adjacent Uses

Land Uses	Single-Family Residential	Multi-family Residential	Office	Retail	Commercial/Recreation	Industrial
Single-family residential	None	B	A	B	C	C
Multifamily residential	B	None	A	A	B	C
Office	A	A	None	A	B	C
Retail	B	A	A	None	B	C
Commercial/recreation	C	B	B	B	None	B
Industrial	C	C	C	C	B	None

(b) Any use not specified above is considered a commercial use, unless otherwise determined by the Planning Board.

(4) Description of buffer types.

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

Buffer Types

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

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

(c) Buffer yards are in addition to landscape requirements outlined in this section and may not be used as a substitution for any part of the required landscaping. Where the use and area tables of this chapter specify a fifty-foot buffer, the requirements of a Type C buffer shall apply. Editor's Note: Table 1, Use Regulations, and Table 2, Area Regulations, are included at the end of this chapter.

(d) All industrial and commercial uses shall maintain a fifty-foot Type C buffer between the use and adjoining lot line of any cemetery.

(5) Maintenance of buffers. All buffers shall be maintained. The Planning Board may require that a bond be posted to ensure buffer maintenance.

§ 105-122. Cluster development.

A. Purpose and authority. To enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open lands, the Planning Board, in reviewing or approving proposed residential developments, may approve or require approaches to housing and environmental design in accordance with the provisions of this article and § 281 of the New York State Town Law. Editor's Note: Former § 281 of the New York State Town Law was renumbered as § 278 by L. 1992, c. 727, § 3.

B. Applicability.

(1) The provisions of this section shall apply to applications for division of land parcels containing a total land area of appropriate size and dimension which can accommodate at least five building lots according to the standards of this chapter and which can be classified as major subdivisions under the Subdivision Regulations of the Town of Greenfield. Editor's Note: See Ch. 90, Subdivision of Land.

(2) Voluntary application. An owner of property within any residential zoning district may make application under this section at preliminary sketch plan application, provided that the site meets the minimum requirements defined above.

(3) Required application. The Planning Board may, at its discretion, require that a land parcel meeting the minimum requirements under this section be developed in a cluster design, provided that the parcel possesses one or more of the following site characteristics:

(a) Flood hazard areas in accordance with the Federal Emergency Management Agency's Flood Insurance Rate Maps.

(b) Environmentally sensitive areas as designated by the Comprehensive Plan and Map.

(c) State or National Register historic sites or other areas of historical significance to the Town.

(d) The presence of a significant plant or wildlife habitat.

(e) The presence of significant wetland areas.

(f) The presence of significant areas of steep slopes.

(g) The presence of significant areas of soils with poor percolation characteristics, shallow depth to groundwater or a shallow depth to bedrock.

(h) Sites with significant views or with significant visibility from other areas of the Town.

(i) Other areas of environmental or scenic significance as may be mapped and designated by the Planning Board, such as a stream protection corridor or greenway recreation area.

C. Procedures.

(1) The subdivider, in making voluntary or required application under this section, shall present two preliminary plats or two sketch plans at the time of application under § 90-20 of Chapter 90 of the Code of the Town of Greenfield, New York. One shall be a layout of a conventional subdivision in strict compliance with the rules and regulations contained within Town zoning and subdivision legislation. The other shall be a layout outlining development of the parcel in the form of a cluster development.

(2) Upon submission of an application under this section, the subdivider shall present all information required in § 90-20 of Chapter 90 of the Code of the Town of Greenfield, New York, supplemented by evidence of the consistency of the proposed cluster development with the criteria to be used by the Planning Board in rendering its decision. Such evidence shall include a written statement describing the natural features to be preserved or enhanced by the cluster approach. The statement should also compare the impacts upon the Town from a conventional subdivision layout to the impacts of the cluster development for which application is being sought.

D. General design requirements.

(1) A cluster development shall meet all requirements for a subdivision in accordance with prevailing Town Law and any other federal, state and local law, with the exception of the minimum required front and rear yards, setbacks and lot size.

(2) Each building in a cluster development shall be an integral element of an overall concept for the site. The concept should take into consideration all requirements of this section and all other relevant sections of this chapter and other Town legislation.

(3) The overall development shall be oriented in such a way as to maximize the preservation of environmental, cultural or recreational resource(s) present at the site.

(4) The area dedicated for open space purposes, including playgrounds and parks, shall be in an amount, location, quality and shape as is desirable for accessibility to all developed properties and open space preservation, as determined by the Planning Board.

(5) Where possible, all land not contained within the lots, road right-of-way or designated preserve land shall be contiguous and of such size and shape as to be usable for recreation and/or open space.

E. Density. The overall density of a cluster development shall not exceed the maximum dwelling units permitted per acre in accordance with § 281 of the New York State Town Law. Editor's Note: Former § 281 of the New York State Town Law was renumbered as § 278 by L. 1992, c. 727, § 3. The correct cluster shall be reviewed by the Planning Board prior to action on the preliminary plat for compliance with these regulations and any other relevant legislation.

F. Permitted uses. Permitted uses in a cluster development shall be the same as those allowed by the prevailing Town zoning district where the development is proposed.

G. Calculation of maximum buildable lots. The maximum buildable number of lots for a clustered subdivision shall be calculated as follows.

(1) From the total area of the property to be divided, subtract:

(a) Any unbuildable areas such as local, state or federally regulated wetlands.

(b) Rock outcrops.

(c) Slopes in excess of 15%.

(d) The area to be occupied by the proposed streets' rights-of-way.

(e) Any area occupied by other public easements or rights-of-way across the property such as major power or telephone lines.

(2) Then divide the remaining acreage by the minimum lot size in the zone in which the lots will be located.

H. Clustering of structures, lot sizes and dimensions.

(1) Clustering of structures. Residential building lots proposed under this section shall be organized into clusters or groupings of individual building lots. No cluster of building lots shall contain less than five lots.

(2) Minimum lot size. An individual building lot in a cluster development shall not be less than 1/4 the required acreage of that required for a similar building lot under the prevailing zoning district, and in no case shall an individual building lot be less than 1/2 acre.

(3) Setbacks. Each cluster of buildings shall be set back a minimum of 100 feet from any adjoining property or any Town right-of-way except that which is designated for exclusive use by residents of the development.

(4) Yards. Each individual residential building within a cluster development shall have a minimum front and rear yard of 50 feet and a minimum side yard the same as required under the zoning district in which the project is located.

I. Open space.

(1) All land not included in building lots or road rights-of-way shall be designated as open space. At minimum, open space within a development should equal or exceed the difference between the total land area required for building lots under a conventional subdivision and the total land area required for building lots under the proposed cluster development.

(2) Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, should be a part of the open space.

(3) The ownership of land dedicated for park, recreation or open space use shall be determined by the property owner or applicant. The person or entity having the right of ownership shall be responsible for its proper maintenance and continued upkeep. Ownership shall be with one of the following: the Town; another public jurisdiction or agency; a private, not-for-profit organization incorporated with a purpose consistent with the use and management requirements of the dedicated land; shared, common interest by all property owners in a subdivision; a homeowners', condominium or cooperative association or organization; or private ownership encumbered by a conservation easement pursuant to § 247 of the General Municipal Law or §§ 49-0301 through 49-0311 of the Environmental Conservation Law. Nothing in this section shall supersede the Town Board's right and responsibility to determine land to be acquired for Town parks, after consulting with the Planning Board and Recreation Commission.

(4) All areas designated for open space shall also comply with §§ 105-122J and 105-126 of this chapter.

J. Action by the Planning Board.

(1) The Planning Board, prior to acting on an application for preliminary plat review, within the time limits established in the Town Subdivision Regulations, Editor's Note: See Ch. 90, Subdivision of Land. shall refer all relevant information of the application for review and comment to the Town Engineer, Environmental Commission and any other bodies at its discretion. All and any comments on the application received within the time limits established in the Town Subdivision Regulations shall be reviewed and considered prior to Planning Board action on the application.

(2) The Planning Board may approve a voluntary application for cluster development or mandate cluster development under a required application if the proposed development complies with the standards of this chapter and other relevant laws and if, in its opinion, based on review of evidence about the site, traditional site layout would result in the elimination or permanent alteration of at least 60% of one or 60% of any

combination of the following attributes present on the site. (NOTE: For example, if 25% of the area of a fifty-year floodplain present at the site will be impacted by the proposed development, 25% of the area of a sensitive environmental condition will be impacted and 15% of a critical environmental condition present will be impacted, all totaled 65% of these subdivision of land attributes combined will be impacted, and cluster development shall be approved or mandated.)

(a) A fifty- or one-hundred-year flood hazard area as designated by the Federal Emergency Management Agency's Flood Insurance Maps.

(b) An environmentally sensitive area as designated by the Comprehensive Plan and Map.

(c) A National Register historic site.

(d) Other areas of environmental or scenic significance as may be mapped and designated by the Planning Board, such as a stream protection corridor or greenway recreation area.

(3) In the event that the criteria listed above are not met by the proposed development, the Planning Board may approve a voluntary application for cluster development if, in its opinion, the development of the site in a cluster design shall achieve one or more of the following objectives:

(a) The proposed cluster development shall protect natural and scenic resources on, adjacent to or near the site better than a conventional site layout.

(b) The proposed cluster development shall contribute to Town-wide open space planning by creating or complementing a system of permanently preserved open spaces.

(c) Sufficient evidence has been presented by the applicant to document that the proposed cluster development shall foster housing for special sectors of the community, including those groups identified in the Comprehensive Land Use Plan as populations which may require special housing initiatives to meet their particular needs (e.g., elderly residents or first-time homebuyers).

K. Reservation of open space lands.

(1) As a condition of final plat approval of a cluster development, a perpetual conservation easement and/or other rights to property shall be placed on open space land which have the minimal effect of restricting development permanently and allowing use of such open land only for agriculture, forest management, active or passive recreation, watershed protection, wildlife habitat or other open space use and prohibiting residential, industrial or commercial use, pursuant to the open space requirements of this chapter and the Town Subdivision Regulations. Editor's Note: See Ch. 90, Subdivision of Land.

(2) As outlined under § 105-126C of this chapter, open space created by the use of cluster development shall be clearly labeled on the final plat as to its shape, use, ownership, management, method of preservation and the rights to such land, if any, of the property owners of the subdivision and the general public. The plat should clearly identify that the open space is permanently reserved for open space purposes and shall not be platted for building lots. It shall indicate the book and page number of any conservation easements or deed restrictions required to be filed to implement such reservation of open space.

§ 105-123. Signs.

A. Purpose. The purpose of this section is to permit such signs that shall not, by their size, location, construction or manner of display, obstruct the vision necessary for traffic safety or otherwise endanger public safety. It is intended to protect property values, to create a more attractive economic and business climate, to enhance and protect the physical appearance of the community, to preserve scenic and natural beauty and to provide more visual open space by permitting and regulating signs in such a way as to support and complement the objectives and goals of the Town's Comprehensive Land Use Plan.

B. General provisions.

- (1) For the purpose of this section, a "sign" shall be defined as any device designed to inform or attract the attention of persons not on the premises on which the sign is located.
- (2) No person, firm or corporation shall hereafter erect, reerect, construct or structurally alter a sign or sign structure without first obtaining a permit issued by the Code Enforcement Officer.
- (3) Every application for a sign permit shall be accompanied by plans to scale showing the area of the sign; the position of the sign in relation to nearby buildings or structures; the location of the building, structure or lot to which or upon which the sign is to be attached or erected; the method of illumination, if any; and statements indicating compliance with appropriate construction standards.
- (4) No permanent sign, other than an official traffic sign, shall be erected within the right-of-way of any public street or highway.
- (5) The maximum sign area requirements as set forth in this section shall apply to a single side of a sign. On a two-sided sign, only one side shall be counted in computing the sign's area. A sign may not have more than two sides.
- (6) The provisions of this section relating to signs shall apply in all zoning districts.
- (7) Signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises.
- (8) No sign shall be permitted which causes a traffic, health or safety hazard or creates a nuisance due to its placement, display or manner of construction. No sign shall be located so as to obstruct views of traffic.
- (9) Nonconforming signs which existed prior to the adoption of this section may not be relocated or altered except in conformance with this section. Any change in the content of a nonconforming sign, including names, words, logos or similar information, shall constitute an alteration requiring conformance with this section.
- (10) A temporary sign stating that a business is open or closed shall be permitted and shall not be deducted from the total square footage of signage allowed, as follows:
- (a) Single-sided, nonilluminated signs of one square foot; or
 - (b) Flags or banners of six square feet per side.
- (11) The following types of signs shall be allowed in all districts and shall not be subject to permitting by the Town of Greenfield:

[Amended 7-12-2007 by L.L. No. 2-2007]

- (a) Temporary signs.

[1] Private owner merchandise sale signs for garage sales and auctions located on the premises, not exceeding four square feet, for a period not exceeding seven days in any one month.

[2] Temporary nonilluminated "For Sale," "For Rent" or "For Lease" real estate signs and signs of a similar nature, concerning the premises upon which the sign is located; in a residential zoning district, one sign not exceeding four square feet per side; in a commercially zoned district, one sign not exceeding 50 square feet total, set back at least 15 feet from all property lines. All such signs shall be removed within three days after the sale, lease or rental of the premises.

[3] Temporary nonilluminated window signs and posters not exceeding 25% of the window surface.

[4] Christmas holiday decorations, including lighting and displays.

[5] Directional signs for meetings, conventions and other assemblies, not including sales events such as flea markets or garage sales.

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

[7] Political posters, banners, promotional devices and similar signs, not exceeding four square feet in residential districts nor 16 square feet in a commercial district, provided that placement shall not exceed 30 days prior to the election, be it general or primary, to which they pertain, through five days following the election.

(b) Permanent signs:

[1] Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies or religious or nonprofit organizations, not exceeding six square feet.

[2] Flags and insignia of any government, except when displayed in connection with commercial promotion.

[3] On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits, subject to site plan review.

[4] Nonilluminated "Warning," "Private Drive," "Posted" or "No Trespassing" signs, not exceeding two square feet.

[5] Numbers and nameplates, identifying residences or businesses, mounted on the house, building, apartment or mailbox, not exceeding one square foot in area.

[6] Lawn signs identifying residences, not exceeding one square foot or two square feet, if double-faced. Such signs are to be nonilluminated, except by a light which is an integral part of a lamppost, if used as a support, with no advertising message thereon.

[7] Occupational signs announcing the names and addresses of occupants of the premises and attached to said premises and including professional nameplates and signs announcing permitted home occupations. Occupational signs shall not exceed three square feet in area, and the highest part of any occupational sign shall not be in excess of six feet from ground level. No more than one sign shall be permitted to advertise any single permitted use.

(12) It shall be unlawful to erect or maintain the following types of signs at any location in the Town unless otherwise noted herein:

(a) Any sign which is not expressly permitted under the provisions of this chapter.

(b) Any flashing sign.

(c) Any animated sign.

(d) Neon lights, for an exterior sign and/or a building decoration, shall be prohibited.

(e) Internally lit signs are prohibited. Externally illuminated signs are permitted, subject to the restrictions of this article.

(13) Freestanding signs. If freestanding signs are used to identify two or more uses in a single structure, one freestanding sign shall be required, rather than individual freestanding signs for each use. The total square

footage of this single sign shall not exceed the allowable sign area per use or 100 square feet, whichever is less. This total shall include the name of the structure in which the uses are located.

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

(1) In the LDR, MDR1, MDR2 and PR Districts, signs which advertise or draw attention to permitted residential developments or farm or forestry operations and signs publicizing home occupations with an area greater than three feet. No sign shall exceed six square feet in area. All signs shall be placed or sited on the lot or property to which the sign applies. Any sign attached to a building shall be flush to the building and not extend out from the building more than one foot in any direction. Any freestanding sign shall not stand any higher than six feet from the ground to the highest point on the sign. No more than one sign shall be permitted to advertise any single use.

(2) In the IM District, one business sign, which shall be flush to and connected with the building and shall not exceed 20 square feet in size, and one freestanding sign identifying the industrial area, not exceeding 30 square feet in size. Any freestanding sign shall not stand any higher than 10 feet from the ground to the highest point on the sign.

(3) In the TC and OR Districts, one sign that identifies the permitted business or office use. Such sign shall be flush to and connected with the building and shall not exceed 10 square feet in size. One freestanding sign shall be permitted for each principal business or office use, and such sign may be used to identify any or all business uses in such structure. A freestanding business sign shall not exceed 10 square feet in size. Any freestanding sign shall not stand any higher than six feet from the ground to the highest point on the sign. One awning adhered to the building and advertising the principal use of the building shall also be allowed.

D. Permit process. The applicant shall be required to submit to the official a completed sign permit application and a sketch to scale of the proposed sign, which indicates the graphic design, visual message, text and content of the sign, prior to erection, alteration or relocation. The official shall issue a sign permit to the applicant upon satisfaction that the sign shall comply with the standards dictated here and upon receipt of any sign permit fee as may be levied by the Town Board.

E. Duration of permits. A sign permit shall be valid indefinitely, notwithstanding the requirements of this article pertaining to alteration or relocation of signs.

§ 105-124. In-law and garage apartments.

[Amended 11-12-2009 by L.L. No. 2-2009]

In-law and garage apartments shall be permitted as specified in the Schedule of Uses, Article III, Attachment 4, Table 1, and Use Regulations. Editor's Note: See § 105-14, District Regulations. An in-law apartment meeting the following standards shall be considered to be part of a single-family dwelling and shall not be considered to be a dwelling unit. A garage apartment meeting the following standards shall be considered to be a single-family dwelling and shall conform to the space and area regulations as specified in Area Regulations, Article III, Attachment 5, and Table 2. Editor's Note: See § 105-14, District Regulations.

A. An in-law apartment shall be accessory to the single-family dwelling, and only one in-law apartment shall be created in a single-family dwelling.

B. An in-law apartment shall be contained inside an existing single-family dwelling.

C. The total floor area of an in-law or garage apartment shall be a maximum of 1,000 square feet and shall be no more than 40% of the gross floor area of the principal building.

D. The creation of the in-law or garage apartment shall not alter the single-family character of the property. The following standards shall be met in creating the unit:

(1) The in-law apartment shall not be clearly identifiable from the exterior as a result of the design of the structure.

(2) The in-law apartment shall not have a separate front entrance from the outside.

(3) Provisions for parking, service areas and storage shall not exceed the levels found in adjacent single-family residences.

(4) Adequate water and sewage disposal systems shall be required.

(a) In-law apartment: Existing septic systems shall be verified by a New York State Licensed PE as to system capacity and condition.

(b) A garage apartment shall have a separate septic system from that of the single-family dwelling and comply with Appendix A310.3. Editor's Note: Appendix A A310.3, Plot Plan Requirements, is included at the end of Ch. 54, Fire Prevention and Building Construction.

(5) All construction shall meet the requirements of the New York State Building Codes.

E. In-law apartment; garage apartment. There shall be only one in-law apartment or garage apartment per lot.

§ 105-125. Campgrounds.

The following standards shall apply to the establishment or expansion of any campground, defined here as any plot of ground upon which two or more sites are located for occupancy by tents, campers or trailers for recreational, educational or vacation purposes:

A. The plans for the construction or expansion of any facility shall be reviewed and approved by the Planning Board under the special use permit provisions of Article VI prior to the start of construction and the occupancy of any site.

B. The total minimum area of a campground or travel trailer camp shall be no less than 10 acres.

C. Within a campground, there shall be a minimum area of 3,500 square feet and a minimum width of 70 feet, exclusive of roadways, common facilities and open space. In no case shall the overall density of the campground be greater than one site per 5,000 square feet, inclusive of roadways, common facilities and open space.

D. All recreational vehicles, tents or shelters and utility and service buildings shall be set back a minimum of 100 feet from all property and street lines and set back a minimum of 75 feet from the normal high-water mark of any water body or stream.

E. A properly landscaped buffer area at least 50 feet in width shall be maintained along all property and street lines.

F. Sanitary and recreational facilities shall be located to conveniently and safely service the occupants of the facility.

G. The design of roads and walkways within the site must accommodate pedestrian traffic and provide pedestrian safety.

H. Walkways shall be designed, where possible, to avoid crossing roads to reach service buildings or recreation areas. Walkways in the campground shall be indicated on the plan and shall be surfaced with an all-weather, dustless material.

I. Roads within campgrounds shall be at least 14 feet wide for one-way roads and 20 feet wide for two-way roads. All roads shall be maintained in a well-graded, well-drained condition and surfaced with an all-weather, dustless material.

J. All entrance and exit roads shall intersect public roads at an angle between 80° and 90° and at a grade not to exceed 3% for the first 75 feet of the campground road.

K. All campgrounds shall provide the following facilities:

- (1) Two toilets, one toilet for each sex, per 10 sites shall be provided. Toilet facilities shall be located within 700 feet of each site. Urinals shall be provided. Up to 1/2 of the male toilets may be urinals. Regardless of the number of sites in the campground, a minimum of four toilets, two toilets for each sex, shall be provided.
- (2) Where water and sewage hookups are not provided, two lavatories or other hand-washing facilities shall be provided, one for each sex, per 15 sites.
- (3) Where individual water hookups and sewage disposal facilities are provided, the ratio shall be two toilets and lavatories, one per sex, for every 40 sites, located within 2,000 feet of each site. Where service buildings are not provided, privies and hand-washing facilities shall be provided at a ratio of two, one per sex, for every 40 sites, located within 500 feet of each site.
- (4) Showers, serving hot and cold or tempered water, shall be provided at all campgrounds of 75 sites or more, and four showers, two per sex, shall be provided for every 50 sites.
- (5) Utility sinks shall be provided. The sink should be located near the door if within a building where it can be utilized for disposal of dishwater brought in buckets.

L. An adequate supply of water shall be provided within 250 feet of all campsites. One water spigot with soakage pit or other disposal facilities shall be provided for each 10 campsites without water facilities.

M. All sewage treatment facilities and water systems shall meet all requirements of the New York State Department of Health and all other local and state requirements.

N. Circulation.

- (1) Pedestrian safety. The design of roads and walkways within the campground must indicate pedestrian traffic.
- (2) Walkways shall be designed, where possible, to avoid crossing roads to reach service buildings or recreation areas. Walkways in the campground shall be indicated on the plan and shall be surfaced with an all-weather, dustless material.

§ 105-126. Open space.

A. Ownership.

- (1) Open space land created under this chapter or the Town Subdivision Regulations Editor's Note: See Ch. 90, Subdivision of Land. shall be owned in common by a homeowners' association, dedicated to the Town, county or state, transferred to a nonprofit agency acceptable to the Planning Board, held in private ownership or held in such other form of ownership as the Planning Board determines acceptable to carry out the intent of this chapter, the Town Comprehensive Land Use Plan and the Subdivision Regulations.
- (2) In general, open lands which are environmentally sensitive and not suitable for development or are suitable for extensive public use, should be conveyed to the Town or a nonprofit corporation suitable to manage environmentally sensitive lands or public park facilities. Land which shall be principally used by the residents of the development should be conveyed to a homeowners' association. The Planning Board shall recommend to the Town Board whether the Town should accept open lands proposed for dedication.
- (3) If any land is to be held in common by a homeowners' association, the declaration and bylaws of the proposed homeowners' association shall be submitted by the applicant to the Planning Board prior to final plat approval. The declaration and bylaws shall be reviewed by the Town Attorney to ensure that the homeowners' association is established:

(a) In accordance with all applicable provisions of state and federal law.

(b) With provision that membership is mandatory for each lot owner, who must be required by covenants and restrictions to pay fees for taxes, insurance and maintenance of common property and failure to pay such membership fee shall result in a lien on the member's property.

B. Maintenance. Minimum ongoing maintenance standards shall be established within property deed covenants and be enforceable by the Town against an owner of open space land as a condition of final plat approval. Minimum maintenance standards shall be established by the applicant and approved by the Planning Board prior to final plat approval to assure that the open space does not detract from the positive character of the neighborhood.

C. Enforcement.

(1) The Town Board may, upon finding that open space set aside is being maintained in such a manner as to constitute a public nuisance, upon 30 days' written notice to the owner, enter the premise for the purpose of performing the necessary maintenance, the cost of which shall be assessed against the owner or, in the case of a homeowners' association, the owners of the properties within the association and shall, if unpaid, become a tax lien on said property title.

(2) In the event that land is to remain open permanently in accordance with this chapter or the Town Subdivision Regulations, Editor's Note: See Ch. 90, Subdivision of Land. further subdivision of common land shall be prohibited. A perpetual conservation easement and/or other rights to property, including fee simple interest, which have the minimum effect of restricting development of the open space land and allowing use as prescribed in this chapter, shall be granted to the Town, a qualified not-for-profit conservation organization or a homeowners' association, as may be acceptable to the Planning Board. Such conservation easement or other rights shall be reviewed and approved by the Town Attorney and required as a condition of final plat approval. Said conservation easement shall not be amendable to permit commercial, industrial or residential development and shall be recorded in the County Clerk's office prior to signing an approved final plat.

(3) The existence of lands to remain open permanently in accordance with this chapter or the Town Subdivision Regulations shall be clearly included on the final subdivision plat, with the shape, use, ownership, management, method of preservation and the rights to such land, if any, of the property owners of the subdivision and the general public indicated. The final plat shall clearly identify that the open space is permanently reserved for open space purposes and shall not be platted for building lots. The final plat shall indicate the book and page number of any conservation easements or deed restrictions required to be filed to implement such reservation under the open space regulations contained in this chapter.

D. Use. Land designated for open space shall be restricted to noncommercial, nonintensive recreation and passive or active recreational purposes, including but not limited to preserve areas, golf courses, riding trails, tennis courts, gardens, swimming pools, accessory structures, wells and septic facilities. Exception may be granted for underground utility easements. The Planning Board may permit open land owned by a homeowners' association to be used for individual septic systems or for communal septic systems, in accordance with the requirements set forth under Town legislation.

§ 105-127. Contractor storage yard standards.

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

[Amended 7-12-2007 by L.L. No. 2-2007]

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

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

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

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

§ 105-128. Home occupations.

A. Purpose. It is the purpose of this section to regulate the operation of home occupations to ensure that the home occupation remains secondary or incidental to the residential use. The right of the nearby property owners to be free of nuisances caused by certain home occupations is recognized. Only those uses will be allowed which:

- (1) Ensure compatibility of home occupations with other uses permitted in residential districts.
- (2) Maintain and preserve the character of residential neighborhoods and are incidental to the use of the premises as a residence.

B. Classification of home occupations.

(1) Type I home occupations will have no impact on the surrounding neighborhood and are characterized by the following criteria:

- (a) The business has not more than one full-time equivalent employee on premises who does not reside in the home. The business may have additional employees who do not work on premises.
- (b) The business has no customer traffic.
- (c) There are no deliveries to or from the home occupation other than routine mail and incidental package delivery.
- (d) No equipment is used other than normally used in household, domestic, or general office use.
- (e) There is no visible exterior evidence of the occupation.

(2) Type II home occupations have the potential to have a greater impact on the surrounding neighborhood than Type I home occupations and are characterized by the following criteria:

- (a) The business may have up to three full-time equivalent employees. The business may have additional employees who do not work on premises.
- (b) The business may have customer traffic.
- (c) There may be deliveries to or from the home occupation in addition to routine mail and incidental package delivery.
- (d) Equipment, other than normally used in household, domestic, or general office use, may be used.
- (e) There may be visible exterior evidence of the occupation such as signs, materials or equipment storage.

C. Standards. All home occupations shall meet the following criteria:

- (1) Floor area. The home occupation shall not occupy more than 25% of the gross floor area of any single family structure.
- (2) Number of occupations per dwelling. No more than one home occupation shall be permitted within any single dwelling unit.

(3) Limitations on nonresidents. The individual primarily responsible for the home occupation shall reside in the dwelling unit.

(4) Employees. Only one employee, in addition to the immediate family permanently residing on the premises, shall be employed in a Type I home occupation. A Type 2 home occupation may have up to three employees.

(5) Hours of operation. The hours of operation shall be as determined by the Planning Board during the special use permit process.

(6) Storage. There shall be no storage of equipment, vehicles or supplies associated with the Type I home occupation outside the dwelling or any accessory building.

(7) Signage. Type I home occupations may not have a sign. A Type 2 home occupation may have a sign in compliance with Article XI of this Code. Editor's Note: See Art. XI, Supplementary Regulations, § 105-123, Signs, in this chapter.

D. Procedures: special use permit. Every Type II home occupation shall be required to obtain a special use permit in accordance with the procedures outlined in Article VI. The special use permit granted to a home occupation shall not be transferable from person to person or from address to address.

E. Enforcement: voiding of permit. The Code Enforcement Officer may void any special use permit for noncompliance with the criteria set forth in the local law or for providing false statements in the special use permit application. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void, and the home occupation use shall be terminated. If a permit has been revoked, the owner of the home occupation business shall not apply for another special use permit for a period of one year from the date of the revocation.

F. Inspections. The Code Enforcement Officer shall have the right at any time, upon reasonable request, to enter and inspect the premises of the home occupation for safety and compliance purposes.

§ 105-129. Planned unit development.

A. Purpose.

(1) Provision is made here for Planned Unit Development Districts to permit establishment of areas in which one use or diverse uses may be created together, containing both individual building sites and common properties, in a compatible and unified development. In adopting this section, the Town Board declares its intent to encourage innovations in development and the most efficient use of land by enabling greater flexibility in siting, design and type of structures permitted under certain circumstances in the Town.

(2) In order to carry out the intent of this section, a planned unit development shall strive to achieve the following objectives:

(a) More usable open space, preserve lands and/or recreational areas shall be created.

(b) Trees, topography, water resources and outstanding natural features shall be preserved where possible.

(c) Land shall be used efficiently so that an economical network of utilities and streets shall be provided.

B. General requirements.

(1) Area minimum. The minimum area of a parcel to be considered for a Planned Unit Development District shall not be less than 15 acres.

(2) Permitted uses. Uses within an area designated as a Planned Unit Development District are to be determined by the provisions of this section, as well as any conditions that may be imposed as part of the

approval of any actual planned unit development project. Any type of use is permitted within a planned unit development subject to the approval process specified herein.

(3) Location of a planned unit development. The planned unit development may be applicable to any area of the Town, where the applicant can demonstrate that the characteristics of the proposed development of the site shall meet the objectives of this section.

(4) Density. Because land is used more efficiently in a planned unit development, improved environmental quality can usually be produced with greater density than is usually permitted in traditional zoning districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity or dwelling unit density shall be thoroughly documented by studies and professional opinions, including those necessary to ensure safe and sanitary installation of water, septic, transportation and utility systems. Where a question arises, the burden of proof shall be on the applicant, who shall commission studies and reports as necessary for the Town Board and Planning Board to determine land use intensity and/or dwelling unit density.

(5) Ownership. The tract of land under application for consideration for a planned unit development may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or their agent of all property included in the project. In the case of multiple ownership, the approved plan shall be binding upon all the property owners, and such owners shall provide written certification of such binding agreements.

C. Procedure.

(1) Prior to making any formal submission, it is advised that the applicant arrange to meet with the Planning Board for a preapplication conference, in order that the nature of the proposal and application procedure can be discussed.

(2) The applicant shall submit an application and 10 copies of a preliminary development plan to the Town Board. A preliminary development plan shall consist of the following:

(a) A narrative description of the project setting forth its purpose, desirability and impact on the area in which the project is proposed, as well as its projected affect on the Town in general, paying particular attention to schools, traffic, population, utilities, aesthetics, recreation, taxes and compatibility with neighborhood character.

(b) A survey of the property, showing existing site features, including contours, buildings, structures, streets, utility easements, rights-of-way and land uses within 500 feet.

(c) A preliminary site plan, as described in § 105-52A(3) of this chapter.

(d) Information on the intended construction sequence for buildings, parking areas and landscaping.

(e) A public utilities plan documenting the proposed location, size and quantity of water, effluent and storm drainage facilities.

(f) Additional studies and reports as may be necessary for the Planning Board to determine appropriate intensity of land use and development density.

(g) State environmental quality review documents as required by the Planning Board.

(3) Referral of the application to the Greenfield Environmental Commission. The Town Board shall refer the application and accompanying documents to the Greenfield Environmental Commission for its review and recommendation.

(4) Referral of the application to the Town of Greenfield Planning Board. The Town Board shall refer the application and accompanying documents to the Planning Board for its review and recommendation.

(5) The Planning Board shall discuss the application and shall review the preliminary development plan with the applicant with the assistance of the Town Engineer to determine the application's completeness. Upon receipt of all documentation constituting a complete application, the Planning Board shall prepare a recommendation in regard to the preliminary development plan and the proposed change of zone.

(6) Within 35 days of receipt of a complete application for a change in zone, upon completion of its review, the Planning Board shall transmit, in writing, to the Town Board its recommendation for approval, approval with conditions or modifications or disapproval of the application based on the following standards:

(a) The recommendation shall be accompanied by a report on the application, which shall include a discussion of the proposal's compliance with the following:

[1] That the proposal conforms to the Town's comprehensive planning objectives.

[2] That the proposal meets the intent and objectives of a planned unit development as expressed in § 105-129A.

[3] That the proposal complies with the general requirements listed in § 106-129B.

[4] That the uses proposed shall not be detrimental to the natural characteristics of the site or adjacent land uses.

[5] That each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase individually.

[6] That the proposal is conceptually sound in that it meets local and areawide needs and that the proposed roadways, pedestrian system, land use configuration, open space system, drainage system and scale of elements shall function singly and cumulatively and conform to accepted design principals.

[7] That there are adequate service and utilities available or proposed to accommodate the development.

[8] That the traffic generated by the proposal shall not have an adverse impact on the existing transportation network.

(b) In addition, the report shall include a determination of compliance of the proposal with Chapter 49, Environmental Quality Review, of the Code of the Town of Greenfield, New York.

(7) The Planning Board shall send a copy of its recommendation to the applicant. Failure of the Planning Board to act within 35 days of receipt of a complete application shall constitute a recommendation by the Planning Board for approval.

D. Action by the Town Board.

(1) Within 35 days of receipt of the Planning Board's recommendation, public notice shall be given and a public hearing held by the Town Board on the proposed change of zone. At least 10 days prior to the date of public hearing, the Town Board shall provide written notice of any proposed amendment in accordance with § 265 of New York State Town Law.

(2) The Town Board shall render a decision on the application within 45 days of the public hearing, unless an extension of time is agreed to by the applicant and Town Board. If the change of zone is approved by the Town Board, the Official Town Zoning Map shall be amended so as to define the boundaries of the Planned Unit Development District, and such amendment shall be advertised and recorded in accordance with the requirements of § 265 of New York State Town Law. An appropriate notation indicating approval shall be made on the face of 11 copies of the preliminary development plan. One copy shall be retained by the Town Clerk, one shall be given to the official, one shall be returned to the applicant and eight copies shall be retained by the Planning Board.

(3) The Town Board may, if it believes it necessary in order to fully protect the health, safety and general welfare of the community, attach to its zoning resolution approving the zoning change additional conditions or requirements the applicant must meet. Such requirements may include but are not limited to:

- (a) Visual and acoustical screening.
- (b) Land use mix.
- (c) Schedule of construction of occupancy.
- (d) Pedestrian and vehicular circulation system.
- (e) Parking and snow removal.
- (f) Site for public services.
- (g) Protection of natural and/or historical features.

(4) The Town Board shall also make a determination on the density and intensity of land use in accordance with § 105-129B(4).

E. Final development plan approval.

(1) Prior to the issuance of a building permit, the applicant shall submit a final development plan for review and approval by the Planning Board. All plans and specifications shall bear the signature and the seal of a licensed architect, landscape architect or licensed professional engineer responsible for the design and drawings. The following shall constitute a final development plan:

- (a) A site plan as described under § 105-52 of this chapter.
- (b) A landscaping plan, including site grading, the placement of plantings and structures.
- (c) Preliminary drawings of the buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.
- (d) Final engineering plans, including street improvements, drainage systems and public utility extensions. Where applicable, all improvements shall comply with the Town of Greenfield Subdivision Regulations. Editor's Note: See Ch. 90, Subdivision of Land.
- (e) Engineering feasibility studies for the solution of any anticipated problems which might arise due to the proposed development, as required by the Planning Board.
- (f) Performance bond estimate for street drainage, utility, traffic and pedestrian facilities and landscaping.
- (g) Offers of cession and proposed restrictive covenants on open space.
- (h) Construction sequence and time schedule for completion of the components of each development phase.
- (i) Complete documentation of intended ownership and maintenance of open space and common facilities.
- (j) Sworn statement by the applicant that the performance standards of this chapter shall not be violated.

(2) The final development plan shall be in general conformance with the approved preliminary development plan. Approval of a final development plan shall be secured by the owner for each phase of the development prior to issuance of building permits. Such approval for each phase shall be valid for two years from the date

of approval, at which time final development plan approval shall terminate, and no additional building permits shall be issued without reapplication for final development plan approval.

§ 105-130. Commercial timber harvesting.

Notification requirement. Except for approved construction and landscaping projects, written notification shall be made to the Code Enforcement Officer of the Town of Greenfield prior to the commencement of timber harvesting operations. The notification shall include those items in Appendix B. Editor's Note: Appendix B is included at the end of this chapter. Timber harvesting shall be conducted in accordance with New York State Department of Environmental Conservation timber harvesting guidelines.

§ 105-131. Expansion of existing mobile home parks within existing property boundaries.

The following standards shall apply to the creation of mobile home lots in mobile home parks, the installation of mobile homes on those lots and the expansion or alteration of existing mobile home parks within existing property boundaries:

A. General information.

(1) The plans for the construction or expansion of any facility within existing property boundaries shall be reviewed and approved by the Planning Board under the special use permit provisions of Article VI prior to the start of construction and the occupancy of any site.

(2) Nonconforming mobile home parks. All mobile home parks built prior to the enactment of this chapter which do not meet the standards of this chapter shall be called "nonconforming mobile home parks." All changes and additions to such parks shall be made in accordance with this chapter and reviewed and approved by the Planning Board.

(3) Exceptions. None of the provisions of this section shall be applicable to the following:

(a) The business of mobile home or travel trailer sales; provided, however, that where such mobile homes or travel trailers are used as living quarters, they shall comply with the provisions of this section.

(b) A mobile home, located on the site of a construction project, survey project or other similar work project, which is used solely as a field office or work- or toolhouse in connection with such project, provided that such mobile home is removed from such site within 30 days after the completion of such project.

(4) No expansion of an existing mobile home park beyond its existing property boundaries is authorized by this section, and any such expansion would require a use variance from the Zoning Board of Appeals if such expansion is not proposed in an area in which mobile home parks are allowed as a new use.

B. Required findings by Planning Board for issuance of special use permit.

(1) The Planning Board, in acting on a special permit application for the expansion of a mobile home park, may approve, approve with modifications or disapprove the special permit application. The Planning Board shall enter its reasons for such action in its records and transmit its findings to the applicant.

(2) The Planning Board may approve the expansion of a mobile home park, provided that it finds that the facts submitted meet the criteria presented in Article VI and establish that:

(a) The uses proposed will not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under any other districts.

(b) Land surrounding the proposed development can be developed in coordination with the proposed development and be compatible in use.

(c) The proposed change to a mobile home park is in conformance with the general intent of the Town Comprehensive Land Use Plan.

(d) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed expansion and in the vicinity of the proposed expansion.

(e) Existing and proposed utility services are adequate for the proposed development.

(f) Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscaping and utility areas necessary for creating and sustaining a desirable and stable environment.

C. Mobile home park requirements.

(1) Density. The overall density within a planned mobile home park shall not be less than 10,500 square feet per dwelling unit with a minimum width of 100 feet.

(2) Site.

(a) The park shall be located in areas where grade and soil conditions are suitable for use as a mobile home site.

(b) The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and be free at all times from stagnant pools of water.

(c) The park shall be at least 10 acres in size, with at least 300 feet of frontage on a public road.

(d) The only signs or displays permitted include one sign at each entrance of the park from a public road indicating the name of the mobile home park. Such signs shall not exceed six square feet in area.

(e) Permanent structures must be set back a minimum of 25 feet from any property line and 50 feet from the highway right-of-way or as the prevailing zoning of the site requires, whichever is greater.

(f) There shall be a Type C buffer as defined in § 105-121E between a mobile home park and each adjoining property.

(3) Mobile home lots. Each mobile home park plan shall be marked off by permanent post pins, monuments or other points of reference into mobile home lots. Each mobile home lot shall be at least 10,500 square feet.

(4) Mobile homes.

(a) All mobile homes placed in mobile home parks after this chapter is enacted shall be constructed and installed in compliance with Article 18 of the New York State Executive Law.

(b) No mobile home or attachment shall be parked or otherwise located nearer than a distance of:

[1] At least 15 feet to an adjacent mobile home lot line.

[2] At least 25 feet to the park property line or as prevailing zoning of the site requires, whichever is greater.

[3] At least 50 feet to the right-of-way line of a public street or highway or as prevailing zoning of the site requires, whichever is greater. In cases where the park is adequately screened by topography or natural vegetation, this requirement may be waived to 40 feet by the Planning Board.

[4] At least 20 feet to the nearest edge of any roadway located within the park.

(c) Only one mobile home shall be permitted to occupy any one mobile home lot.

(d) Each mobile home must be provided with perimeter skirting to hide all wheels, chassis and other appurtenances under the home, to be installed in less than 90 days after the mobile home is placed on its stand.

(5) Mobile home stands.

(a) Each mobile home lot shall have a mobile home stand, which shall be of dimensions to provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures and the retention of the home on the lot in a stable condition.

(b) The stand shall be suitably graded to permit rapid surface drainage.

(6) Accessibility.

(a) Each mobile home park shall be directly accessible from an existing public highway or street. No dead-end streets or culs-de-sac shall be permitted in any mobile home park.

(b) Entrances and exits shall be designed and strategically located, at a minimum distance of 100 feet between them, for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.

(c) All entrances and exits shall be at a right angle to the existing public highway or street.

(d) All entrances and exits shall be free of all objects which would impede the visibility of the driver entering or exiting a public highway or street for a distance of 20 feet from the edge of pavement of the public highway and park road.

(e) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.

(7) Streets and drives. Each park shall have improved streets to provide for the convenient access to all mobile home lots and other important facilities within the park. Streets shall be improved to at least meet the following specifications. (These are not Town highway specifications.)

(a) The street system shall be designed to permit the safe and convenient vehicular circulation within the park.

(b) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.

(c) All streets shall intersect at angles of not less than 80°.

(d) All streets shall be surfaced with a bituminous material.

(e) All streets shall have a minimum paved width of 18 feet and contain two four-foot shoulders.

(f) An all-weather, dustless driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of 10 feet.

(8) Parking.

(a) Two off-street parking spaces shall be provided on each mobile home lot. This requirement may be satisfied by driveway parking areas, subject to approval by the Planning Board. The parking space shall be surfaced with an all-weather, dustless material. Each parking space shall have a minimum size as established in § 106-121.

(b) There shall be one additional parking space for every two mobile home lots within the park. Each such space shall be provided at a strategic and convenient location, in bays which shall provide for adequate maneuvering space.

(9) Utilities and service facilities. The following utilities and service facilities shall be provided in each mobile home park, which facilities shall bear the stamp of approval of the New York State Department of Health:

(a) Sufficient water connections for an adequate supply of potable water for drinking and other domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the park to meet the requirements of the park.

(b) Each mobile home lot shall be provided with a sewer, which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilets, lavatory and kitchen sink in such home. The sewer shall be connected to a community sewer system approved by the New York State Department of Health so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects.

(c) A storm drainage system desired to convey all stormwater into natural watercourses and to maintain the park area free from standing pools of water shall be provided.

(d) Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.

(e) Each mobile home lot shall be provided with weatherproof electric service connections and outlets which are of a type approved by an electrical inspection agency.

(f) Mailboxes shall be clustered attractively and located near the main entrance road.

(10) Common open space and landscaping.

(a) Open space shall be provided at a rate of 600 square feet per mobile home lot. Such open space shall be conveniently located and used to provide common open space for the use of park occupants.

(b) Lawn and ground cover shall be provided and maintained on all those areas not used for the placement of the mobile home, mobile home stand, accessory buildings, walkways, roads or parking area.

(c) Mobile home parks and individual mobile home lots shall be appropriately and attractively landscaped.

§ 105-132. Installation of mobile homes on individual lots.

A. No occupied mobile home shall be parked or allowed to remain stationary upon or within the shoulder of any street, highway or other public place, except in the event of a mechanical emergency, for a period of more than 72 hours.

B. Installation of mobile homes on individual residential lots shall conform to the following standards:

(1) Mobile homes placed on individual lots in the Town shall be constructed and installed in compliance with the safety standards adopted pursuant to the Housing and Community Development Act of 1974 (the National Mobile Home Construction Act of 1974), as amended, and all other applicable federal and state regulations.

(2) Any mobile home shall be placed on a lot in conformance with the space and bulk requirements of the district in which it is located.

(3) Any mobile home placed on an individual lot outside a mobile home park shall have an adequate supply of pure water and a sewage disposal system. Both systems shall satisfy the requirements of the New York State Department of Health and shall be verified by a professional engineer for compliance with said standards.

[Amended 7-12-2007 by L.L. No. 2-0007]

(4) Any replacement mobile home shall not be more than 10 years old.

C. Foundation standards.

(1) The foundation of an individual mobile home shall be constructed in accordance with the standards of Appendix A of this chapter, entitled "Mobile Home Foundation System," adopted from the New York State Mobile Home Foundation. Editor's Note: Appendix A, "Mobile Home Foundation System," from the New York Manufactured Housing Association, is included at the end of this chapter.

(2) Closure. The mobile home foundation shall be enclosed by a skirt securely fastened and extending from the outside wall of the mobile home to ground level around the entire perimeter of the mobile home. The skirt shall be constructed of sturdy wood, plastic, masonry or metal material capable of withstanding extreme weather conditions over extended periods of time. No skirt shall be required where a perimeter foundation fully encloses the area between the unit and the ground level.

D. Storage space. Each mobile home shall have at least 48 cubic feet of accessory storage space either in the basement below the mobile home or in an accessory building.

§ 105-133. Wind energy facilities.

[Added 11-12-2009 by L.L. No. 2-2009]

A. Purpose. The purpose of the section is to guide the construction and operation of wind energy facilities, small wind energy facilities, wind measurement towers, and non-grid-only wind energy facilities in the Town of Greenfield, Saratoga County, subject to reasonable conditions that will protect the public health, safety and welfare.

B. Applicability. The requirements of this section shall apply to all wind energy facilities, small wind energy facilities, wind measurement towers, and non-grid-only wind energy facilities proposed, operated, modified, or constructed within the municipal boundaries of the Town of Greenfield, Saratoga County. Wind energy facilities, small wind energy facilities, and wind measurement towers shall be allowed throughout all areas of the Town, subject to the requirements of this section.

C. Permits. A special permit application is to be filed with the Planning Board at least two weeks (14 days) prior to the Planning Board meeting in accordance with § 105-52. Exemption: The Town's Building Department shall have the sole discretion to review, consider and issue a non-grid-only wind energy facility permit.

D. Application requirements: small wind energy facility permit. A complete application for a wind energy facility permit, small wind energy facility permit, or wind measurement tower permit shall include:

(1) A special permit application is to be filed with the Planning Board at least two weeks (14 days) prior to the Planning Board meeting in accordance with § 105-52. Exemption: The Town's Building Department shall have the sole discretion to review, consider and issue a non-grid-only wind energy facility permit.

(2) A site plan prepared by a licensed professional engineer, including:

(a) Property lines and physical dimensions, including a topographic map of the site; location, approximate dimensions and types of existing structures and uses on the site;

(b) Public roads and adjoining properties within 300 feet of the boundaries of any proposed wind turbines;

(c) Location of each proposed wind turbine, wind measurement tower and accessory facilities or equipment;

(d) Location of all aboveground and below-ground utility lines on the site as well as transformers, the interconnection point with transmission lines, and other ancillary facilities or structures, including, without limitation, accessory facilities or equipment;

(e) Locations of setback distances as required by this section;

(f) All other proposed facilities, including, without limitation, access roads, electrical substations, storage or maintenance units, and fencing;

(g) All site plan application materials required under § 105-133 of the Zoning Law of the Town of Greenfield; and

(h) Such other information as may be required by the Planning Board.

E. Wind turbine specifications. The proposed make, model, picture and manufacturer's specifications of the proposed wind turbine and tower model(s), including noise decibel data, and material safety data sheet documentation for all materials used in the operation of the equipment shall be provided for each proposed wind turbine. If a particular wind turbine has not been selected by the applicant at the time of application due to a constraint as to the availability of equipment or the inability of the applicant to obtain appropriate supplier commitments, such information shall nevertheless be provided to the Planning Board with an acknowledgement that the type of wind turbine may be modified during application review.

F. Lighting plan. A proposed lighting plan to be submitted to and reviewed by the Federal Aviation Administration for any structure equal to or more than 200 feet above ground, or as may otherwise be required by the Federal Aviation Administration or local, state or federal law or regulation.

G. Construction schedule. A construction schedule describing anticipated commencement and completion dates, including a traffic analysis with a description of the routes to be used by construction and delivery vehicles.

H. Operation and maintenance schedules. An operations and maintenance plan providing for regular periodic maintenance schedules and any special maintenance requirements. Procedures and notification requirements for restarts during icing events should be proposed and established by the Planning Board.

I. Adjacent property owners. List of property owners, with their mailing addresses within 300 feet of the outer boundaries of the proposed site.

J. Application requirements: wind energy facilities.

(1) A decommissioning plan that provides for an estimation of decommissioning costs, the method of ensuring that funds shall be available for decommissioning and restoration of the site and any off-site areas disturbed by or utilized during decommissioning, the method by which the decommissioning cost estimate shall be kept current, and the manner in which the wind energy facility shall be decommissioned.

(2) A complaint resolution process to address complaints from nearby residents.

(3) A transportation plan describing routes to be used in delivery of project components, equipment and building materials and those to be used to provide access to the site during and after construction. Such plan shall also describe any anticipated improvements to existing roads, bridges or other infrastructure, as well as measures which will be taken to restore damaged/disturbed access routes following construction.

(4) A fire protection and emergency response plan to address emergency response and coordinate with local emergency response providers during any construction- or operation-phase emergency, hazard or other event.

(5) Predicted wind-turbine-only sound analysis:

(a) A sound level analysis shall be prepared to determine predicted sound at off-site property lines and residences from operation of wind turbines. Such analysis shall be referred to as "wind-turbine-only sound." Wind-turbine-only sound shall be predicted based upon appropriate ambient sound levels obtained from field or laboratory measurements of the wind turbine proposed to be installed, as well as appropriate background sound levels of the site and nearby off-site areas.

(b) Except as otherwise provided herein, wind turbines shall be located so that predicted wind-turbine-only sound at ground level property lines shall not exceed 8 dB(A) above the ambient noise level established under this section and wind-turbine-only sound at residences shall not exceed 4dB(A) above such ambient noise level. In the event the wind-turbine-only sound produces a "pure tone" condition (existing when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels at ground level), such wind-turbine-only sound shall not exceed by 3 dB(A) above the ambient sound level at the property line.

(c) Statement of existing and future projected noise measurements.

[1] The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed wind energy conversion facility, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

[a] Existing, or ambient: the measurements of existing noise.

[b] Existing plus the proposed wind energy conversion facility: maximum estimate of noise from the proposed facility plus the existing noise environment.

[2] Such statement shall be certified and signed by a qualified engineer, stating that noise measurements are accurate and meet the noise standards of this section and applicable state requirements.

(6) A postconstruction noise monitoring plan shall be developed which, at a minimum, requires annual certification by a qualified engineer of the permittee or applicant that the wind energy facility remains in conformance with the requirements of this section. If no complaints regarding noise are received in a five-year period from operation, the applicant may request that the annual certification be suspended.

K. Environmental review.

(1) Compliance with the State Environmental Quality Review Act (SEQRA) shall be required.

(2) Applicants shall submit the following materials to the Town of Greenfield Planning Board:

(a) Small wind energy facilities and wind measurement towers: Applicants shall be required to prepare and submit Part 1 of a State Environmental Quality Review Act (SEQRA) form.

(b) Wind energy facilities: Applicants shall be required to prepare and submit a full State Environmental Quality Review Act (SEQRA) form which, unless a lead agency other than the Planning Board has already been established in accordance with the requirements of the State Environmental Quality Review Act, shall be distributed by the Planning Board to all involved agencies prior to any determination of significance by the lead agency. All environmental impact statements for wind energy facilities shall contain, but not be limited to:

[1] Visual impact analysis, including:

[a] Mapping of scenic resources of statewide significance, as defined by the New York State Department of Environmental Conservation Visual Policy (Policy DEP-00-2), and of local significance, as officially listed by the relevant municipality within the study area.

[b] Viewshed mapping and/or cross-section analysis to identify areas (including the significant resources identified above) with potential views of the project.

[c] Description of the character and quality of the affected landscape.

[d] Photographic simulations of what the proposed project will look like from a reasonable number of representative viewpoints within the five-mile radius study area to be selected in consultation with the Planning Board.

[e] Evaluation of the project's visual impact based on the viewshed mapping and photographic simulations described above.

[f] Recommended visual mitigation measures (in accordance with DEC Policy DEP-00-2), if warranted, based on the results of the impact evaluation described above.

[2] Avian impact study: Appropriate bird and bat migration, nesting and habitat studies shall be submitted. The applicant shall solicit input from the New York State Department of Environmental Conservation on such studies and shall follow any required protocols established, adopted or promulgated by the Department.

[3] Archaeological and architectural impact analysis: The applicant shall solicit input from the New York State Historic Preservation Office, Town of Greenfield Historical Society and/or the Town Historian.

[4] Fiscal and economic impact analysis.

[5] An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems, 911 and other wireless communication.

[6] An assessment of potentially impacted wetland, surface and groundwater resources, and the geology and land use of the site, as well as an assessment of construction-phase impacts, traffic impacts and adverse sound impacts which may arise from project construction or operation.

[7] An assessment of potential shadow flicker at off-site residences.

L. Application review process.

(1) Twelve copies of the application shall be submitted to the Town Building Department or other Town designee. Payment of all application fees shall be made at the time of submission.

(2) The Planning Board shall hold at least one public hearing on the application. Notice shall be published in the Town's official newspaper not less than 10 days before any hearing, but, where any hearing is adjourned by the Planning Board to hear additional comments, no further publication shall be required. The public hearing may be combined with public hearings on any environmental impact statement or requested waivers. All adjoining property owners within 1,500 feet of the outer boundary of the site shall be given written notice of a public hearing via certified mail at the expense of the applicant.

(3) Notice of the project shall also be given in accordance with General Municipal Law.

(4) Following the holding of the public hearing and completion of the State Environmental Quality Review Act (SEQRA) process, the Planning Board may approve, approve with conditions, or deny the permit application, in accordance with the standards in this section. All approvals and denials shall be in writing, setting forth competent reasons for such approval or denial.

(5) A copy of the applicant lease agreement (if one exists) shall be provided to the Planning Board at the start of the review process.

M. Wind energy facility development standards. The following standards shall apply to wind energy facilities only.

- (1) Unless an environmental constraint prohibits burial, all power transmission lines from the tower to any building, substation, or other structure shall be located underground in accordance with National Electrical Code standards, unless an environmental constraint requires such transmission lines to be located above ground.
- (2) Wind turbines and towers must be white in color.
- (3) No advertising signs are allowed on any part of the wind energy facility, including fencing and support structures.
- (4) No tower shall be lit except to comply with Federal Aviation Administration (FAA) requirements. Minimum security lighting for ground-level facilities shall be allowed as approved on the wind energy facility development plan.
- (5) The wind energy facility shall be designed to minimize the impacts of land clearing and the loss of important open spaces. Development on agricultural lands shall follow the Guidelines for Agricultural Mitigation for Wind Power Projects published by the New York State Department of Agriculture and Markets.
- (6) Stormwater runoff and erosion control shall be managed in a manner consistent with all applicable local, state and federal laws and regulations and such standards as shall be applied by the Planning Board on the advice of the Town consultants.
- (7) Wind turbines shall be located in a manner that minimizes shadow flicker on residences.
- (8) No large scale herbicides or insecticides application shall be used on or off site during or following construction.

N. Setbacks, noise and height limits.

- (1) Except as provided herein, each wind turbine associated with a wind energy facility shall be set back as follows:
 - (a) A distance no less than 1,000 feet from residences.
 - (b) A distance no less than 300 feet from off-site property boundaries.
 - (c) A distance no less than 300 feet from the center line of any public road.
- (2) Small wind energy facility wind turbines and wind measurement towers shall be set back from off-site property boundaries and residences at least a distance equal to the total tower height.
- (3) Except as provided herein, the sound pressure level generated by a wind energy facility or small wind energy facility shall not exceed the sound levels required and established in accordance with Subsection J(5)(c)[1] of this section. Compliance shall periodically be determined by the Town Code Enforcement Officer, or such other officer or employee which the Town Board may designate. This shall be the only project operation phase noise requirement applicable to a project under this section, except that the Planning Board may impose appropriate additional requirements in accordance with Subsection Q of this section.
- (4) There is no total height restriction for a wind energy facility and a small wind energy facility, and a wind measurement tower is restricted to 100 feet total height (blades included). (A non-grid-only wind energy facility shall not exceed 35 feet.)
- (5) Prior to issuance of a building permit for a small wind energy facility, wind measurement tower, or wind energy facility, the applicant shall provide the Town proof of initial and annual insurance, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might be caused by or result from the operation or maintenance of such wind energy facility.

O. Required site safety measures for wind energy facilities, small wind energy facilities, and wind measurement towers.

(1) All wind turbines shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.

(2) With the exception of electrical collection and distribution lines, accessory facilities or equipment shall be gated, fenced or secured appropriately to prevent unrestricted public access to the facilities.

(3) Warning signs shall be posted at the entrances to the wind energy facility and at the base of each tower warning of electrical shock or high voltage and containing emergency contact information.

(4) The minimum distance between the ground and any part of the rotor or blade system shall be 30 feet for any wind turbine associated with a wind energy facility, and 15 feet for any wind turbine associated with a small wind energy facility.

(5) Wind energy facilities shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.

(6) Prior to issuance of a building permit for wind energy facilities only, the applicant shall provide the Town proof of initial and annual insurance, in the form of a duplicate insurance policy or a certificate issued by an insurance company, of liability insurance, of a level to be determined by the Town Board in consultation with the Town's insurer, to cover damage or injury which might be caused by or result from the operation or maintenance of such wind energy facility.

P. Traffic routes and road maintenance for wind energy facilities. The provisions of this section shall apply to wind energy facilities only.

(1) Designated traffic routes for construction and delivery vehicles to minimize traffic impacts, wear and tear on local roads and impacts on local business operations shall be proposed by the applicant and reviewed by the Planning Board.

(2) To the extent the designated traffic routes will include use of Town, county, or state roads, the applicant is responsible for executing a road use agreement with the appropriate agency which shall provide for the remediation of damaged roads upon completion of the installation or maintenance of a wind energy facility, and for adequate maintenance of the roads during construction of the wind energy facility such that the roads will remain open and passable. Prior to the issuance of any building permit, the cost of remediating road damage shall be secured in the form of a bond, letter of credit or other surety acceptable to the appropriate agency and sufficient to compensate the agency for any damage to public roads.

(3) The applicant shall provide predevelopment and postdevelopment photographic evidence of the condition of Town, county, or state roads to be traveled upon by construction and delivery vehicles.

Q. Issuance of wind energy facility, small wind energy facility and wind measurement tower permits and certificates of conformity.

(1) The Planning Board shall, within 180 days of either issuing State Environmental Quality Review Act (SEQRA) Editor's Note: See Environmental Conservation Law § 8-0101 et seq. findings or a SEQRA negative declaration or conditioned negative declaration, issue a written decision with the reasons for approval, conditions of approval or disapproval fully stated. This time period may be extended with consent of the applicant.

(2) The Planning Board is hereby expressly empowered to impose conditions governing the issuance of the permit as well as construction and operational phases of the project which it deems necessary and appropriate to ensure compliance with this section, the State Environmental Quality Review Act, conformity of project construction and operation with representations made by the applicant during the application review process, as well as with any determinations or findings issued by the Planning Board or any other involved agency under the State Environmental Quality Review Act, compliance with any other federal, state or local laws or regulations applicable to the project, and as may be necessary to promote the public health, safety and welfare.

(3) If approved, the Planning Board shall direct the Town Building Department or other designee authorized by the Town Board to issue a permit upon satisfaction of any and all conditions precedent set forth under this section, the terms of approval or conditions of the permit or any additional requirement of the Town Board imposed in connection with any other project approval or agreement deemed necessary to the issuance of the permit.

(4) The decision of the Planning Board shall be filed within five days in the office of the Town Clerk and a copy mailed to the applicant by first-class mail.

(5) If any approved wind energy facility, small wind energy facility or wind measurement tower is not substantially commenced within one year of issuance of the permit, the permit shall expire unless the Planning Board shall have granted an extension.

(6) Upon commissioning of the project, which for purposes of wind energy facilities and small wind energy facilities shall mean the conversion of wind energy to electrical energy for on-site use or distribution to the electrical grid, and for purposes of wind measurement towers shall mean the collection of wind speed and/or other data by the wind measurement tower equipment, the Town Building Department or other designee authorized by the Town Board shall determine whether the project is in compliance with the permit. If the Town Building Department or other designee determines the project is in compliance with the permit, a certificate of conformity shall be promptly issued to the permittee.

(7) With the change of ownership of the structure the new owner shall comply with all environmental, site plan review or special use permit requirements.

R. Abatement.

(1) If any wind turbine stops converting wind energy into electrical energy and/or distribution of that energy for on-site use or transmission onto the electrical grid for a continuous period of 12 months, the applicant/permittee shall remove said system at its own expense following, if applicable, the requirements of the decommissioning plan required under this section or any permit. The Town Board may grant an extension to this time period for one year or less.

(2) At such time that a wind energy conversion facility is scheduled to be abandoned or discontinued, the applicant will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given not less than 30 days prior to abandonment or discontinuation of operations. In the event that an applicant fails to give such notice, the facility shall be considered abandoned upon such discontinuation of operations.

(3) Upon abandonment or discontinuation of use, the carrier shall physically remove the wind energy conversion facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(a) Removal of all machinery, equipment, equipment shelters, and security barriers from the subject property.

(b) Proper disposal of the waste materials (including hazardous liquids) from the site in accordance with local and state solid waste disposal regulations.

(c) Restoring the location of the wind energy conversion facility to its natural condition, except that any landscaping, grading or below-grade foundation shall remain in the after condition.

(4) If an applicant fails to remove a wind energy conversion facility in accordance with this section, the Town shall have the authority to enter the subject property and physically remove the facility. Cost incurred by the Town shall be paid by the applicant. The Town reserves the right to recover said cost by any legal means available.

(5) For a wind energy facility only, the Town Board shall require the applicant to post a bond at the time of construction to cover costs of the removal in the event the Town must remove the facility. The amount of such bond shall be reviewed and approved by the Town Board under the approved decommissioning plan.

S. Permit revocation. All wind energy facilities, small wind energy facilities and wind measurement towers shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. "Operational condition" includes meeting all noise requirements and other permit conditions. Should a wind turbine or wind measurement tower become inoperable, or any part of a wind energy facility or small wind energy facility be damaged, or should a violation of a permit condition occur, the permittee, owner or operator shall remedy the failure within 90 days. Upon a failure to perfect a timely remedy, project operation shall cease. Application of this subsection of the section shall in no way extend or toll any time periods set forth under Subsection R of this section.

T. Fees. The applicant shall pay for reasonable attorneys' and engineering fees associated with this application as per Chapter A210, Fee Schedule.

U. Enforcement; penalties for offenses.

(1) Enforcement Officer. The Town of Greenfield Town Code Enforcement Officer shall be considered the Enforcement Officer for purposes of this section.

(2) Penalties. Any person owning, controlling, operating or managing a wind energy facility, small wind energy facility or wind measurement tower in violation of this section or in noncompliance with the terms and conditions of any permit issued pursuant to this section, or any order of the enforcement officer, and any person who shall assist in so doing, shall be guilty of a violation of this section and subject to a fine of not more than \$1,000 per day per violation.

(3) Special proceeding. The designated enforcement officer may, with the consent of the Town Board, institute an action or proceeding available at law to prevent, correct or abate any unlawful construction, erection, structural alteration, reconstruction, modification and/or use of a wind energy facility, small wind energy facility or wind measurement tower in the Town. This shall be in addition to other remedies and penalties herein provided or available at law.

V. Exemption from above for a non-grid-use-only wind energy facility. A wind energy conversion system consisting of a wind turbine (or mill), a tower, and associated control electronics, electrical collection and distribution equipment or mechanical windmill components, and accessory facilities or equipment, which is less than 35 feet in total height with the minimum distance between the ground and any part of the rotor or blade system not less than 15 feet and is not connected to the power grid, shall be exempt from this section and shall require only a regular building permit and fee from the Town Building Department, provided the following conditions have been met:

(1) A completed application for a permit on a form provided by the Town Building Department.

(2) A site plan map showing property lines and physical dimensions of the site, including location, approximate dimensions and types of existing structures and uses on the site; public roads; and adjoining properties within 300 feet of the boundaries of any proposed wind turbine or windmill. The site plan shall show the location of each proposed wind turbine or windmill and the locations of setback distances. Setback from property lines shall equal no less than total tower height.

(a) If guy wires are to be used, the location and type of fencing used to enclose them shall be shown on the site plan.

(b) Such other information as may be required by the Town Building Department.

(3) Professional engineer stamped plans are required.

§ 105-134. (Reserved)

§ 105-135. Additional standards.

A. Abandoned vehicles. No motor vehicle, automobile, automobile trailer or other vehicle shall remain outside upon any property within the Town when such vehicle has been so dismantled or parts have been removed therefrom or otherwise abandoned so that such vehicle may be incapable of operation or use, for a period of 30

continuous days, except that travel trailers not used for dwelling purposes may be stored in rear yards when not in use.

B. Unregistered vehicles. No more than one unregistered motor vehicle may be stored in an unenclosed area in a residential district for no more than three months unless otherwise restricted by this chapter.

C. Storage and dumping.

(1) On any lot or plot, no storage of junk shall be permitted in the front yard.

(2) All spaces between building and structures shall be kept sufficiently free and clear of materials of every nature for the purpose of providing adequate light, air and protection against fire.

(3) Dumping of waste material must be in accordance with 6 NYCRR Part 360.

D. Obstructions at street intersections. On a corner lot in any district, any fence or wall built within 50 feet of the intersecting street lines shall be of open construction, such as wire, wood, picket or iron, and shall not exceed four feet in height, except for such fences as may be installed as a safety precaution surrounding swimming pools.

E. Commercial garages. In any district where permitted, unless the regulations of that district are more restrictive, commercial garages shall be subject to the following regulations:

(1) No fuel pump shall be located within 20 feet of any street lines or side lot line, measured from the outside edge of the fuel island.

(2) No access drive shall be within 200 feet of, nor on the same side of the street as, a public or semipublic use, as defined herein, unless a street ties between the commercial garage and the public or semipublic use.

(3) All major repair work shall be done within a completely enclosed building.

(4) Curbing to regulate the location of vehicular traffic shall be installed at the street line of the lot, except for access drives.

F. Obstructions.

(1) No fencing, shrubbery, trees or other type of obstruction shall be placed in the area between the front property line and the paved portion of the roadway.

(2) Any fence or wall constructed in the Town of Greenfield must have a two-foot setback from existing boundary lines as to allow for maintenance for both sides of fence or walls.

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

H. Anyone who makes an application to either the Planning Board or the Zoning Board of Appeals of the Town of Greenfield must be in compliance with all sections of the Zoning Law of the Town of Greenfield, except for the particular item or items contained in that particular application.

I. Seasonal uses. Seasonal uses, such as the sale of pumpkins, Christmas trees, etc., shall be allowed in conjunction with established businesses as long as there is sufficient space for the objects for sale and off-street parking for both the seasonal use and the existing business. The seasonal use of a property in a residential zone shall be allowed only after an application for the use is submitted and approved by the Planning Board. The application shall include a site plan, in compliance with § 105-52A, and be submitted to

the Planning Board for approval by the Board at least 30 days prior to any delivery of the items to the property. Application shall be made on an annual basis for any seasonal use. The application fee shall be \$25 for private individuals; no charge, other than that incurred by the Town of Greenfield, shall be made for not-for-profit organizations as approved by the New York State Attorney General's Office.

§ 105-136. Telecommunications towers.

A. Purpose. The purpose of these supplemental regulations is to promote the health, safety and general welfare of the residents of the Town of Greenfield; to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunications towers in the community by encouraging shared use of existing and future towers and the use of existing tall buildings and other high structures; and to minimize adverse visual effects from telecommunications towers by requiring careful siting, visual impact assessment and appropriate landscaping. 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.

B. Applicability; permits required.

(1) No telecommunications tower, except those approved prior to the effective date of this section, shall be used unless in conformity with these regulations. No telecommunications tower shall hereafter be erected; moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a telecommunications tower unless in conformity with these regulations.

(2) Applicants proposing to collocate telecommunications equipment on a previously approved telecommunications tower do not require a special permit but must obtain site plan approval in accordance with Article IX of this chapter. The Planning Board may require the applicant to submit any of the items under Subsection C below as part of the site plan review process.

(3) Applicants proposing to share use of an existing tall structure for telecommunications equipment must obtain a special permit in accordance with Subsection C below and Article VI of this chapter.

(4) Applicants proposing to construct a new telecommunications tower must obtain both a special permit in accordance with Subsections D through S below and Article VI of this chapter and site plan approval in accordance with Article IX of this chapter.

(5) These regulations shall apply to all property within all zoning districts of the Town.

(6) An applicant proposing to construct a new telecommunications tower shall include in its application a representation that it has complied with the federal aviation regulations, Code of Federal Regulations, Part 77, Subpart C, Obstruction Standards.

C. Shared use of existing tall structures.

(1) An applicant proposing to share use of an existing tall structure shall be required to submit:

(a) A completed application for a special permit (see § 105-52).

(b) Documentation of intent from the owner of the existing facility to allow shared use.

(c) A site plan. The site plan shall show all existing and proposed structures and improvements, including antennas, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility shall be indicated on the site plan.

(d) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure and explaining what modifications, if any, will be required in order to certify to the above.

(e) A completed State Environmental Quality Review Act (SEQRA) environmental assessment form (EAF) and a completed visual EAF addendum.

(f) A copy of its Federal Communications Commission (FCC) license.

(2) If an applicant proposing to share use of an existing tall structure submits complete and satisfactory documentation in accordance with Subsection C(1) above and if modifications indicated according to Subsection C(1) are deemed insignificant by the Planning Board and after the Planning Board conducts a public hearing and complies with all SEQRA provisions and if the Board determines that the use is consistent with the standards for issuance of a special permit set forth in § 105-54, the Board may grant a special permit without further review under this section. If the Planning Board determines that any modifications indicated according to Subsection C(1) are significant, the Board may also require the applicant to provide the additional information and meet some or all of the requirements as set forth in Subsections H through S below.

D. New telecommunications tower. The Board may consider a new telecommunications tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Board in consultation with the applicant. The report shall outline opportunities for shared use of these existing facilities as an alternative to a proposed new tower. 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 shall be provided.

E. Shared usage of an existing tower site for placement of a new tower. Where shared use of existing tall structures and existing or approved towers is found to be impractical, the applicant shall investigate shared usage of an existing tower site for the ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with Subsection D above. Any proposals for a new telecommunications tower on an existing tower site shall also be subject to the requirements of Subsections H through S below.

F. New tower at new location. The Board may consider a new telecommunications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical and submits a report as described in Subsection D above and when the Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with Subsection E. Any proposal for a new telecommunications tower shall also be subject to the requirements of Subsections G through S below.

G. New towers; future shared use. The applicant shall design a proposed new telecommunications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Planning Board a letter of intent committing the owner of the proposed new tower and his/her successors in interest to negotiate, in good faith, for shared use of the proposed tower by other telecommunications providers in the future. This letter shall be filed with the Building Inspector prior to issuance of a building permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special permit. The letter shall commit the new tower owner and his/her successors in interest to:

(1) Respond within 90 days 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 telecommunications providers.

(3) Allow shared use of the new tower if another telecommunications provider agrees, in writing, to pay reasonable charges. 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.

H. Site plan review; submission requirements.

(1) An applicant shall be required to submit a site plan in accordance with Article IX of this chapter. The site plan shall show all existing and proposed structures and improvements, including roads, buildings, tower(s),

guy wires and anchors, antennas, parking and landscaping, and shall include grading plans for new facilities and roads.

(2) Supporting documentation. The applicant shall submit a complete SEQRA EAF, a complete SEQRA visual EAF addendum and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The applicant shall also submit a copy of its Federal Communications Commission (FCC) license.

I. Lot size and setbacks. All proposed telecommunications towers and accessory structures shall be located on a single parcel and shall be set back from abutting parcels and street lines a distance sufficient to substantially contain on site all icefall or debris from tower failure and preserve the privacy of any adjoining residential properties.

(1) The lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If land is to be leased, the entire area required shall be leased from a single parcel unless the Planning Board determines that this provision may be waived.

(2) Telecommunications towers shall comply with all existing setback requirements of the underlying zoning district or shall be located with a minimum setback from any property line equal to 1/2 of the height of the tower, whichever is greater. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

J. Visual impact assessment. In addition to the SEQRA visual EAF addendum, the Planning Board may require the applicant to undertake a visual impact assessment which may include:

(1) A zone of visibility map in order to determine locations where the tower may be seen.

(2) Pictorial representations of before and after views from key viewpoints both inside and outside of the Town, including but not limited to state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Board shall determine the appropriate key sites at a presubmission conference with the applicant.

(3) Assessment of alternative tower designs and color schemes, as described in Subsection K below.

(4) Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

K. New tower design. Alternative designs shall be considered for new towers, including lattice and single-pole structures. The design of a proposed new tower shall comply with the following:

(1) Any new tower shall be designed to accommodate future shared use by other telecommunications providers.

(2) Unless specifically required by other regulations, a tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.

(3) The maximum height of any new tower shall not exceed that which will permit operation without artificial lighting of any kind or nature in accordance with municipal, state and/or federal law and/or regulation. The Planning Board, at its discretion, may modify this requirement if the applicant can justify the need to exceed this height limitation.

(4) The Planning Board may request a review of the application by a qualified engineer in order to evaluate the need for and the design of any new tower. The cost of this review shall be borne by the applicant.

(5) Accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.

(6) No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to company name, phone numbers, banners and streamers.

L. Existing vegetation. Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four inches in diameter (measured at a height of four feet off the ground) shall take place prior to the approval of the special permit.

M. Screening. Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.

N. Access. Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at all times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts or no more than 10 feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbances and reduce soil erosion potential.

O. Parking. Parking shall be provided to assure adequate emergency and service access. The Planning Board shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard setback.

P. Fencing. The tower and any accessory structures shall be adequately enclosed by a fence, the design of which shall be approved by the Planning Board. This requirement may be waived by the Planning Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

Q. Removal. The applicant shall submit to the Planning Board a letter of intent committing the tower owner and his/her successors in interest to notify the Building Inspector within 30 days of the discontinuance of use of the tower. This letter shall be filed with the Building Inspector prior to issuance of a building permit (assuming the telecommunications tower is approved according to this section). Obsolete or unused towers and accessory structures shall be removed from any site within four months of such notification. Failure to notify and/or to remove the obsolete or unused tower in accordance with these regulations shall be a violation of this chapter and shall be punishable according to § 105-26, Penalties for offenses, of this chapter.

R. Intermunicipal notification for new towers. In order to keep neighboring municipalities informed and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use and to assist in the continued development of county 911 services, the Planning Board shall require that:

(1) An applicant who proposes a new telecommunications tower shall notify, in writing, the legislative body of each municipality that borders the Town of Greenfield, the Saratoga County Planning Board and the Director of Saratoga County Emergency Services. Notification shall include the exact location of the proposed tower and a general description of the project, including, but not limited to, the height of the tower and its capacity for future shared uses.

(2) Documentation of this notification shall be submitted to the Planning Board at the time of application.

S. Notification of nearby landowners. The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within 500 feet of the property line of the parcel on which a new tower is proposed. Notice shall also be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Planning Board prior to the public hearing.

§ 105-137. Keyhole lots.

A. Keyhole lots may be permitted by the Planning Board only in instances when required due to unusual conditions of the area. The decision to allow a keyhole lot shall be at the sole discretion of the Planning Board taking into account those factors it believes are relevant to the proposal.

[Amended 5-8-2008 by L.L. No. 1-2008]

B. Space and bulk standards for keyhole lots shall be the same as for the district in which they are located, except that all setbacks, whether front, side or back yards, shall be a minimum of 50 feet. In addition, keyhole lots do not have to meet minimum lot frontage requirements, but the minimum width of the lot parallel to the front line of the building must be measured parallel to the street line, unless determined otherwise by the Planning Board, and be at least the same as the minimum lot frontage requirement.

C. All driveways to keyhole lots must be accessible to and able to hold a fifty-thousand-pound, thirty-foot-long vehicle, as determined by a licensed engineer, with facilities for turning around to be available within 100 feet of any structure.

D. To ensure privacy for adjacent lots, a landscaped buffer shall be planted on a keyhole lot wherever deemed necessary by the Planning Board. The buffer shall contain sufficient planting materials as needed to screen the keyhole lot from the other existing uses. This requirement may be waived by the Planning Board if topographic conditions or existing vegetation provides adequate screening.

E. Appropriate signage must be provided as indicated in the following note which will be placed on the formal plat of any subdivision containing a keyhole lot:

Standard note for address identification. The street number of a dwelling situated on a keyhole shall be permanently and conspicuously displayed on a sign, with lettering not less than three inches nor greater than eight inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits.

§ 105-138. Performance standards.

A. Compliance and determination of nuisance elements.

(1) All uses of lands or buildings in the Town of Greenfield shall comply with the performance standards as described in this article.

(2) The Code Enforcement Officer may require independent expert evaluation to determine the compliance of a proposed use with the performance standards at the expense of the applicant before issuing a permit.

(3) The determination of the existence of any nuisance elements shall be made at the following:

(a) The property lines of the use creating such elements for noise, vibration, glare, dust and safety hazards.

(b) Anywhere in the Town for elements involving air, water, and ground pollution.

(4) The Code Enforcement Officer shall investigate any written or alleged violation of performance standards. If reasonable evidence of a violation exists, the Code Enforcement Officer may then revoke the permit.

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

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

D. Lighting and glare.

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

(2) Application. These regulations shall apply to all commercial, industrial, multifamily, office and recreation uses in the Town of Greenfield.

(3) Standards. All exterior lights and illuminated signs shall be designed and located in such a manner as to prevent objectionable light and glare to spill across property lines. The following horizontal illumination levels shall be observed. For uses not listed here, the Planning Board may determine the appropriate horizontal illumination level referencing the values found in the reference titled the "IESNA Lighting Handbook" published by the Illuminating Engineering Society of North America. The Planning Board may vary these standards, making them more or less restrictive, where it finds it to be in the interests of this chapter and the Town to do so. In particular, the Town may vary the standards with reference to the brightness and use of the surrounding environment.

Use	Horizontal Illuminance (footcandles)
Commercial parking lot	2.5
Industrial parking lot	1.0
Office parking lot	1.0
Recreation parking lot	2.5
Multifamily parking lot	2.5
Churches/education lots	1.0
Building entrances	5.0
Building exteriors	1.0
Loading/unloading areas	20.0
Gas station approach/driveway	2.0
Gas station pump island	10.0
Gas station service areas	3.0
Seasonal stands	25.0
Automobile lots	20
Driveways and road approaches	2.0
Sidewalk and bikeways	1.0

(4) Fixtures. A lighting fixture shall be architecturally compatible with the primary building. Fixtures shall be shielded and have cutoffs to direct light directly to the ground. This must be accomplished so that light dispersion or glare does not shine above a horizontal plane of 90° from the base of the fixture. Cutoff fixtures must be installed in a horizontal position as designed. Flat lens cutoffs are required. Fixtures shall generally be of dark colors. Pole-mounted fixtures shall not exceed 20 feet in height. High-pressure sodium lights are preferred. Lexan lenses or similar low-glare material is preferred. All lighting shall maintain a uniform ratio of 4:1.

(5) Vision. Lighting shall not interfere with or impair pedestrian or motorist vision.

(6) Procedure. Any use subject to site plan review shall submit a lighting plan describing the lighting component specifications such as lamps, poles, reflectors and bulbs. The lighting plan shall show the illumination levels for the entire site and shall be at a scale consistent with the site plan. The Planning Board may require specific lighting plans to address portions of the site, such as parking lots or pedestrian walkways, for evaluation purposes.

E. Noise.

- (1) Unnecessary, excessive, offensive and/or nuisance noises from all sources are prohibited.
- (2) Construction shall be limited to the hours of 6:00 a.m. to 9:00 p.m.
- (3) Exemptions. The following uses and activities shall be exempt from noise level regulations.
 - (a) Air-conditioning equipment when it is functioning in accord with manufacturer's specifications.
 - (b) Lawn maintenance, agricultural, forestry and snow removal equipment when it is functioning in accordance with manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition.
 - (c) Nonamplified noises resulting from the activities such as those planned by school, governmental, or community groups.
 - (d) Noises resulting from any authorized emergency vehicle or warning device when responding to an emergency call or acting in time of emergency.
 - (e) All noises coming from the normal operations of railroad trains.
 - (f) Noises of church chimes.

F. Odor and air pollutants.

- (1) No odors may be emitted which are easily detectable and offensive at the property line and which cause annoyance to a person of reasonable sensitivity.
- (2) No emission of fly ash, dust, fumes, vapors, toxic gases or other forms of air pollution shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property which can cause any excessive soiling.

G. Radioactivity and electrical disturbance. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

H. Vibration. No vibration shall be permitted which is detectable without an instrument at the property line and which may cause annoyance to a person of reasonable sensitivity.

§ 105-139. Clearing and grading.

A. Purpose and intent. It is the purpose of this section to prevent the clear-cutting and grading of lots except in association with an approved site plan.

B. Application. Within a five-year time period, clear-cutting and grading are limited to the following maximums, without obtaining site plan approval:

District

TC, OR	LDR	MDR1	MDR2	IM	LDR	PR
1 acre	5 acres	1.5 acres	3 acres	5 acres	6 acres	10 acres

C. Any person proposing to clear-cut or grade more than these totals must follow the procedures for and obtain site plan approval in accordance with Article IX, Site Plan Review, of this chapter. This requirement does not apply to bona fide timber harvesting activities involving tree removal from land areas greater than specified above which have properly notified the Town pursuant to § 105-130 of this chapter. These activities may be subject to additional requirements of other regulating agencies.

D. This regulation does not apply to bona fide timber harvesting activities that are carried out in accordance with DEC regulations.

§ 105-140. Self-storage units.

The following standards shall apply to all self-storage units.

A. Vegetative buffering and/or fencing shall be provided along road frontage. A Type B buffer Editor's Note: See § 105-121E. shall be provided between the property and adjoining lots. Fencing adjacent to the street shall be a decorative type.

B. Lighting shall be designed consistent with the standards in § 105-138D. Twenty-four-hour lighting is prohibited.

C. Buildings shall be sited perpendicular to the road so that only the end unit faces the road.

D. The building shall be designed so that it is in harmony with the appearance of the surrounding neighborhood. A false facade or roof shall be used for end units facing the roadway.

E. The storage of flammable liquids, explosives, hazardous chemicals, radioactive wastes, pets or animals or illegal substances is prohibited.

F. Hours of access shall be specified by the Planning Board in keeping with the character of the surrounding neighborhood.

§ 105-141. Adult uses.

A. No adult use may be located:

(1) Within 1,000 feet of another adult use.

(2) Within 1,000 feet of the property line of a school, religious use, public park, public or private recreation facility, community center or other public facility, designated historic district or designated historic site.

B. Not more than one activity constituting an adult-oriented business shall be permitted within a single building or on a single lot.

C. No adult-oriented business shall be permitted as a home occupation or in any building also used for residential purposes.

D. No adult-oriented business shall exceed 5,000 square feet in total floor area.

E. No motion picture display shall be visible outside the premises of the structure in which the adult use is located.

F. Adult use establishments shall be properly screened from adjacent properties through the use of fences, walls, landscaping or other means.

G. The exterior appearance of a building containing adult uses shall be consistent with the character of surrounding structures and shall not detract from the appearance of the neighborhood.

§ 105-142. Accessory structures.

A. Accessory structures less than 120 square feet in size shall be permitted in all zoning districts. Accessory structures less than 120 square feet in size do not need to comply with the side yard and/or rear yard setback standards of this chapter. Accessory structures greater than 120 square feet in size must comply with the setback requirements of this chapter. If the principal building or use to which the structure is accessory would require site plan review or a special use permit under this chapter, then the accessory use requires such review.

[Amended 5-8-2008 by L.L. No. 1-2008]

B. Tractor-trailer boxes and railroad transport boxes may not be used as accessory structures.

§ 105-143. Driveway standards.

The following standards shall apply to all private driveways in the Town of Greenfield:

A. Private driveway grades shall not exceed 12%.

B. Private driveway grades shall not exceed 3% within 100 feet of the intersection with a public roadway.

C. Adequately designed road culverts are to be installed at all driveways that connect to a public road.

D. Driveways in excess of 500 feet must be accessible to and able to hold a fifty-thousand-pound, thirty-foot-long vehicle, as determined by a licensed engineer, with facilities for turning around within 100 feet of any structure.

E. The street number of a dwelling shall be permanently and conspicuously displayed on a sign, with lettering not less than three inches nor greater than eight inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel.

F. Shared driveways shall be allowed at the discretion of the Planning Board. For any lots that propose to utilize a shared driveway, an agreement between landowners addressing access and shared maintenance responsibilities shall be provided to the Town and shall be executed by the landowners prior to any building permit being issued. The agreement shall be effective in perpetuity.

§ 105-144. Blasting.

Notice of blasting shall be supplied to the Town Clerk at least 24 hours in advance of the event.

§ 105-145. Outdoor furnaces.

[Amended 5-8-2008 by L.L. No. 1-2008; 11-12-2009 by L.L. No. 2-2009]

A. Permit required. No person shall cause, allow or maintain the use of an outdoor furnace within the Town of Greenfield without first having obtained a permit from the Building Department. Application for permit shall be made to the Building Department on the forms provided.

B. Existing furnaces. An outdoor furnace in existence on the effective date of this chapter shall be permitted to remain without the need for a permit or compliance with the requirements of Subsection C, D or E of this section, except for Subsection C(1). "Existing" or "in existence" means that the outdoor furnace is in place on the site.

C. Specific requirements.

- (1) Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is prohibited.
- (2) Permitted zones. Outdoor furnaces shall be permitted in all zoning districts except OR and TC.
- (3) With respect to any outdoor furnaces installed, such outdoor furnaces must be set back a minimum of 50 feet from any property line.
- (4) Outdoor furnace users must follow all operating instructions supplied by the manufacturer.
- (5) Outdoor furnace users must follow the manufacturer's written instructions for recommended loading times and amounts.
- (6) Lighter fluids, gasoline or chemicals to start the outdoor furnace are prohibited.
- (7) The outdoor furnace must be located with due consideration to the prevailing wind direction.
- (8) Stack location.
 - (a) If located 50 feet from any residence, the stack must be at least two feet higher than the eave line of that residence.
 - (b) If located more than 50 feet but no more than 100 feet from any residence, the stack height must be at least 75% of the height of the eave line of that residence, plus an additional two feet.
 - (c) If located more than 100 feet but no more than 200 feet from any residence, the stack height must be at least 50% of the height of the eave line of that residence, plus an additional two feet.
 - (d) If located more than 150 feet but no more than 200 feet from any residence, the stack height must be at least 25% of the height of the eave line of that residence, plus an additional two feet.

D. Spark arrestors. All outdoor furnaces shall be equipped with properly functioning spark arrestors.

E. Nothing contained in this section shall be construed to limit the rights of any resident to commence an action against the permittee to abate a private nuisance.

§ 105-146. Water body setbacks.

No building or structure may be constructed within 50 feet of the mean high-water mark of any permanent, year-round flowing stream or water body within the Town of Greenfield.

§ 105-147. Temporary data collection structures.

[Added 11-12-2009 by L.L. No. 2-2009]

A. Construction, erection, installation and operation of temporary data collection structures and equipment, including meteorological and other data collection towers and accessory structures, shall be permitted in the PR Zoning District, subject to site plan review by the Planning Board pursuant to Article IX hereof.

B. The approval of the Planning Board may be granted for a period of not more than 12 months and may be renewed by the Planning Board for one additional twelve-month period.

C. Data collection towers shall either comply with all existing setback requirements of the zoning district or shall be located with a minimum setback from any property line equal to 1/2 the height of the tower, whichever is greater, to substantially contain on site any ice fall or debris from tower failure. Accessory structures shall

comply with the minimum setback requirements of the zoning district. Editor's Note: See Table 2, Area Regulations, included at the end of this chapter.

D. All proposed temporary data collection structures shall be located on a single parcel. If the land is to be leased, the entire area required shall be leased from a single parcel unless the Planning Board determines that this provision may be waived.

E. Minimum lot size for parcels containing temporary data collection structures shall be determined by the amount of land required to meet the setback requirements.

F. Data collection towers and accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to company information.

G. Existing on-site vegetation shall be preserved to the maximum extent possible.

H. All temporary data collection structures shall be enclosed by a fence unless the Planning Board determines that a fence is not necessary to ensure the security of the facility and protect the health, safety and welfare of the public.

I. The applicant shall submit to the Planning Board a letter of intent committing the owner of a temporary data collection structure and any successors in interest to notifying the Building Inspector within 30 days of the discontinuance of use of the structure. Towers and accessory structures shall be removed from the site within 30 days of such notification or of expiration of the Planning Board approval and any extensions.

§ 105-148. (Reserved)

§ 105-149. (Reserved)

ARTICLE XII. Floodplain Administration

§ 105-150. General provisions.

Floodplain administration shall be governed by Chapter 5Z, Flood Damage Prevention, of the Code of the Town of Greenfield, New York.

ARTICLE XIII. Amendments and Other Provisions

§ 105-151. Amendments.

A. Amendments by Town Board. The Town Board may from time to time, on its own motion or by recommendation or petition of the Planning Board, amend, supplement, change, modify or repeal the regulations and provisions of this chapter following a public hearing and in accordance with § 105-151E of this article.

B. Advisory report by Planning Board. Each such proposed amendment or change shall be referred to the Planning Board for report thereon before public hearing in front of the Town Board. The Planning Board shall submit to the Town Board its advisory report within 30 days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within 30 days shall be deemed to be a favorable recommendation.

C. Effective date. This chapter or any amendment of this chapter shall take effect immediately upon filing with the Secretary of State, and in addition, such chapter or amendment shall take effect from the date of its service against a person served personally with copies thereof, certified by the Town Clerk under the Town Seal and showing the date of adoption and entry in the minutes.

D. Public notice and hearing.

(1) No such change in the text or a zoning district boundary of this chapter shall become effective until after a public hearing is held by the Town Board in relation thereto, at which the general public shall have an opportunity to be heard.

(2) At least 10 days prior to the date of such public hearing, a notice of the time and place shall appear in a newspaper of general circulation in the Town. Such notice shall describe the area, boundaries, regulations or requirements that such proposed change involves according to § 265 of the New York State Town Law.

(3) At least 10 days prior to the date of said public hearing, written notice of such proposed change or amendment affecting property within the protectively zoned area of a housing project authorized under the Public Housing Law or property within 500 feet of the boundaries of any city, village, town, county, state park or parkway shall be given. Such city, village, town or county shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment but shall not have the right of review by a court.

(4) The Town Clerk shall promptly transmit to the Saratoga County Planning Board any matters required to be referred pursuant to the provisions of §§ 239-l and 239-m of the General Municipal Law.

E. Publication and posting. Every zoning law and every amendment to the zoning law, excluding any map incorporated therein, shall be entered in the minutes of the Town Board. Such minutes shall describe and refer to any map adopted in connection with such zoning ordinance or amendment. An abstract of said law shall be published in accordance with Chapter 20, Ordinances and Local Laws, Adoption of.

§ 105-152. Interpretation of provisions.

In interpreting and applying the provisions of this chapter, the regulations shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, propriety and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, this chapter shall control.

§ 105-153. Severability; construal of provisions.

A. If any provision of this chapter is declared invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to that provision of this chapter directly involved in the controversy which gave rise to the judgment and shall not affect or impair the validity of any other provision of this chapter.

B. Nothing in this chapter shall be construed to affect any suit or proceeding now pending in any court or any rights arising prior to its enactment pursuant to provisions of law then in effect.

§ 105-154. When effective.

This chapter shall take effect immediately upon filing and publication as prescribed by law.

Attachments:

105a App A Mobile Home Foundation System

105b App B Notification Req Timber Harvest

105c App C Road Designations

105d App D Use Table

105e App E Area Table

105f Parking Table

105g Zoning Map

CHAPTER A110. PLANNING BOARD BYLAWS

§ A110-1. Membership; officers.

§ A110-2. Meetings.

§ A110-3. Voting.

§ A110-4. Hearings.

§ A110-5. Amendments.

CHAPTER A110. PLANNING BOARD BYLAWS

[HISTORY: Adopted by the Town Board of the Town of Greenfield 6-12-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 49.

Subdivision of land — See Ch. 90.

Zoning — See Ch. 105.

§ A110-1. Membership; officers.

A. The Greenfield Planning Board shall consist of seven members, one member being designated each year by the Town Board at its January meeting to serve as Chairperson.

B. The Town Board shall designate a Deputy Chairperson to serve a term concurrent with that of the Chairperson. He shall assume the duties of the Chairperson upon the death, absence, resignation, disqualification or other disability of the latter.

C. The Town Board shall appoint one alternate member to the Planning Board to substitute for any regular member in the event of a conflict of interest or other factor such as illness, vacation or other absences. The alternate member shall be appointed by resolution of the Town Board for a term of seven years. The Chairperson of the Planning Board may designate an alternate member to substitute for a regular member when such member is unable to participate in an application or matter before the Board. When so designated, the alternate member shall possess all of the powers and responsibilities of such regular member. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. All provisions relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other Boards shall also apply to alternate members.

[Added 8-12-1999 by L.L. No. 3-1999 Editor's Note: Article 3 of this local law stated that it was adopted pursuant to Municipal Home Rule Law § 10 and that it superseded the provisions of Town Law § 267(11) and 271(15) that restrict substitution of alternate members of Zoning Boards of Appeal and Planning Boards, respectively, to instances of conflict of interest. **]**

§ A110-2. Meetings.

A. The Planning Board shall meet on the second and last Tuesdays of each month at 7:30 p.m. at the Town Hall, Greenfield Center.

[Amended 4-8-1999]

B. The regular January meeting shall be designated the annual meeting of the Planning Board.

C. A special meeting may be called by the Chairperson or upon the request of four other members, provided that 48 hours' notice must be given each member, and provided also that, to the extent practicable, notice will be given to the public by notifying the news media and by a conspicuous posting of notice at the Town Hall within a reasonable time prior to such special meeting.

D. Meetings shall be conducted according to Robert's Rules of Order and shall be presided over by the Chairperson.

E. Any application to be considered by the Planning Board must be filed with the Clerk of the Board not less than 10 business days prior to the meeting at which it is to be considered.

F. Whenever any copies of plans or applications are required under the Zoning Law, Editor's Note: See Ch. 105, Zoning. Sanitary Code or Subdivision Regulations, Editor's Note: See Ch. 90, Subdivision of Land. they shall be submitted by the applicant at least seven business days in advance of the meeting at which they are to be

considered. Failure to comply with this subsection will result in the application's being dropped from the meeting agenda. The Planning Board may in its discretion waive this requirement.

G. Seven days prior to each regular meeting, the Secretary of the Board shall prepare an agenda of items to be considered at the regular meeting. He shall distribute by mail or otherwise all pertinent papers and plans to each of the members.

§ A110-3. Voting.

A. A quorum entitling the Board to take action shall be a majority of the entire membership of the Board.

[Amended 10-10-1985]

B. Each member present at a meeting shall be entitled to one vote on each matter before the Board.

C. Board action may be taken only upon the affirmative vote of the majority of the entire membership.

D. Any member who has a personal interest in a matter pending before the Board shall disclose that he has an interest and shall abstain from voting on the matter. A majority of the disinterested members will be sufficient for Board action to be taken.

§ A110-4. Hearings.

At any public hearing conducted by the Board, the Chairperson shall preside. The proponent of the matter which is the subject of the hearing shall make his statement to the Board. Any witnesses who support the proponents position shall then be heard, followed by opponents. The members of the Board may question any witness after he has made his statement to the Board. The Chairperson may, for the purpose of expediting lengthy meetings, limit the time in which persons appearing before the Board may speak. The Board may also accept written submissions of any interested party at a public hearing.

§ A110-5. Amendments.

These bylaws may be amended by a resolution passed by a majority of the Planning Board after a public hearing, subject to the approval of the Town Board.

CHAPTER A210. FEE SCHEDULE

§ A210-1. Minor subdivision.

§ A210-2. Major subdivision.

§ A210-3. Commercial and industrial fees.

§ A210-4. Planned unit development.

§ A210-5. Expansion of mobile home park.

§ A210-6. Site plan approval fee.

§ A210-7. Special use permit fee.

§ A210-8. Lot line adjustment.

§ A210-9. Zoning Board of Appeals fee.

§ A210-10. Stormwater fees.

§ A210-11. Wind tower fees.

CHAPTER A210. FEE SCHEDULE

[HISTORY: Adopted by the Town Board of the Town of Greenfield 1-11-2007 by resolution. Editor's Note: This resolution superseded former Ch. A210, Fee Schedule, adopted 2-14-1991 by resolution, as amended, and the revised fee schedule adopted 9-15-2006 by resolution. Amendments noted where applicable]

§ A210-1. Minor subdivision.

A. An initial application fee of \$50 per unit or lot, whichever is greater.

B. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, are to be paid by the applicant before final approval.

C. An engineering escrow account in the amount of \$2,500 must be established and maintained throughout the project. However, this may be waived by the Zoning Administrator, subject to the review of the Planning Board.

D. A final approval fee of \$100 per unit or lot, whichever is greater, is due prior to final approval.

E. A park and recreation fee of \$500 for each lot or unit, whichever is greater, is due prior to final approval. Any lot with a preexisting residence is excluded from this fee.

§ A210-2. Major subdivision.

A. An initial application fee of \$50 per unit or lot, whichever is greater.

B. An engineering escrow account of \$5,000 must be established with the Town and maintained throughout the project. All project fees will be billed monthly and must be paid within 30 days of receipt to maintain the required escrow balance.

C. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, will be billed to the applicant and paid within 30 days.

D. A final approval fee of \$150 per unit or lot, whichever is greater, is due prior to final approval and/or signing of mylar.

E. A park and recreation fee of \$500 for each lot or unit, whichever is greater, is due prior to final approval. Any lot with a preexisting residence is excluded from this fee.

§ A210-3. Commercial and industrial fees.

A. An initial application fee of \$1,000 is due.

B. A letter of credit for \$5,000 must be submitted to the Town before the review process begins.

C. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, will be billed to the applicant and must be paid within 30 days of receipt.

D. A final approval fee of \$0.10 per square foot is due prior to final approval.

§ A210-4. Planned unit development.

A. An initial fee of \$1,000 plus \$50 per unit or lot, whichever is greater, is due with the application.

B. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, will be billed to the applicant and must be paid within 30 days of receipt.

C. A fee of \$0.10 per square foot plus \$150 per unit or lot, whichever is greater, is due prior to final approval.

D. A park and recreation fee of \$500 per unit or lot, whichever is greater, is due prior to final approval.

§ A210-5. Expansion of mobile home park.

A. A fee of \$1,000 or \$100 per unit or lot, whichever is greater, is due prior to final approval.

B. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, will be billed to the applicant and must be paid within 30 days of receipt.

C. A park and recreation fee of \$500 per unit or lot, whichever is greater, is due prior to final approval.

§ A210-6. Site plan approval fee.

A. A fee of \$100 is due at the time of application.

B. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, will be billed and must be paid within 30 days of receipt.

§ A210-7. Special use permit fee.

A. A fee of \$100 is due at the time of application.

B. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, will be billed and must be paid within 30 days of receipt.

§ A210-8. Lot line adjustment.

A. A fee of \$100 is due at the time of application.

B. All fees, to include but not limited to advertising, application review, engineering, legal and consulting, will be billed and must be paid within 30 days of receipt.

§ A210-9. Zoning Board of Appeals fee.

A. A fee of \$100 is due at the time of application.

B. For each notice which must be mailed as per § 105-85 of this law, Editor's Note: See Ch. 105, Zoning, § 105-85, Public hearing and notice. \$2 will be billed and must be paid within 30 days of receipt.

C. All fees, to include but not limited to application review, engineering, legal and consulting, will be billed and must be paid within 30 days of receipt.

§ A210-10. Stormwater fees.

A. The Town of Greenfield will require developers to install systems that will minimize the cost to the Town of Greenfield taxpayers. The Town Engineer will work with the developer to ensure the design of the system is the most cost-effective system for the Town to maintain. This may require the developer to invest in additional designs or systems that increase his development cost. The developer will provide and the Town engineer will review a "maintenance cycle" for the system. The maintenance cycle will include all the maintenance required for the system and the periodicity, typically seven years.

B. The Town Engineer will review the maintenance requirements with the Highway Superintendent and determine the cost for the maintenance cycle and calculate the maintenance cost for the cycle in current year dollars. This cost will be the fee assessed the developer for the stormwater maintenance burden on the Town.

§ A210-11. Wind tower fees.

[Added 11-12-2009 by L.L. No. 2-2009]

Upon application for a wind energy facility permit, the applicant shall pay a permit fee equal to \$500 per megawatt of proposed nameplate capacity of a project. Upon application for a small wind energy facility permit or wind measurement tower permit, the applicant shall pay a permit fee of \$100. This permit fee shall be used to offset any internal costs the Town may incur in administering a permit and shall be in addition to any application fee or other fees or host community payments required of the applicant. The applicant shall pay for reasonable attorneys' and engineering fees generated by the Town associated with this application.

CHAPTER DL. DISPOSITION LIST

§ DL-1. Disposition of legislation.

CHAPTER DL. DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Greenfield adopted since 1-1-2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.

§ DL-1. Disposition of legislation.

Enactment	Adoption Date	Subject	Disposition
L.L. No. 1-2005	12-8-2005	Saratoga Polo Retreat PUD	NCM
L.L. No. 1-2006	6-8-2006	Personnel policies: health insurance for retired elderly officials repealer	Ch. <u>23</u> , Art. I
L.L. No. 2-2006	6-8-2006	Zoning amendment	Ch. <u>105</u>
L.L. No. 3-2006	7-20-2006	Wayside Inn PUD	NCM
L.L. No. 4-2006	8-10-2006	Dogs amendment	Ch. <u>45</u>
L.L. No. 5-2006	8-10-2006	Junkyards amendment	Ch. <u>65</u>
L.L. No. 6-2006	8-10-2006	Peddling and soliciting amendment	Ch. <u>73</u>
L.L. No. 7-2006	8-10-2006	Mass gatherings amendment	Ch. <u>69</u>
Res.	9-15-2006	Fee schedule amendment	Superseded 1-11-2007
L.L. No. 8-2006	12-14-2006	Snowmobiles amendment	Ch. <u>84</u>
Res.	1-11-2007	Fee schedule	Ch. <u>A210</u>
L.L. No. 1-2007	3-22-2007	Zoning	Ch. <u>105</u>
L.L. No. 2-2007	7-12-2007	Subdivision of land amendment; zoning amendment	Chs. 90; 105
L.L. No. 3-2007	9-13-2007	Fire prevention and building construction amendment	Ch. <u>54</u>
L.L. No. 4-	12-13-	Discharges, activities and connections to	Ch. <u>43</u>

Enactment	Adoption Date	Subject	Disposition
2007	2007	storm sewer	
L.L. No. 5-2007	12-13-2007	Stormwater management and erosion and sediment control; subdivision of land amendment; zoning amendment	Chs. 85; 90; 105
L.L. No. 1-2008	5-8-2008	Unsafe buildings amendment; fire prevention and building construction amendment; junkyards amendment; subdivision of land amendment; zoning amendment	Chs. 40; 54; 65; 90; 105
L.L. No. 2-2008	6-5-2008	Wayside Inn PUD amendment	NCM
L.L. No. 3-2008	5-8-2008	Officers and employees: Town Highway Superintendent	Ch. <u>19</u> , Art. <u>II</u>
L.L. No. 1-2009	2-12-2009	Taxation: Cold War veterans exemption	Ch. <u>96</u> , Art. <u>III</u>
L.L. No. 2-2009	11-12-2009	Farming: right to farm; fire prevention and building construction amendment; zoning amendment; fee schedule amendment	Chs. 51, Art. I; 54; 105; A210
L.L. No. 3-2009	12-10-2009	Vehicles and traffic: seasonal parking restrictions amendment	Ch. <u>100</u> , Art. <u>II</u>