

Town of Stuyvesant Zoning Law

Local Law #2 2018

ADOPTED 9/6/2018

This Local Law replaces, in their entirety, all previously adopted Zoning Ordinances and any Amendments made to them.

As Amended **April 14, 2022 with repealer of former Solar Energy Law and insertion of new law known as Local Law #1 of 2022 at page 27 hereof.**

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SECTION 1 – PURPOSE

The purpose of this ordinance is to exercise the Town's obligations to protect its residents and to plan for the future growth of the Town by regulating and restricting the location, the development density, methods of construction and the use of buildings and lands within the Town pursuant to the authority vested to it by the General Town Law of the State of New York and to protect the general health, safety and welfare of the community in conformance with the goals and objectives identified in the "*Town of Stuyvesant Comprehensive Plan*".

All persons wishing to purchase lands or structures, expand existing uses or develop currently vacant lands within the Town of Stuyvesant, should be aware that various other regulations and agencies exist that **may** affect such actions. These include, but are not limited to:

- _ NYS Fire Prevention & Building Code
- _ NYS Department of Environmental Conservation Freshwater Wetlands Act
- _ State Environmental Quality Review Act
- _ Army Corp. of Engineers' Wetlands Program
- _ Town of Stuyvesant Subdivision Regulations
- _ NYS Department of Transportation
- _ Columbia County Highway Department
- _ Town of Stuyvesant Highway Department
- _ National Flood Insurance Administration

- _ Town of Stuyvesant Fire Department/Fire Marshall
- _ Regulation of Automobile Junk Yards, per G.M.L. Section 136

SECTION 2 – DEFINITIONS

For the purpose of this Local Law, certain terms or words used herein shall be interpreted as follows:

- The word *person* includes a firm, association, organization, partnership or corporation as well as an individual;
- The word *shall* is mandatory, the word *may* is permissive;
- The words *used* or *occupied* include the words intended, designed, arranged, or to be used or occupied.
- The word *lot* includes the words plot or parcel.

Accessory Use or Structure – A use or structure on the same lot with a principal use, which is subordinate or incidental to such principal use.

Accessory Apartment – An accessory dwelling unit, containing not more than 800 square feet of gross floor area, located within a single family residence or an accessory structure that existed prior to the effective date of this ordinance and established pursuant to the supplemental requirement outlined in Section 7.

Agribusiness – As used in this Local Law, the term agribusiness shall mean activities collectively associated with the production, processing, distribution and sale of agricultural products. These activities shall include direct sale of agricultural products to consumers, and such ancillary activities as Agritainment and Agritourism.

Agricultural – The production, keeping or maintenance, for sale, lease or personal use of plants and animals useful to man, the harboring of more than five (5) animals of any species with the exception of the keeping of household pets, and/or the cultivation for food products or other useful growths of the field, forest or garden for personal use, business or gainful operation. Household septage/sewage spreading is not deemed to be a traditional agricultural practice and is prohibited town wide. Agriculture, including animal husbandry, is allowed in various zones of the Town pursuant to the supplemental requirements outlined in Section 7.

Agritainment – Events and activities that allow for recreation, entertainment, and tourism in conjunction with on-going agricultural activities on-site. Events and activities may include the following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), living historical farms, farm tours, and agricultural festivals. The agritainment enterprise shall be operated and maintained by the owner, operator, or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for agritainment.

Agritourism – Farm-related enterprises that operate for the enjoyment and education of the public which bring together tourism and agriculture.

Agricultural Products Processing – A building or structure, designed and used as an ancillary use customarily accessory to an existing agricultural entity, that processes locally available agricultural produce. Facilities not ancillary to an existing agricultural entity shall be deemed industrial uses allowed only in the Commercial/Light Industrial Zone.

Assembly Facility – An establishment that is not involved in the manufacturing from raw materials of any product that combines components into a completed assembly or sub-assembly.

Auto Service Facility – An area of land including structures thereon that is used for the repair, maintenance or restoration of motor vehicles and may include the direct dispensing of motor vehicle fuel at retail.

Bed & Breakfast Facility – A structure designed or altered to provide transient lodging accommodations, including the provision of meals, within the residence or accessory structure of the owner, operator or an employee of the owner/operator, established pursuant to the supplemental requirements outlined in Section 7.

Billboard – A free-standing sign which exceeds fifteen feet in height, and exceeds 64 square feet in area on each side.

Building – A structure with a roof supported by columns or walls and used for shelter, support or enclosure of persons, animals, chattels or property of any kind.

Building Integrated Photovoltaic System- A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials and shading over windows.

Commercial Light Industrial Project – A business, commercial or light industrial use established in a structure that existed at the time of the adoption of this ordinance, pursuant to the supplemental regulations of this use found in Section 7.

Communication Facilities including Cell Towers – A structure used primarily for transmitting and/or receiving radio, television, microwave, cellular telephone or similar electromagnetic signals. The following shall not be considered communication facilities:

1. Receive only antennae and satellite dishes designed for residential use.
2. Any antennae less than fifteen (15) feet in height, no part of which exceeds five (5) feet in width or ten (10) feet in diameter, when mounted on buildings, telephone poles or other pre-existing structures.
3. Antennas used by a federally licensed amateur radio operator, which shall be subject to the same requirements as other residential accessory structures.

Customary Landscaping – Land maintenance involving tree trimming and pruning, the removal of dead and or diseased vegetation, lawn and garden care and the planting of decorative trees, shrubs, and plants.

Density Averaging – A mathematical formula, used to determine the number of lots, parcels or sites that may be created and/or built upon within any given parcel of land, found by dividing the total buildable land area by the minimum lot size of the zone in which the parcel is located. For the purposes of this section, the buildable area shall be that portion of the total lot area, suitable for building structures and locating septic disposal facilities, excluding wetlands, water courses, areas containing slopes of 30% or greater and flood hazard areas as mapped on the Federal Emergency Management Agency’s Flood Insurance Rate Maps.

Disturbance – The removal of vegetation or the filling, excavation, regrading, or removal of soil, rock or retaining structures in areas of steep slope, whether by manual labor, machine, or explosive. The condition of disturbance will be deemed to continue until the area of disturbance is revegetated and/or permanently stabilized.

Driveways – An exit or entrance used by vehicular traffic to and from lands or buildings abutting a public road or way.

Dwelling Unit – One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and are physically separated from any other rooms or dwelling units which may be within the same structure. Each dwelling unit must contain independent cooking, sleeping and toilet facilities.

Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal/governmental agencies of any underground or overhead gas, electric, communication, water distribution or sewage collection systems, including such buildings which are reasonably necessary for the furnishing of such services for the public health, safety or general welfare of the community.

Extractive Operation – Class 1 – The removal of gravel, sand, clay, rock, peat, or other natural resources in a volume that does not exceed 1,000 tons or 750 cubic yards within a 12 successive calendar month period or where less than 100 cubic yards of minerals are removed from or adjacent to any body of water and that does not require a Mined Land Reclamation Permit from N.Y.S. D.E.C. and that does not include any on-site processing of the mined material.

Extractive Operation – Class 2 – Any Class 1 Extractive Operation where more than 1,000 tons or 750 cubic yards of materials are removed within any 12 successive calendar month period or where more than 100 cubic yards of minerals are removed from or adjacent to a body of water does require a Mined Land Reclamation Permit from N.Y.S. D.E.C. but does not include any onsite processing of the mined material.

Extractive Operation – Class 3 – Any Class 1 or 2 Extractive Operation that includes any on site processing of the mined material, whether or not a Mined Land Reclamation Permit is required from N.Y.S. D.E.C. Class 3 Extractive Operations are allowed in the Agricultural Zone only pursuant to the supplemental requirements outlined in Section 7.

Family – One or more individuals occupying a residence and maintaining it as a common household.

Farm Labor Housing – A single family residence or mobile home used for the housing of farm laborers and their families that are full-time employees of an active farm operation. Single family, stick built or modular homes, located on a permanent foundation, shall be sited in a manner that would allow for the future subdivision of a parcel containing the residence. Mobile homes established for farm labor housing shall conform to the requirements of Section 17 of the Town of Stuyvesant Mobile Home Law (2006).

Farm Stand – Class 1 – A building or structure designed for the seasonal sale of locally grown produce that does not include any processing of the products offered for sale.

Farm Stand – Class 2 – A building or structure, not exceeding 1,500 square feet of gross floor area, designed for and occupied either seasonally or year-round for the purpose of selling both locally and non-locally grown products and products including arts and crafts products and may include processing of the produce such as cider pressing, jelly and jam production and bakery items utilizing the produce available at the stand.

Farm Stand – Class 3 – A building or structure, greater than 1,500 square feet of gross floor area, designed for and occupied year-round for the purpose of selling both locally and nonlocally grown produce and products including arts and crafts products and may include processing bakery items utilizing the produce available at the stand.

Farmland of Statewide Importance – Shall mean land located within the Agricultural District, and which is designated as farmland of statewide importance, as that term is defined in the National Soil Survey Handbook section 622.03 / Farmland Classification maintained by the National Resources Conservation Service of the US Department of Agriculture, and as located on the Columbia County Soils Survey map as published by that agency. (This map is available for inspection at the Columbia County Soil & Water Conservation District.)

Fill – Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

Forestry – The growing of, caring for and harvesting of forests (trees and underbrush).

Government Buildings & Uses – Buildings and facilities erected by or uses established by any unit of the federal, state, county or local government for public use of purpose.

Grading – The alteration of the surface or subsurface conditions of land, lakes, ponds, or watercourses by excavating or filling.

Ground-Mounted Solar Collector – A Solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

Utility-Scale Solar Collection System- A solar energy system that is designed and/or built to

provide as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers rather than for use on the site. A utility scale solar use may include solar energy system equipment and uses such as but not limited to supporting posts and frames, buildings and or other structure(s), access drives, inverter equipment, wires, cables and other equipment for the purpose of supplying electrical energy produced from solar technologies, whether such use is a principal use, a part of the principal use or an accessory use or structure.

Height of Structure – The vertical distance measured from the average elevation of the finished grade along the side of a structure fronting on the nearest street, to the highest point of such structure.

Historic Building – A building listed on the National or New York State Register of Historic Places.

Home Occupation – A profession or occupation that is customarily carried out within a residence or an accessory structure by the residence thereof, that is clearly secondary to the residential use and that does not change the character of the premises as primarily a residence. Three classifications of home occupations are allowed in various zones of the Town pursuant to supplemental requirement outlined in Section 7.

Junkyard – An area of land, a lot or parcel or a building or structure, or a part thereof used for the storage, collection, processing, purchase, sale, salvage or disposal of two or more unregistered motor vehicles, no longer intended or in condition for legal use on the public highways except as follows:

1. Any motor vehicle intended for and actively used in the regular operation farming business;
2. Any road worthy vehicle that has remained unregistered for more than nine (9) months because the owner or a member of the owner's family is away from home due to illness, college attendance or military service; and
3. Any motor vehicle or vehicles stored completely within a closed building for the purposes of restoration.

Lot – A lot is a parcel of land occupied or to be occupied by one main building and the accessory buildings or uses, customarily incidental to it. Such lots shall have frontage on an improved public street, an approved private street or an easement or right-of-way established to the Open Developmental Area requirements as outlined in Section 6.

Lot, Corner – A lot at the junction of and fronting on two or more intersecting streets.

Lot Line – Any boundary of a lot. Any lot line not a rear or front lot line shall be deemed a side lot line.

Lot Line, Front – The edge of a street line or easement line at the front of the lot. A corner lot shall be deemed to have two or more front lot lines.

Lot of Record – A lot which is part of a subdivision recorded in the Office of the County Clerk or a parcel described by metes and bounds, the description of which has also been recorded.

Medical Offices/Clinics – The office of one or more, New York State licensed medical or dental professionals where such services are offered including ancillary x-ray and laboratory services.

Membership Clubs with Firearms – Any non-profit membership club whose grounds and facilities are used in whole or part for recreational activities involving the discharging of any type of firearms or munitions. All activities involving the discharge of firearms shall be setback a minimum of 200 feet from any property line and minimum of 500’ from any adjacent building or structure.

Mobile Home – Factory built, single family residences that meet the National Manufactured Home Construction and Safety Standards Act, commonly known as the HUD code. Modular homes constructed in accordance with the standards of New York State Fire Prevention and Building Code shall not be deemed a mobile home.

Non-Conforming Use – Any building, structure, lot or land, or part thereof, lawfully existing prior to the effective date of this Local Law or any amendment thereto that affects such use, which does not conform to the Table of Use Regulations for the District in which it is located.

Non-nuisance Industry – Any industry which is not detrimental to the environment in which it is located by the reason of emission of smoke, noise, odor, dust, vibrations or other forms of air pollution as defined in accordance with the standards, rules and regulations promulgated by the N.Y.S. D.E.C. and of this law and/or any industry that does not produce excessive light beyond the limits of its lot, or which would involve the potential discharge of pollutants and/or hazardous substances into the atmosphere, water or ground which, because of the presence of such pollutants and/or hazardous substances, would require regular monitoring in order to insure compliance with the applicable standards. A use shall not qualify as a non- nuisance industry if it includes any outdoor processing of materials or open storage yard unless completely enclosed by a solid wall or fence.

Non-profit Membership Clubs – The premises and buildings used by a local chapter holding a valid charter from an international, national or state organization or by a bona fide local civic association catering exclusively to members and their guests and shall include the use of facilities for benefits or performance for a recognized charity and for meetings of other organizations and for educational and cultural purposes.

Nurseries & Greenhouses – Grounds or structures used for the growing of plants for retail or wholesale purposes.

Overspeed Control – A mechanism used to limit the speed of blade rotation to below the design limits of a Wind Energy Conversion System.

Permitted Use – A specific use of a building, structure, lot or land, or part thereof, which this

Local Law provides for in a particular District as a matter of right. Any use not listed in the Table of Use Regulations shall be deemed a prohibited use.

Prime Soil – Shall mean soil found on land located within the Agricultural District, and such soil shall consist entirely of qualities and materials classifying it as prime soil, as that term is defined in the National Soil Survey Handbook section 622.03 / Farmland Classification maintained by the National Resources Conservation Service of the US Department of Agriculture, and as located on the Columbia County Soils Survey map as published by that agency. (This map is available for inspection at the Columbia County Soil & Water Conservation District.)

Prime Soil If Drained – Shall mean soil found on land located within the Agricultural District, and which is designated as prime soil if drained, as that term is defined in the National Soil Survey Handbook section 622.03 / Farmland Classification maintained by the National Resources Conservation Service of the US Department of Agriculture, and as located on the Columbia County Soils Survey map as published by that agency. (This map is available for inspection at the Columbia County Soil & Water Conservation District.)

Principal Use – A structure or use that is the main use of land as distinguished from a secondary or accessory use.

Residence, Single Family – A detached residential dwelling unit, other than a mobile home, designed for or occupied by one family only.

Residence, Two Family – A residential building designed for and occupied by no more than two families.

Residence, Multi-Family – A residential building designed for or occupied by three or more families, each in a separate dwelling unit.

Residence, Temporary, Health or Age-Related – An additional dwelling unit established either as a temporary conversion of an existing single family residence or the temporary establishment of an ECHO (Extended Care Health Option) unit, modular home or other detached dwelling, occupied either by persons providing health related or other necessary services to the resident land owner or receiving such services from the resident land owner, pursuant to supplement requirements outlined in Section 7.

Retail Sales – Establishments engaged in selling goods or merchandise to the general public for personal, household or business use or consumption and including the rendering services incidental to the sale of such goods or merchandise.

Roof-Mounted Solar Energy System - A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite and offsite consumption.

Service Business- An establishment primarily engaged in providing assistance, rather than products, to individuals, business, industry, government, and other enterprises. Service businesses include but are not limited to personal services; business/contractual services, and professional services.

Shop for Custom Work – An establishment that produces custom made products, which due to their nature are sold on the premises only. Facilities producing articles that are wholesaled or marketed in traditional retail outlets shall be deemed industrial/commercial uses.

Soil stabilization – Measures which protect soil from the erosive forces of raindrop impact and flowing water and include, but are not limited to, vegetative establishment, mulching, and the early application of gravel base on roads to be paved.

Solar Collector – A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of energy..

Solar Thermal System A solar hot water system, either roof mounted or pole- mounted typically consisting of a collector, a storage tank, piping and sometimes valves, controls and pumps that is used to produce hot water for consumption on-site.

Steep slopes – Any geographical area proposed for disturbance, whether on a single lot or not, having a topographical gradient of 15 % or greater (ratio of vertical distance to horizontal distance), with a minimum horizontal dimension of ten feet, and a minimum area as defined below, and whether man- made or natural, and whether created by a retaining structure or not. Steep slopes are further categorized as:

Moderately steep slope – A slope equal to or greater than 15 % but less than 25 % and covering a minimum horizontal area of 3/10 of an acre or 13,068 square feet.

Extremely steep slope – A slope greater than 25 % and covering a minimum horizontal area of 2/10 of an acre or 8,712 square feet

Storage Yard – Any industry which stores, for purposes of sale to the public or other businesses, materials which are not housed within a structure.

Structures – Anything constructed on or under the ground or upon another structure of building. Among other things, structures include buildings, mobile homes, walls, fences over four (4) feet in height, billboards and signs.

Summer Camps – An area of land not less than 25 acres used for the assembly of persons for the

purpose of instruction and/or recreation and including structures such as dormitories, central kitchen and dining facilities and recreational and activity centers. All structures and activities shall be located not closer than 200' from any property line.

Swept Area – The largest area of a Wind Energy Conversion System which extracts energy from the wind stream. In a conventional propeller-type Wind Energy Conversion System, there is a direct relationship between swept area and the rotor diameter.

Temporary Sawmill – The use of land for clearing a specific lot of trees and underbrush within a six (6) month period.

Total Height – The height of the tower and the furthest vertical extension of a Wind Energy Conversion System.

Tourism Information Facility – A building or structure designed and used for the dissemination of tourism materials, whether established by public or private entities and may include such ancillary uses as snack bars, telephone and bank services and restrooms. Areas set aside in existing uses, where informational brochures are offered shall be deemed accessory to the use in which it is established.

Wind Energy Conversion System — A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill.") erected pursuant to the supplemental requirements outlined in Section 7.

Yard, Front – A space on the same lot with a building, situated between the nearest roofed portion of the main building or buildings and the street line and extending from side lot line to side lot line.

Yard, Rear – A space on the same lot with a building, situated between the nearest roofed portion of the main building or buildings which is not the front yard, and extending from side lot line to side lot line.

Yard, Side – A space on the same lot with a building, situated between the nearest roofed portion of the building or buildings and the side lot line of the lot and extending from the front yard to the rear yard or the front or rear lot lines if no front or rear yard exists.

SECTION 3 – ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose of this ordinance as described in Section 1 and to achieve the goals as identified in the Town's Comprehensive Plan, the Town of Stuyvesant is divided into the following Districts:

Hamlet (H-1 & Landing) – These districts encompass the existing areas generally referred to as Stuyvesant Land (H-1) and Stuyvesant Falls (H-2). These areas have a broad mix of uses and are easily recognized by residents and visitors as the centers of activity within the Town. A concentration of mixed land uses will maintain a tight-knit community feeling, keep these hamlets

as identifiable Town centers, minimize sprawl and conversion of farmland, and allow for more effective investment in infrastructure and result in lesser amounts of generated traffic. New residential, business, civic and residential supportive services will be encouraged to develop within these areas.

Agriculture (A) – This district, with the largest land area, is created in an effort to promote agriculture within the Town. Large and medium scaled farms along with associated agricultural and residential uses make up the predominate theme of this district. Not only has agriculture been a major part of the history of the Town, but also its continued existence provides many qualities deemed not only necessary, but also essential to maintaining the beauty of the Town.

Developmental bonuses and incentives are offered in this district for those developers and landowners choosing to avoid development on lands containing prime agricultural soils.

Hamlet Extension (H-Ext) – This district is located adjacent to the existing “H-1” & “H-2” districts and represents the envisioned growth of the hamlets districts over the next 5 to 15 years. The uses and developmental density are established to mirror the hamlet zones. Uses permitted within the Hamlet zones which cannot locate within the zone’s existing structures or on undeveloped parcels would represent the initial development that occurs within this zone.

Commercial Light Industrial (C/LI) – This district, located along Route 9 in the vicinity of Stuyvesant Falls is designated as the area to be developed for commercial and light industrial uses that are either too large in scope for the higher density residential hamlet districts or those that need service by major transportation routes. Larger scale retail stores, professional offices, convenience shops with gasoline sales and non- nuisance industries are the primary types of businesses targeted for this zone.

Shoreline (SL) – This district was established and recognizes the important role that the Hudson River contributes to the quality of life within the Town. A large portion of the area within this zone is under the control of various state agencies, land conservancies or other entities wishing to preserve the quality aspects of the river and its shoreline. Parcels located with this district, which are or become privately owned, shall comply with the use and dimensional requirements of the Hamlet Extension (HL) District.

SECTION 4 – USE REGULATIONS

<i>RESIDENTIAL USES</i>	ZONING DISTRICTS				
	H-1	H-2	A	H-EXT	C/LI
Single Family Residences	P	P	P	P	X
Two Family Residences	P	P	P	P	X
Multi-family Residences	PR*	PR*	PR*	PR*	X
Mobile Homes – Individual**	X	X	PR*	X	X
Mobile Home Parks **	X	X	P*	X	X
Accessory Apartment within Existing Structures	PR*	PR*	PR*	PR*	X
2 nd Floor Residence over 1 st Floor Non-residential Use	PR*	PR*	PR*	PR*	P*
Temporary Residence – Health or Age-Related	PR*	PR*	PR*	PR*	X
Farm Labor Housing	P	P	P	P	X
Customary Accessory Uses	P	P	P	P	P*

***See Town of Stuyvesant Mobile Home Law (2006)*

BUSINESS USES

	ZONING DISTRICTS				
	H-1	H-2	A	H-EXT	C/LI
Retail Stores & Shops	P	P	X	P*	P*
Professional Offices	P	P	X	P*	P*
Service Business	P*	P*	P*	P*	P*
Commercial Facilities < 1,500 sq.ft. without gas sales	P	P	X	P*	P*
Commercial Facilities > 1,500 sq.ft. without gas sales	X	X	X	X	P*
Commercial Facilities < 1,500 sq.ft. with gas sales	P*	X	X	X	P*
Commercial Facilities > 1,500 sq.ft. with gas sales	P*	X	X	X	P*
Bed & Breakfast Facility	PR*	PR*	PR*	PR*	X
Day Care Centers – Juvenile	P*	P*	P*	P*	X
Auto Service Facility	P*	P*	X	X	P*
Antique Shops without Auctions	P	P	P	P	X
Eating Establishments	P*	P*	P*	P*	P*
Eating Establishments including Drive-Ins	P*	P*	X	P*	P*
Medical Offices & Clinics	P*	P*	X	P*	P*
Laundromats	X	X	X	X	P*
Veterinary Clinics	X	X	P*	X	P*
Summer Camps & Retreats	PR*	PR*	PR*	PR*	X
Marinas/Boat Liveries	P*	X	X	X	X
Home Occupations – Class 1	PR	PR	PR	PR	X
Home Occupations – Class 2	PR*	PR*	PR*	PR*	X
Home Occupations – Class 3	PR*	PR*	PR*	PR*	X
Farm Stands – Class 1	P*	P*	P*	P*	X
Farm Stands – Class 2	P*	P*	P*	P*	X
Farm Stands – Class 3	X	X	P*	P*	P*

COMMUNITY FACILITIES

	ZONING DISTRICTS				
	H-1	H-2	A	H-EXT	C/LI
Library	P*	P*	X	P*	X
Museums	P*	P*	X	P*	X
Tourism Information Facility	P	P	P	P	X
Government Buildings & Uses	P*	P*	P*	P*	X
Places of Worship	P*	P*	X	P*	X
Cemeteries	X	X	X	P*	X
Non-Profit Membership Clubs	P*	P*	X	P*	X
Membership Clubs including firearms	X	X	P*	X	X
Essential Services & Buildings	P*	P*	P*	P*	P*
Municipal Parks & Playgrounds	P*	P*	X	P*	X
Schools	X	X	X	P*	X

COMMERCIAL/INDUSTRIAL USES

	ZONING DISTRICTS				
	H-1	H-2	A	H-EXT	C/LI
Agriculture	P	P	P	P	X
Agriculture including animal husbandry	PR*	PR*	P	PR*	X
Commercial Light Industrial Project	PR*	PR*	PR*	PR*	P*
Non-nuisance Industry – New Building	X	X	X	X	PR*
Assembly Facility	X	X	X	X	P*
Custom Shops with retail sales	X	X	X	X	P*
Agricultural Products Processing Facilities	X	X	P*	X	X
Farm Equipment Sales & Service	X	X	P*	X	P*
Nurseries/Greenhouses > 1,500 square feet	X	X	P*	P*	X
Temporary Sawmills	X	X	P	PR*	X
Utility Solar	PR*	PR*	PR*	PR*	PR*
Forestry	X	X	P	P	X
Extractive Operation – Class 1	P*	P*	P	P*	X
Extractive Operation – Class 2	X	X	P*	X	X
Extractive Operation – Class 3	X	X	PR*	X	X
Communication Facility – including Cellular Towers	X	X	PR*	PR*	X
Junkyards	X	X	X	X	X

Legend

- “P” - Permitted Use
- “PR” - Permitted with supplemental requirements
- “X” - Prohibited Use
- “*” - Requires Site Plan Review

Any use not specifically allowed as of right or as a special use as set forth above is not permitted.

SECTION 5 – DENSITY CONTROL SCHEDULE

<i>DIMENSIONAL REQUIREMENTS</i>	ZONING DISTRICTS				
	H-1	H-2	A	H-EXT	C/LI
Minimum Lot Size per use in acres	*	*	5**	1**	***
Frontyard Setback – Principal Use	40’	40’	40’	40’	***
Frontyard Setback – Accessory Use	40’	40’	40’	40’	***
Rearyard Setback – Principal Use	50’	50’	50’	50’	***
Rearyard Setback – Accessory Use – Residential Use	10’	10’	10’	10’	***
Rearyard Setback – Accessory Use – Agricultural Use	25’	25’	25’	25’	***
Sideyard Setback – Principal Use	25’	25’	25’	25’	***
Sideyard Setback – Accessory Use – Residential Use	10’	10’	10’	10’	***
Sideyard Setback – Accessory Use – Agricultural Use	25’	25’	25’	25’	***
Minimum Lot Width @ Required Frontyard Setback					
- Conventional Sub-division	150’	150’	300’	150’	***
- Clustered Sub-division	150’	150’	150’	150’	***
Minimum Lot Frontage	60’	60’	60’	60’	60’
Maximum Lot Coverage	25%	25%	25%	25%	75%
Maximum Height	35’	35’	35’	35’	35’
Density Average per use in acres	N/A	N/A	5**	1**	N/A

* To be determined by the Columbia County Health Department. In the “H-1” and “H-2” zones the minimum lot size including a 30’ x 50’ residence, would be 150’ wide x 120’ deep or .41 acres.

** Density Average is determined by dividing the total developable area of a parcel by the acres required per use. Minimum lot size is determined by applying the Health Department standards for the on-lot well & septic system to the parcel and then adding the minimum required setbacks.

*** Dimensional requirements will be determined on a case-by-case basis via the State Site Plan Review Process.

SECTION 6 – GENERAL STANDARDS

Sign Regulations

The following regulations concerning permitted signs shall apply to all uses

1. No sign shall be erected or installed prior to the issuance of zoning and/or building permit by the Z.E.O. and/or the Building Inspector. Temporary signs used for the advertising of seasonal goods and services may be erected without a zoning/building permit, provided such signs do not exceed sixty four (64) square feet in size and are not displayed for more than one (1) thirty (30) day period within any twelve (12) consecutive months. Real Estate and construction signs may be displayed, without the necessity of obtaining a zoning/building permit provided that they do not exceed eight (8) square feet in size.

All signs may be double faced and illuminated either by internal or shielding external lighting sources in a manner that ensure no glare shall extend beyond the property limits nor shall disturb the vision of passing motorist. Flashing or animated signs shall be prohibited in all Districts.

2. The permitted area of the sign shall be determined by the smallest geometric shape that encompasses the letters, symbols and background of the sign whether free standing or attached to a building or structure.

3. No sign shall be so located as to distract from or obstruct the public’s view of historic buildings.

4. No sign shall rest or be attached to any vehicle as a means to circumvent the provisions of this section.

5. Billboards are prohibited in all Districts.

6. Any business, commercial or industrial facility may establish a free-standing identification sign in addition to any sign attached to the structure containing such use, provided that the free standing sign shall be used for identification purposes only and each sign shall not exceed the maximum permitted size, not be greater than twelve (12) feet in height.

7. Any sign attached to a commercial or business structure shall not extend more than twelve (12) Inches from the face of the structure.

8. All freestanding signs, whether permanent or temporary in nature, shall be set back a minimum of ten (10) feet from any street line and a minimum of twenty-five (25) feet from all other property lines.

9. No freestanding sign located within any residential zone shall exceed a maximum height of six (6) feet.

10. Maximum Size Signs Permitted:

<i>USE</i>	<i>MAX. AREA PER SIDE</i>
Home Occupations	2 square feet
Home Professional Offices	6 square feet
Church Announcement Signs	18 square feet
Public & Semi-public Announcement Signs	18 square feet
Business & Commercial Uses	18 square feet
Real Estate & Construction Signs	8 square feet

Subdivision Signs (unlighted only)	24 square feet
Temporary, Seasonal Signs (unlighted only)	64 square feet

On-Lot Water & Sewer Facilities

No permit shall be issued for any new structure or enlargement of an existing structure that would require on- lot water and sewer facilities, until such time as the applicant for such action presents to the Zoning Enforcement Officer, in writing, approval for such facilities from either the New York State Department of Environmental Conservation or the Columbia County Health Department, as well as the following documents: a copy of the filled out Well Completion Form that has been filed with the New York State Department of Environmental Conservation, proof that the well has been completed by a contractor that is registered with the New York State Department of Environmental Conservation, and satisfactory evidence that the well has been located in accordance with separation distances contained in 10 NYCRR Part 5, appendix 5B (Standards for Water Wells).

Driveways

No permit shall be issued for any new construction that requires the installation of a new driveway or any replacement of any existing driveway, until such time as the applicant for such action presents to the Zoning Enforcement Officer, in writing, approval for such driveway by the highway authority and local fire company having jurisdiction of the roadway on which the driveway shall adjoin. Driveway grades between the street and the setback line shall not exceed 10 percent. Driveways shall be set back ten (10) feet from property line.

Open Developmental Areas

Be it enacted that the following is an amendment to the Town of Stuyvesant Zoning Law which replaces the section entitled “Open Developmental Areas” therein:

Parcels in the Hamlet 1 (H-1 and H-2) and the Hamlet Extension Districts.

The Town of Stuyvesant Planning Board is hereby authorized, in its sole discretion, to approve subdivisions in the Hamlet 1 (H-1 and H-2) and Hamlet Extension Districts of the Town of Stuyvesant that result in one or more parcels that are served not by a public or private road or street but by a right of way or an easement, subject to the following conditions:

1. each parcel to be created shall be limited in use to one single family residence per parcel;
2. each parcel to be created shall exceed two hundred (200) percent of the minimum parcel size as determined by the Columbia County Department of Health;
3. An improved driveway accessing each of the parcels shall be shown on the plat and shall be installed prior to the issuance of a building permit for any parcel;
4. prior to the issuance of a building permit for any parcel, the Fire Chief or other top official of the Fire District responsible for serving each of the parcels shall inspect the property and the improved driveway and he or she shall determine that all firefighting equipment of the district has adequate ingress and egress to each of the parcels;
5. prior to the issuance of a building permit for any parcel, the top official or designee of the rescue squad and/or other emergency service that serves each of the parcels shall inspect the property and the improved driveway and he or she shall determine that emergency vehicles have adequate ingress and egress to each of the parcels;

6. the proposed driveway shall serve only the parcels to be created and shall not be shared with any other parcel;
7. upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further subdivided;
8. the right of way or the easement used to access the parcels shall be a minimum of twenty four (24) feet in width along its entire length, sixteen (16) feet of which must be travel way, and shall be bank run gravel nine (9) inch base or as determined by the applicant's licensed engineer to be adequate subject to the review and approval of the Planning Board;
9. the maximum number of parcels to be created from any one pre-existing lot (which may or may not have the required frontage on a public road) shall not exceed four (4) parcels, the number of parcels to be created is subject to approval by the Planning Board in its sole discretion upon consideration of all relevant factors;
10. the number of parcels to be created is also subject to the following requirements: no lot that has 120 feet or more of road frontage shall be eligible for the creation of two lots; no lot that has 180 feet or more of road frontage shall be eligible for the creation of three lots; and no lot that has 240 feet or more of road frontage shall be eligible for the creation of four lots;
11. each parcel to be created shall have Columbia County Health Department approval of both the location of the well and the location of the septic system, both of which shall be shown on the plat;
12. each parcel to be created shall be Columbia County Health Department approved for a designated septic system type based upon a satisfactory percolation test of the soil;
13. each parcel to be created shall be subject to a deeded road maintenance agreement, approved by the Planning Board, and/or a home owner's association as approved by, or exempted by, the New York State Attorney General's Office pursuant to General Business Law Section 352-e or other applicable law; and
14. All other requirements of the Town of Stuyvesant Zoning Law and the Town of Stuyvesant Subdivision Law (unless waived), or of any other applicable law, shall be satisfied.

Parcels in the Agricultural District.

The Town of Stuyvesant Planning Board is hereby authorized, in its sole discretion, to approve subdivisions in the Agricultural District of the Town of Stuyvesant that result in parcels that are served not by a public or private road or street but by a right of way or an easement, subject to the following conditions:

1. a maximum of two (2) parcels may be created from one pre-existing parcel (which may or may not have the required frontage on a public road) and both parcels to be created shall be limited in use to one single family residence per parcel;
2. each of the two parcels to be created shall be at least five acres;
3. an improved driveway accessing each of the two parcels shall be shown on the plat and shall be installed prior to the issuance of a building permit for any parcel;
4. prior to the issuance of a building permit for either parcel, the top official or designee of the rescue squad and/or other emergency service that serves each of the parcels shall inspect the property and the improved driveway and he or she shall determine that emergency vehicles have adequate ingress and egress to both parcels;
5. prior to the issuance of a building permit for either parcel, the Fire Chief or designee of the Fire District responsible each of the parcels shall inspect the property and the improved

driveway and he or she shall determine that emergency vehicles have adequate ingress and egress to both parcels;

6. the proposed driveway shall serve only the two parcels to be created and shall not be shared with any other parcel;
7. upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further subdivided;
8. the right of way or the easement used to access both parcels shall be a minimum of twenty four (24) feet in width along its entire length, sixteen (16) feet of which must be travel-way, and shall be bank run gravel nine (9) inch base or as determined by the applicant's licensed engineer to be adequate subject to the review and approval of the Planning Board;
9. both parcels to be created shall have Columbia County Health Department approval of both the location of the well and the location of the septic system, both of which shall be shown on the plat;
10. both parcels to be created shall be Columbia County Health Department approved for a designated septic system type based upon a satisfactory percolation test of the soil;
11. both parcels to be created shall be subject to a deeded road maintenance agreement, approved by the Planning Board, and/or a home owner's association as approved by, or exempted by, the New York State Attorney General's Office pursuant to General Business Law Section 352-e or other applicable law; and
12. all other requirements of the Town of Stuyvesant Zoning Law and the Town of Stuyvesant Subdivision Law (unless waived), or of any other applicable law, shall be satisfied.

Off-street Parking & Loading

Off-street parking and loading spaces are required for all uses as follows:

Parking Space Size: 9' x 18' minimum

Location of Parking Areas:

One & two family residences – front, side or rear yards.

Other uses not listed – ~~size~~ side and rear yard only, unless approved in other locations during the Site Plan Review process.

Handicapped and Visitor Parking for Business Uses:

May be located within the front, side or rear yards. No more than five (5) such spaces shall be located within the frontyard. Parking within the frontyard must be setback a distance equal to the required front and sideyard setback for the District in which the parcel is located.

Required Number of Spaces:

Single, two & multi- family residences	2 per dwelling unit
Retail businesses	1 per 200 sq.ft. of gross floor space
Professional Offices	1 per 250 sq.ft. of gross floor space
Churches & Schools.....	1 per 3 seats in principal assembly room(s)
Industrial Uses.....	1 for each 2 employees
Membership Clubs	1 per 4 members
Home Occupations	2 per dwelling unit plus 1 per 2 employees
Farm Stands.....	5 spaces minimum
Other uses not listed	As determined during Site Plan Review

Off-street Loading:

Off-street loading areas shall be located in the side or rear yards only, and shall be in a quantity, determined during the Site Plan Review process, that adequately addresses the specific need of

use.

Fences

All fences higher than four (4) feet, except those used for agricultural or animal husbandry uses shall comply with the following regulations:

1. No fencing described above shall be installed without first obtaining a zoning permit from the Zoning Enforcement Officer.

2. The following setbacks are required for all fencing described above:

Frontyard – Ten (10) feet

Sideyards – Two (2) feet setback shall be required to allow maintenance of fence

Rearyards – Same as sideyards

3. No fence shall be installed that exceeds eight (8) feet in height and no fence shall be erected on a berm as a means of circumventing the height requirements.

4. Fence height shall be measured from the existing grade of the parcel to the highest point of either posts and/or the fence itself.

5. All fencing shall be installed so that the finished or “good” side shall face outward from the parcel, towards the abutting properties.

6. All fencing shall be maintained in a manner that does not permit it to fall into a state of disrepair.

Mobile Homes & Mobile Home Parks

No mobile home shall be located within the Town of Stuyvesant unless it is in conformance with the regulations of this ordinance and the Town of Stuyvesant Mobile Home Law (2006). Where there appears to be a conflict between this ordinance and the aforementioned Local Law, the more restrictive of the two shall apply.

Parking & Storing of Commercial Vehicles

No person shall park or store any commercial vehicle, having a gross vehicle weight rating (GVWR) in excess of 24,000 pounds, on any residential lot or parcel unless such vehicle is parked or stored in compliance with the standards outlined for a Class 3 Home Occupation on page 23 of this ordinance.

Property Maintenance

All lands and structures within the Town shall be maintained in accordance with the standards of the New York State Uniform Fire Prevention and Building Code.

Section 6 – General Standards

Steep Slope

Protection of steep slopes is a matter of concern to the Town of Stuyvesant. Establishment of regulatory and conservational practices will protect the public health, safety, and general welfare. Experience has shown that where steep slopes have to be disturbed, careful review and regulation – including stringent mitigating measures – may be required.

It is declared to be the intent of the Town of Stuyvesant to preserve steep slopes and prevent their erosion to the greatest extent practicable and to regulate their use by ensuring the minimization of detrimental effects through the practice of properly managed disturbance of steep slopes.

1. It shall be unlawful to erect any structure, create a driveway whether paved or unpaved, or create any disturbance, on any steep slope as defined by this section, other than an exempt activity as defined herein, without a permit issued by the Zoning Enforcement Officer and approved subject to

a site plan review by the towns Planning Board approval as outlined in Section 9 herein.

2. Customary landscaping, as defined in this local law, is exempt from the permit requirement.

3. The planning, design, and development of buildings shall provide the maximum structural safety, slope stability while adapting the affected site to, and taking advantage of, the best use of the natural terrain.

4. Roads and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion and shall be consistent with other applicable regulations of the Town and current engineering practices.

5. Regrading shall blend in with the natural contours of the land.

6. Excavations and fills shall be rounded off in such manner as to eliminate sharp angles at the top, bottom, and sides of regraded slopes.

7. All site plans involving steep slopes shall be referred to the Town Engineer for review prior to Planning Board taking action of the project. The board is authorized to establish an escrow account to cover future engineering/legal costs in accordance with the procedures set forth in this zoning law.

The Planning board in the course of review shall consult with the town engineer and town attorney to make a determination on a case-by-case basis on the best soil stabilization plan for the proposed action, and the need for construction, performance or similar bonds and the dollar amount if determined to be required.

SECTION 7 – SUPPLEMENTAL REGULATIONS

Accessory Apartment Structures

1. Apartment shall not exceed 1,000 square feet of gross floor area.

2. May only be established within a single-family residence or an accessory structure.

3. If the accessory apartment is located within a detached accessory structure, an on-lot septic system must be approved by the Columbia County Health Department.

Agribusiness

1. Agribusiness operations, as defined in Section 2, shall be permitted within the NYS Agricultural District. Site plan review required if not in NYS Ag district.

2. Agribusiness operations shall be conducted only within the NYS Agricultural district, on property owned or leased by the operator of the business. Site plan review required if not in the NYS Ag district.

Agriculture – including Animal Husbandry

In the Hamlet zones (H-1, H-2 & H-Ext), the keeping of any traditional or exotic farm animal(s) for personal or pleasure purposes on a parcel less than two (2) acres in size, the following standards shall apply:

1. All structures used for the housing of the animal(s) shall be located in the rear yard only and shall be set back a minimum of fifty (50) feet from any property line.

2. All paddocks and pasturing areas shall be enclosed by a fence sufficient to contain the animal(s). The fence shall be set back a minimum of ten (10) feet from any property line.

3. Outdoor storage of manure or other animal wastes shall be located not less than 100 feet from any adjacent residence and shall be removed at regular intervals to minimize the associated impact.

4. Agriculture including animal husbandry shall be subject to a Site Plan Review as outlined in Section 9.

Bed & Breakfast Facility

1. Can only be established within an existing structure and only minor alterations of that structure shall be permitted.

2. No facility shall contain more than five (5) rooms for use by guests. In addition, the owner, operator or an employee of the owner or operator must reside within the structure containing the Bed & Breakfast.

3. Meals shall be served only to the guest occupying the facility and no Bed & Breakfast shall hold any type of Alcoholic Beverage Control license.

4. Off-street parking shall be provided as follows:

- 1 space for each room available to guests
- 1 space for each employee working at any given time at the facility
- 2 spaces for the owner/operator or the employee residing within the facility.

5. No exterior lighting shall be permitted that produces glare to any abutting properties or public highways.

6. If the facility is located within accessory structure, no subdivision of the property shall be permitted that result in the creation of a separate parcel containing only the Bed & Breakfast facility.

7. All Bed & Breakfast facilities shall have on-lot water and sewage services approved by the Columbia County Health Department.

8. Bed & Breakfast facilities shall be subject to a Site Plan Review as outlined in Section 9.

Commercial Light Industrial Project

1. The Commercial Light Industrial Project shall be established on a parcel of land containing a business, commercial, light industrial or agricultural structure.

2. The minimum lot size of this use shall be five (5) acres. For each additional use within the structure, an additional one (1) acre of land area shall be required. The maximum lot area devoted to a Commercial Light Industrial Project shall be ten (10) acres.

3. The expansion or enlargement of the existing structure or the establishment of a second or subsequent structure shall be permitted pursuant to the following requirements:

- The exterior finishes of the addition or new structure(s) must match those of the original structure. The compliance with the exterior finish requirements shall be determined by the Planning Board as part of the Site Plan Review.
- The maximum lot coverage for the footprints of all structures shall not exceed 20% of the total parcel size devoted to this use and in no case shall it exceed 80,000 square feet.
- Each addition to an existing structure and any new structures proposed within the project area shall be subject to separate Site Plan Reviews by the Planning Board.
- The total lot coverage including buildings, drives and parking areas shall not exceed 30% of the total parcel devoted to this use.
- Additional structures shall only be permitted to be occupied by light industrial uses and such structures and all land devoted to the light industrial use shall remain in common ownership and shall not be subdivided nor leased or rented to a second or subsequent business or use. Campus style settings occupied by commercial or business uses shall be exempt from this requirement.

4. Any area devoted to retail sales of the products produced with the Commercial Light Industrial Project shall be limited to 5% of the gross floor area of the structure. Business or commercial uses, not involving the manufacture of any products on site, shall be exempt from

this requirement.

- 5. Any industrial use established shall comply with the definition of non-nuisance industry as outlined in Section 2 of this ordinance.
- 6. The minimum setback for all uses, both principal and accessory, shall be 100 feet from any abutting lands.
- 7. All off-street loading and parking shall be located in either the side or rear yards only. Off-street parking for employees and customers in a campus style development may utilize a common or central parking area located in the core of the project, provided a minimum of 10% of the total parking area is devoted to landscaping, tree plantings, etc. Compliance with this standard shall be determined by the Planning Board during the Site Plan Review process.
- 8. Any off-street parking area containing more than ten (10) parking spaces shall be constructed to include an all-weather surface of asphalt, concrete or oil penetrated stone.
- 9. Any accessory signage established of this use shall comply with the sign regulations for business or commercial uses, as outlined in Section 6 of this ordinance.
- 10. All on-lot wells and septic systems shall comply with the Columbia County Health Department Standards as outlined in Section 6 of this ordinance. Proof of such compliance must be submitted at the time of application for the Site Plan Review.

Communication Facilities including Cellular Towers

- 1. Shared use of existing communication towers and use of other existing structures shall be preferred to the construction of new towers.
- 2. The proposed tower shall be structurally capable of accommodating shared use and the applicant shall make the tower available to other users at a reasonable charge, based on generally accepted accounting principles.
- 3. The minimum lot size for a new communication facility shall be the same as that required for any principle use within the district where it is proposed for location, but in no case shall the setbacks to the tower be less than the tower height plus ten (10) feet.
- 4. No communication tower shall be locate within five hundred (500) feet of a residence, school, day care center, children’s camp or other facility regularly used by minors.
- 5. Communications towers shall not be artificially lighted or marked except to ensure public safety if required by the Federal Aviation Administration (FAA).
- 6. Communication towers and related accessory facilities shall be enclosed by a fence not less than eight (8) feet in height above grade level.
- 7. Clear cutting of all trees in a single contiguous area exceeding twenty thousand (20,000) square feet shall be prohibited, except as necessary for construction of an access road.
- 8. Adequate emergency and service access and parking shall be provided, making use of existing roads, public or private, to the maximum extent possible.
- 9. The applicant must demonstrate at the time of the application that a local or regional need for the tower in the proposed location is a public necessity, is essential for the safe and adequate provision of the service and that shared service on an existing tower or structure is not adequate to fulfill the documented need.
- 10. In the event a communication tower ceases operations and/or is abandoned for a period of three (3) months, the tower, structures and facilities shall be dismantled by the owner and removed from the site within sixty (60) days of the receipt of a written notice from the Zoning Enforcement Officer. The applicant must provide, as part of the application, a bond, line of credit or other security in the amount of fifty thousand dollars (\$50,000) that could be used by the Town to cover the costs of the dismantling if the applicant fails to fulfill his obligation to

remove the structures after so ordered by the Zoning Enforcement Officer.

Extractive Operation – Class 3

1. May only be established in the Agricultural (A) Zone.
2. On-site processing equipment shall operate only from 7:00 a.m. to 5:00 p.m. Mondays through Fridays and from 7:00 a.m. to 12:00 noon on Saturdays.
3. If the facility requires a permit from N.Y.S. D.E.C., all conditions attached to that permit must be complied with and such conditions shall be included in any Site Plan Review granted for the operation.
4. The Class 3 Excavation Operation shall be subject to a Site Plan Review as per Section 9

Stuyvesant Solar Energy Local Law 2022

1. Authority

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Stuyvesant to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the town by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- 2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 3) To increase employment and business development in the Town of Stuyvesant, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
- 4) As agriculture is the prime industry in the town of Stuyvesant and the town considers Prime Farmlands and soils of Statewide Importance to be critical environmental resources and not appropriate for conversion to other uses, and seeks to preserve its productive Farmland. This law seeks to mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and;

2. Definitions

Agricultural Purposes; The cultivation of soil, raising or harvesting any agricultural or horticultural commodity including the raising, shearing, feeding, caring for, grazing, training and management of livestock, poultry, furbearing animals and wildlife for gain, sale of profit.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

Solar projects in excess of 25 Megawatts: Solar projects proposed that exceed 25 Megawatts (Article 10 and ORES projects) of production are not allowed under this law in interest of preserving productive ag lands.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinates flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

- A. Tier 1 Solar Energy Systems include the following:
 - a. Roof-Mounted Solar Energy Systems
 - b. Building-Integrated Solar Energy Systems
- B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.
- C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

3. Applicability

- A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in Stuyvesant after the effective date of this Local Law, excluding general maintenance and repair.
- B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than [5] % of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the Code of the Town of Stuyvesant.

4. General Requirements

- A. A Building permit shall be required for installation of all Solar Energy Systems.

- B. Local land use boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.
- C. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations of 6 NYCRR Part 617 “SEQRA”.
- D. The requirements of this local law shall not apply to any paid application filed with the Town prior to the adoption of this local law. The requirements found in the Town of Stuyvesant’s Zoning Law of 2017 shall apply to such applications.

5. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the towns local zoning code or other land use regulation, subject to the issuance of a building permit and Certificate of compliance by the town CEO and the following conditions for each type of Solar Energy Systems:

A. Roof-Mounted Solar Energy Systems

- 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - a. Solar Panels on pitched roofs shall be mounted with a maximum distance of eight (8) inches between the roof surface the highest edge of the system.
 - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than twenty-four (24) inches above the flat surface of the roof, whichever is higher.
- 2) Glare: All Solar Panels shall have anti-reflective coating(s).
- 3) Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations in table 3
- 4) Requires a uniform Building Permit.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

6. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

- A. Glare: All Solar Panels shall have anti-reflective coating(s).
- B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground- Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.
- C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.
 - 1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- D. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

7. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a Special Use Permit within the Agriculture, Hamlet 1 & 2 and Hamlet Ext., Commercial Light Industrial zoning districts, and subject to site plan application requirements set forth in this Section and section 9 of the Town of Stuyvesant Zoning Law.

- A. Applications for the installation of Tier 3 Solar Energy System shall be considered a Type 1 action and shall be;
 - 1) reviewed by the Code Enforcement Officer for completeness. Applicants shall be advised within ten (10) business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
 - 2) subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Stuyvesant shall have a notice printed in a newspaper of general circulation in the Town at least five (5) days in advance of such hearing. Applicants shall have delivered the notice by registered mail to adjoining landowners or

Landowners within 200 feet of the property at least ten (10) days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.

- 3) referred to the Columbia County Planning Department pursuant to General Municipal Law § 239-m if required.
- 4) upon closing of the public hearing, the Stuyvesant Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.

- 5) Require the submission of a construction/completion performance bond to ensure that all conditions of approval are actually built (fencing, landscaping, access roads, etc.)
- B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.
- D. Signage.
- 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information all be depicted within an area no more than eight (8) square feet.
 - 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- E. Glare. All Solar Panels shall have anti-reflective coating(s).
- F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.
- G. Tree-cutting. If the proposed project includes the removal of existing trees larger than (6) inches in diameter, approval is subject to a written plan from NRCS that provides permanent perennial cover.
- H. Decommissioning.
- 1) Solar Energy Systems are considered abandoned after not producing electricity for a period 6 months. The town of Stuyvesant Code Enforcement Officer shall be notified that electric generation has ceased within 60 days of cessation. Abandoned systems shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with Town of Stuyvesant as set forth in Security Section herein.
 - 2) A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - a. The cost of removing the Solar Energy System.
 - b. The time required to decommission and remove the Solar Energy System any ancillary structures.

- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

3) Security.

- a. The deposit, executions, or filing with the Stuyvesant Clerk of cash, bond, or other form of security reasonably acceptable to the Stuyvesant attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The salvage value of the panels or other equipment on the site shall not be utilized in the calculation to determine the amount of the decommissioning security.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Stuyvesant, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.

- l. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
- 3) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

- 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 10) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

J. Special Use Permit Standards.

- 1) Lot size

The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1.

- 2) Setbacks

The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2.

- 3) Height

- a. The Tier 3 Solar Energy Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

- 4) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

- 5) Screening and Visibility.

- a. Solar Energy Systems smaller than ten (10) acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

- b. Solar Energy Systems larger than ten (10) acres shall be required to:

- i. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital view shed report, may be required to be submitted by the applicant.

- ii. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

1. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen

and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town of Stuyvesant.

6) Agricultural Resources. For projects located on agricultural lands:

Any Tier 3 Solar Energy System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall be limited to the following;

Parcels 10 acres or less that Contain less than 75% of Prime Farmland or Farmland of Statewide Importance.

Parcels between 10-20 acres that contain less than 50% of Prime Farmland or Farm Land of Statewide Importance

Parcels over 20 acres that contain more than 35% of Prime Farmland or Farmland of Statewide Importance would be required to preserve as a block for agriculture purposes a block of prime soils being of such size and shape that provides access and allows for effective and efficient farming, that encompasses 75% of the soils of prime Farmland or Farmland of Statewide Importance that are within the parcel. That block will be required to have access for agriculture purposes.

- 1) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- 2) Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan developed by NRCS that would provide a permanent perennial living cover

Before Granting a special use permit the Planning board shall determine;

- (1) That the use conforms with specific special use permit standards found in the use regulations of this chapter.
- (2) That the use is consistent with the town's current planning documents including the Comprehensive Plan.
- (3) That the use is consistent with the purposes of the land use district in which it is located and with applicable provisions of this chapter, including any other detailed special use permit criteria provided herein.
- (4) That the use will be suitable for the property's size, location, topography, vegetation, soils, natural habitat and hydrology and if appropriate, its ability if desired to be buffered or screened from neighboring properties and public roads.
- (5) That the use will be compatible with adjoining properties and with the natural and manmade environment.
- (6) That the use will not adversely affect surrounding land uses by creating excessive noise, dust, odors, glare, pollution or other nuisances.

(7) That the use will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads considering their current width, surfacing and condition.

(8) That the use will have appropriate parking and be accessible to fire police and other emergency vehicles.

(9) That the use will not degrade any natural resource, ecosystem or historic resource.

(10) That all relevant site planning criteria can be satisfied and a site plan approval can be granted under this chapter.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer (in writing-via registered mail) of such change in ownership or operator within thirty (30) days of the ownership change.

8. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps. Training of local Volunteer Fire Companies within the district will be required of developer, prior to making connection with the Grid.

C. Storage Batteries, including Battery Energy Storage Systems are not allowed.

9. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the [Planning board], within 18 months after approval, the applicant or the Town of Stuyvesant may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.

B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 6 months, the Town of Stuyvesant shall notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Stuyvesant may, at its discretion, utilize the bond and/or security for the removal of

the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

10. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of Stuyvesant.

11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

12. Implementation, Repealer and Effective Date

Upon adoption, this Local Law shall become part of the Town of Stuyvesant Zoning Law (known as Local Law #2 of 2018) as a new subparagraph in Section 7 and is intended to repeal and replace the subparagraphs currently known as Solar Collectors, Requirements for roof mounted systems, and Requirements for ground mounted solar systems, Requirements for Utility scale solar systems. This Local Law shall become effective upon filing with the NYS Secretary of State.

Appendix 1: Lot Size Requirements

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

Table 1: Lot Size Requirements

Zoning District	Tier 3 Solar Energy Systems
Residential Hamlet 1&2	≥ 2 acres
Residential Hamlet Ext	≥ 2 acres
Commercial / Business	≥ 5 acres
Light Industrial	5 acres
Agricultural	≥ 5 acres

Key:

—: Not Allowed N/A: Not Applicable

Appendix 2: Parcel Line Setbacks

The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback.

Table 2: Parcel Line Setback Requirements

Zoning District	Tier 3 Ground-Mounted		
	Front	Side	Rear
Hamlet 1 & 2	100'	100'	100'
Hamlet Ext	100'	100'	100'
Commercial	50'	50'	50'
Light Industrial	50'	50'	50'
Agricultural	100'	100'	100'

Key:

—: Not Allowed

Appendix 3: Height Requirements

The following table displays height requirements for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

Table 3: Maximum Height Requirements

Zoning District	Tier 1 Roof-Mounted	Tier 2	Tier 3
Hamlet 1 & 2	2' above roof	10'	15'
Hamlet Ext	2' above roof	10'	15'
Commercial	4' above roof	15'	20'
Light Industrial	4' above roof	15'	20'
Agricultural / Residential	2' above roof	15'	20'

Key:

—: Not Allowed

Appendix 4: Example Decommissioning Plan

Date: _____

Decommissioning Plan for [Solar Project Name], located at: [Solar Project Address] Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by the Town of Stuyvesant, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the “Facility”).

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends
2. The system does not produce power for [6] months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

All said removal and decommissioning shall occur within 12 months of the Facility ceasing to produce power for sale. The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____

Home Occupation – Class 1

1. May only be established within the dwelling unit and operated by the residents thereof.
2. No more than one (1) person, not residing on the premises may be employed.
3. The use shall be of a nature that does not attract large numbers of clients/customers nor generates any increase in normal traffic.
4. No special purpose vehicles shall be allowed or stored on the parcel as part of this use.
5. Exterior evidence of this secondary use, if present at all is limited to small sign or lawn plaque. The business does not store business products, equipment or specialized vehicles outside. The business normally produces only household quantities and types of waste and does not involve daily delivery truck visits and or other traffic beyond that expected of a typical residence.
6. One sign not exceeding 2 square feet may be established accessory to this use.

7. The use shall not occupy more than 25% of the floor area of dwelling unit.
8. No site plan or permit is required.

Home Occupation – Class 2

1. May be established within the dwelling unit or an on-lot accessory structure and must be operated by the resident(s) thereof.
2. An individual who is a legal resident of the dwelling unit shall be named on the permit as the primary permit holder.
3. The primary permit holder shall be a resident on the premises during all such time as the home occupation may be in operation.
4. No more than two (2) persons, not residing on the premises may be employed.
5. Hours of operation utilizing non-resident employees shall be restricted to between the hours of 6:00 AM and 9:00 PM.
6. -One sign not exceeding 2 square feet may be established accessory to the use.
7. The use shall not substantially increase traffic in the neighborhood and sufficient off street parking shall be provided for the residents, employees and customers/clients.
8. The use may have more than one specialized vehicle stored on the premises provided that area is screened from view or under cover.
9. No exterior storage of materials or exterior variations from the residential character of the neighborhood shall be permitted.
10. No unusual or unreasonable appearances noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that exceed those normally produced by a residence shall be permitted.
11. No noise emanating from the business which is excessive, unnecessary or unusual due to volume, intermittence, beat frequency or shrillness, such that the same shall be perceptible outside the property from where it originates, shall be permitted.
12. Storage, use or disposal of hazardous materials must comply with all applicable State or Federal Regulations.
13. The use shall not occupy more than 10% of the gross lot area.
14. This use shall be subject to a Site Plan Review as outlined in Section 9.
15. The Class 2 Home Occupation Permit shall be valid for one (1) year for the initial year of operation. Upon application by the primary permit holder, two (2) year renewals will be granted in subsequent years, only after inspection by the Zoning Enforcement Officer for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Zoning Enforcement Officer shall extend an existing permit for ten (10) days to allow the applicant to remove the violation. Failure to make application to the Zoning Enforcement Officer for the permit renewal shall be presumptive evidence that such use has ceased, and the permit is revoked.
16. Notwithstanding the renewal process described in Number 15, the Zoning Enforcement Officer (ZEO) shall be empowered to issue a notice of revocation for the permit at any time information shall come to the ZEO's attention, and the ZEO makes a determination, that the Home Occupation is being operated in a manner that violates the conditions of the permit. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. The ZEO shall notify the primary permit holder of the notice of revocation by registered mail at the address of the Home Occupation. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice of revocation has been delivered by the United States Postal Service, or the

ZEO has been notified by the United States Postal Service that delivery has been refused or was unsuccessful.

17. Upon receipt of a notice of revocation, the primary permit holder, or the primary permit holder’s designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals, present and voting, agree to sustain the notice of revocation, the revocation shall take effect immediately.

18. Enforcement of, and penalties for violation of this permit, shall be authorized as prescribed in the Enforcement section of this ordinance.

Home Occupations – Class 3

- 1. May be established within the dwelling unit or an on-lot accessory structure and must be operated by the resident(s) thereof.
- 2. An individual who is a legal resident of the dwelling unit shall be named on the permit as the primary permit holder.
- 3. The primary permit holder shall be a resident on the premises during all such time as the home occupation may be in operation.
- 4. No more than five (5) persons, not residing on premises may be employed
 - 5. Hours of operation utilizing non-resident employees shall be restricted to between the hours of - 6:00 AM and 9:00 PM.
- 6. One sign not exceeding 2 square feet may be established accessory to the use.
 - 7. The use shall not cause a major increase in traffic in the neighborhood and sufficient off street parking shall be provided for the residents, employees and customers/clients.
 - 8. The use may have more than one, but not to exceed five, specialized vehicles stored on the premises provided that area is screened from view or under cover.
 - 9. Exterior storage of materials shall be permitted provided that they are screened from view and no substantial exterior variations from the residential character of the neighborhood shall be permitted.
 - 10. No unusual or unreasonable appearances, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that exceed those normally produced by a residence shall be permitted.
 - 11. No noise emanating from the business which is excessive, unnecessary or unusual due to volume, intermittence, beat frequency or shrillness, such that the same shall be perceptible outside the property from where it originates, shall be permitted.
 - 12. Storage, use or disposal of hazardous materials must comply with all applicable State or Federal Regulations.
- 13. The use shall not occupy more than 10% of the gross lot area.
- 14. This use shall be subject to a Site Plan Review as outlined in Section 9.
 - 15. -The Class 3 Home Occupation Permit shall be valid for one (1) year for the initial year of operation. Upon application by the primary permit holder, two (2) year renewals will be granted in subsequent years only after inspection by the Zoning Enforcement Officer for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Zoning Enforcement Officer shall extend an existing permit for ten (10) days to allow the applicant to remove the violation. Failure to make application to the Zoning Enforcement Officer for the permit renewal shall be

presumptive evidence that such use has ceased, and the permit is revoked.

16. Notwithstanding the renewal process described in Number 16, the Zoning Enforcement Officer (ZEO) shall be empowered to issue a notice of revocation for the permit at any time information shall come to the ZEO's attention, and the ZEO makes a determination, that the Home Occupation is being operated in a manner that violates the conditions of the permit. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. The ZEO shall notify the primary permit holder of the notice of revocation by registered mail at the address of the Home Occupation. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice

17. of revocation has been delivered by the United States Postal Service, or the ZEO has been notified by the United States Postal Service that delivery has been refused or was unsuccessful.

18. Upon receipt of a notice of revocation, the primary permit holder, or the primary permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals, present and voting, agree to sustain the notice of revocation, the revocation shall take effect immediately.

19. Enforcement of, and penalties for violation of this permit, shall be authorized as prescribed in the Enforcement section of this ordinance.

Multi-Family Residence

1. The minimum lot size for this use shall be the smallest parcel that meets the Health Department approval for on-lot well and septic and the appropriate highway authority's approval for a driveway plus 20,000 square feet for each dwelling unit.

2. Minimum off-street parking requirements shall be three (3) spaces per dwelling unit.

3. The off-street parking area shall be paved with asphalt or oil penetrated stone and all spaces shall be clearly delineated.

4. Multi-family residence(s) shall be subject to a Site Plan Review as outlined in Section 9.

Temporary Residence, Health or Age-Related

1. Such permit application shall be accompanied by a physician's statement showing that health/age-related need exists.

2. Such permit must be renewed annually by the Town Clerk. Each renewal requires an updated physician's statement indicating that such need continues to exist.

3. Health/Age-related temporary residences shall only be occupied by either persons providing health related or other services necessary to allow the continued on-site residency of the owner of the parcel or receiving such services from the resident land owner.

4. The Columbia County Health Department shall inspect and approve the on-lot septic and water supply, whether a second series of systems are established or whether the existing facilities are being used.

5. The temporary residence must be discontinued within sixty (60) days after such need no longer exists. The failure to renew a permit shall be presumptive evidence that such use has ceased.

6. The applicant/owner/resident cannot use the costs incurred in establishing this temporary residence as ground for obtaining a permanent variance that would allow for the continuation of this second residence.

7. The use shall be subject to a Site Plan Review as outlined in Section 9.

Wind Energy Conversion Systems

In addition to the requirements of the aforementioned Section 9 Site Plan standards, all applications shall be reviewed in accordance with the following:

A. Safety:

- (1) Wind towers shall not be climbable up to 15 feet above ground level.
- (2) All access doors to wind turbine towers and electrical equipment shall be lockable.
- (3) Use the minimum lighting necessary for safety and security purposes and use techniques to prevent casting glare from the site, except as otherwise required by the FAA or other applicable authority.
- (4) Any wind energy system found to be unsafe by the local enforcement officer shall be repaired by the owner to meet federal, state and local safety standards or be removed within six months. If any wind energy system is not operated for a continuous period of 12 months, the Town will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Town deems the timetable for such corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the Town.

B. Setbacks and Siting:

- (1) Each wind turbine shall be setback from the nearest property line a distance no less than 1 times its total height, unless appropriate easements are secured from adjacent property owners.
- (2) No part of the wind turbine's support system, including guide wires anchors may extend closer than twenty five (25) feet to the property boundaries of the installation site.
- (3) Each turbine shall be setback from any dwelling inhabited by humans, a distance of no less than 1.5 times its total height.
- (4) Each wind turbine shall be setback from the nearest public road a distance of no less than 1.5 times its total height, determined at the nearest boundary of the underlying right-of-way for such public road.
- (5) Each turbine shall be setback from the nearest above ground public electric or telephone line a distance of no less than 1 times its total height, determined from the existing power line or telephone line.
- (6) The wind power generation facility, if interconnected to a utility system, shall meet the requirements for interconnection and operation, as set forth in the electric utility's then current service regulations applicable to wind power generation facilities.

C. Visual Impacts:

- (1) Brand names or advertising associated with any installation shall not be visible from any public access.

- (2) The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- (3) The Planning Board shall complete and utilize the New York State Environmental Quality Review Visual EAF Addendum to assist in the determination and mitigation of any visual impacts.

Section 5. Enforcement and Removal

A. Enforcement

This local law shall be enforced in the same manner as set forth in Section 10 of the Town of Stuyvesant Zoning Ordinance.

B. Removal

- (1) In the event any wind energy facility shall cease to be used for a period in excess of six (6) months, the Town Code Enforcement Officer shall issue a Notice to the owner thereof requiring that the owner either remove or recommence use of the facility within 30 days of the date of such Notice.
- (2) Upon any failure to remove or recommence use of such facility the matter shall be referred to the Town Attorney who shall cause to be served upon the owner a Notice, either personally or by registered mail, addressed to the last known address, if any of the such owner containing a description of the premises and the requirement that the subject matter facility must be removed or use thereof recommenced within 30 days. If such service is made by registered mail, a copy of such Notice shall be posted on the premises by the Code Enforcement Office.
- (3) A copy of such notice shall be filed in the office of the town Clerk, which notice shall be filed by the clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as otherwise provided therein. The notice shall provide for a hearing before the Town Board, and the time and place thereof shall be specified in the notice. The Town Board shall make a determination whether such facility has not been utilized during the relevant time period and if so, that such facility shall be removed by the Town.
- (4) Following such determination, the Town Board may cause the removal of such facility without further notice to the owner.
- (5) If the owner or person served as hereinabove provided shall fail to pay the costs and expense by the Town within ten (10) days after being notified of the costs thereof by registered mail, the Town Clerk shall file, immediately preceding the time for making the annual assessment roll, a certificate of such actual cost and expense with a statement as to the property upon which such cost and expense were incurred in connection with the vehicle(s) removed, with the assessor of the Town, who shall in the preparation of the next assessment roll of Town taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general Town tax and as a part thereof.

- (6) All costs and expenses incurred by the Town in connection with any and all of the above proceedings to remove, including the cost of actually removing said facility, shall be assessed against the land on which the facility is located.

SECTION 8 – FARMLAND & OPEN SPACE PROTECTION

Stuyvesant is an agricultural community, and seeks to encourage the perpetuation of agriculture, while maintaining the flexibility of property owners to use their property as they see fit, without creating a burden to the environment, or other residents of the Town.

In order to accomplish this goal, this section seeks to provide options that will encourage the creation of larger agricultural parcels which are better suited to the needs of modern agricultural equipment. In order to preserve the rural character of the Town including the preservation of agriculture and open space, the following incentives are offered for all persons wishing to develop land within the Agricultural (A) District:

Clustered Residential Subdivision

Land owners or developers opting to use the Clustered Residential Subdivision provisions of the Town of Stuyvesant Subdivision Ordinance in lieu of the conventional subdivision method, are eligible for a development bonus. This bonus will increase the developmental density of the parcel by allowing the creation of one (1) additional lot for each ten (10) acres of buildable area within the parcel as defined in Section 2. A single contiguous parcel containing a minimum of 50% of the total lot area must be retained as open space.

Prime Agricultural Land Set Aside

A similar incentive is available to land owners or developers who choose to subdivide land within the Agricultural (A) District in a manner where the land area to actually be subdivided into lots offered for sale or to be developed contains soil types that are not classified as prime agricultural or soils of statewide importance. For every ten (10) acres of land containing these soil types that are located on the parcel and voluntarily excluded from those land areas proposed for subdivision or development, an additional lot or development site may be created in the development plan. These land areas must be delineated on the plat and must include a computed acreage. Areas containing these soil types have been delineated on a map entitled “*Agricultural Resource Map*” on file with the Town Clerk. Should a land owner or developer opt to develop a parcel utilizing the clustered subdivision concept and create such subdivision on non-prime agricultural land, both incentives could be utilized.

Enhanced Prime Agricultural Land Set Aside

In order to encourage the development of larger lots, suitable for modern agricultural practices, this option provides a bonus for creation of permanent lots in multiples of at least five acres on soil which is classified as prime soil, prime soil if drained, or farmland of statewide importance. In exchange for permanent creation of lots in multiples of at least five acres on land containing soils identified as prime soil, prime soil if drained, or farmland of statewide importance, the property owner may create as many buildable parcels of at least one acre, as may be created from the original parcel on soils of the property which are not classified as prime soil, prime soil if

drained, or farmland of statewide importance. Such buildable parcels must be created out of the original parcel by subdivision of the Planning Board. Buildable parcels shall meet all other requirements for parcels established by this ordinance under Section 6 – Parcels in the Agricultural District – Numbers 3 through 12. Upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further subdivided.

Density Averaging

Another developmental option that would result in the preservation of agricultural lands and open space is the use of density averaging. Although this option does not increase the total development potential of a parcel, it does offer the option of creating smaller sized lots than would be required by conventional subdivision. This preservation technique is detailed in Section 15.

Purchase of Developmental Rights

The sale of developmental rights to any land area located within the Agricultural (A) District is another option available to all land owners within that District. In order to maintain accurate records necessary for the administration of the density averaging provision within this District, no person shall sell or offer for sale any developmental rights except in accordance with the following procedure:

1. The seller shall have prepared by a licensed land surveyor, a plat showing the entire parcel under his/her ownership. This plat shall contain the same information as required for a minor subdivision as outlined in Article V, Section 2-A of the Town of Stuyvesant Subdivision Regulations. In addition, the area of the parcel for which the development rights will be sold must be clearly delineated and must include a computed acreage.
2. The seller shall also prepare or cause to be prepared a new deed or a deed covenant, including a metes and bounds description of the area for which the development rights will be sold.
3. The seller will appear before a regular scheduled meeting of the Town Planning Board and present a minimum of four (4) copies of the plat and the new deed or the deed covenant.
4. After review and approval by the Planning Board for compliance with these regulations, those of Article V, Section 2-A of the Town's Subdivision Regulations and the Town's Comprehensive Plan, the Chairman shall stamp and sign the plats.
5. Two (2) copies of the signed plat will be retained by the Planning Board. The additional copies shall be returned to the applicant who shall, within sixty (60) days, file the stamped plat with the Columbia County Clerk in the same manner as required for the filing of any subdivision.
6. The fee for the review and stamping of the plats shall be determined by the Town Board.

See Section 15 – Developmental Options for a detailed example of each of these options

See Section 16 – Residential Clustered Subdivision Regulations

SECTION 9 – SITE PLAN REVIEW

Prior to issuing a building permit or Certificate of Occupancy for any use designated in the use regulations as requiring a Site Plan Review the Building Inspector shall require the preparation of a site plan. The Code Enforcement Officer shall refer the applicant to the Planning Board for Site Plan Review and approval in accordance with Section 274-a of Town Law and the standards and procedures set for this section.

Sketch Plan Conference

Prior to formal application for the Site Plan Review, the applicant shall prepare a sketch of the proposed development and meet with the Planning Board, at a regularly scheduled meeting, to discuss the applicability of the proposed development. The sketch plan shall show all components of the project, listed below, in a manner that will enable the Planning Board to define the proper review procedure required.

Sketch Plan Requirements

The following information shall be shown on the sketch plan:

1. Name of owner or the applicant, if not the owner, and the tax map identification number;
2. All boundary lines with dimensions;
3. Public highway providing access to the parcel;
4. All structures including setbacks, parking areas, points of ingress and egress, on-lot utilities and proposed signage; and
5. Information concerning the nature of the proposed use, number of employees, daily estimated customer traffic and/or deliveries and anticipated hours of operation.

The sketch plan shall be drawn to scale and based on the most recent available tax maps. The sketch plan does **not** need to be prepared by a Licensed Engineer or Architect.

Planning Board Options

Based on the scope and intensity of the proposed development as shown on the sketch plan, the Planning Board shall take one (1) of three (3) actions:

1. Determine that the project is limited in scope, with compatible land use, site and building design characteristics, thus requiring no further review under this section. Such determination shall be limited to applications for the establishment of uses within existing structures or the limited modification of existing structures, where no substantial site improvements are either required or proposed.
2. Determine that the project does require a full review under this section, based on the project's scope and/or land use, site and building design characteristics and advise the applicant of the site plan submission requirements in accordance with this section.
3. Determine that additional sketch plan information is required before a determination regarding the applicability of the Site Plan Review and approval procedure can be made.

Application for Site Plan Review

An application for Site Plan Review shall be made, in writing, to the Planning Board and shall be accompanied by four (4) prints of a site plan that includes the following information:

1. The title of the drawing, including the name and address of the applicant and of the person(s) responsible for the preparation of such drawing.
2. A north arrow, scale and date.
3. Accurate boundaries of the parcel plotted to a scale of 1"=40". The scale may be altered for projects exceeding a total land area of five (5) acres.
4. All existing watercourses.
5. A grading or drainage plan, showing existing or proposed contours at a minimum of two (2) foot intervals for that portion of the parcel actually proposed for development or where the existing site may be susceptible to erosion, ponding or flooding.
6. The location of all buildings, parking areas and drives, truck loading areas, wells, septic systems, outdoor storage of equipment and signage.
7. A floor plan and front elevation of any building or fencing to include details of the

areas to be used for offices, manufacturing areas and areas for retail/wholesale operations, including exterior display of products for sale.

8. A general landscaping plan and planting schedule showing existing vegetation cover being retained as well as new plantings.

9. The locations of all outdoor lighting, including lighting levels both within the site and at the site's boundaries.

10. A [long form] Short Environmental Assessment form or a Full Environmental Assessment form, as directed by the Planning Board, completed and signed by the applicant.

11. A check made payable to the Town in the sum as established by the Town Board.

12. In addition, the applicant may supply and the Planning Board may request additional documents, drawings, photographs or other information to assist evaluation of the application.

Planning Board Review

The Planning Board's review of the site plan shall include, as appropriate, but not be limited to the following:

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, structures and traffic controls.

2. Location, arrangement, appearance and sufficiency of off- street parking and loading.

3. Location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage.

4. Adequacy of drainage and stormwater facilities.

5. Adequacy of water supply and sewage disposal facilities.

6. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between applicant's and adjoining lands including maximum retention of existing vegetation.

7. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

8. Adequacy of fire lanes and other emergency zones and water supply for firefighting purposes.

9. Compatibility of building design with existing characteristics of the neighborhood.

Review Procedures

Public Hearing – The Planning Board shall conduct a public hearing on the application for site plan approval, if deemed necessary due to the scope and intensity of the proposal. The public hearing shall be conducted within forty- five (45) days of the receipt of a complete application and shall be advertised, at the expense of the applicant, in a paper of general circulation in the Town, at least five (5) days prior to said hearing.

Notice by Applicant – At least five (5) days prior to the public hearing, the applicant shall mail notices of the hearing by registered or certified mail, return receipt requested, to all property located within a three hundred (300) foot radius of the property in question. Mail receipts shall be submitted to the Planning Board at the public hearing.

Required Referral – Prior to taking any action, the Planning Board shall refer the site plan, when applicable, to the Columbia County Planning Board for an advisory review and report in accordance with G.M.L. Section 239(1) & (m).

Decision – Within forty- five (45) days of the close of the public hearing, the Planning Board

shall render a decision on the site plan application.

Action by Resolution – The Planning Board shall act by resolution to either approve, approve with modifications or disapprove the site plan application. A resolution either approving or approving with modifications shall include the authorization for the Planning Board Chairman to stamp and sign the site plan upon the applicant’s compliance with the submitted site plan. Any modifications required by the Planning Board shall be deemed a condition of approval. If the site plan has been disapproved, the Planning Board’s resolution shall state the reasons for such decision.

Stamping & Signature – After receiving site plan approval, with or without modifications, the applicant shall within six (6) months submit four (4) prints of the site plan to the Planning Board for stamping and signature by the Chairman. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board and shall incorporate any revisions or modifications required by the Planning Board and shall be accompanied by the following information:

- a) Record of application for and approval status of all necessary permits from Federal, State, County or local agencies.
- b) Detailed sizing and final material specifications of all required improvements.
- c) An estimated project construction schedule and, if a performance guarantee is required, a detailed site improvement cost estimate.
- d) Proof of payment of all of the Planning Board’s reimbursable costs (see below).

Reimbursable Costs

Reasonable costs incurred by the Planning Board for private consultation fees of a planner, engineer, attorney or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant, together with the cost of advertising any public hearing required. In this regard, the Board may require such costs to be paid in advance, not to exceed 5% of the total project cost, and may deny application upon the failure of the applicant to make payment within sixty (60) days of the date of the original application submission.

SECTION 10 – ADMINISTRATION & ENFORCEMENT

Enforcement

This Zoning Ordinance of the Town of Stuyvesant shall be enforced by the Zoning Enforcement Officer (Z.E.O.) who shall be appointed by the Town Board. No Zoning Permit or Certification of Zoning Compliance shall be issued by him/her except where all of the provisions of this

ordinance have been complied with.

Monthly Report

The Z.E.O./C.E.O. shall submit a monthly report to the Town Board, five (5) days prior to their regular monthly meeting, which shall include a list of all permits issued or denied, a complete list of all complaints investigated, action taken and the status of each case.

Building Permits

No building, dwelling unit, fences over four (4) feet in height or corrals shall be constructed, enlarged or moved nor shall any use be established or changed, nor any, zoning permit, home occupation established within a dwelling unit, nor any change in the non-conforming use of any building or land nor any excavation, removal or fillings of lands, nor the establishment of a temporary sawmill, nor the establishment of a driveway as defined this ordinance shall begin until such time as a Zoning Permit has been issued by the Z.E.O. No Zoning Permit shall be issued unless the intended use complies completely with the applicable sections of this ordinance. Activity authorized by such permit shall occur within one (1) year from the date of the issuance of such permit.

Matters Accompanying Application for a Zoning Permit

Applications for zoning permits shall be submitted on a form or forms provided by the Z.E.O. Each application shall set forth the purpose for which the building or land is intended to be used and shall be accompanied by a plot plan showing the dimensions of the lot and all buildings whether existing or proposed, the dimensions of all setbacks to all improvements, whether existing or proposed, off-street parking areas, the location of the on- lot well, septic system and other essential services, the name(s) and location of the road or highway providing access to the parcel, the location of the driveway providing access to the parcel and the names of all abutting property owners.

In the case of non-residential or multi- family residential, the plot plan requirements shall be the same as required for a Site Plan Review. For proposals involving municipal or community water and sewer systems, no zoning permit shall be issued without proof that the systems were approved by either the Columbia County Health Department and/or the New York State Department of Environmental Conservation. Upon the issuance of a zoning permit, copies shall be provided to the Building Inspector and the Town Clerk.

Zoning Permit Fees

The applicant for a Zoning Permit shall include a check made payable to the Town of Stuyvesant in the amount required, as determined by the Town Board by resolution.

Permits Issued in Error

If the Z.E.O. /C.E.O. shall mistakenly issue a zoning permit which violates the provisions of this ordinance, that zoning permit shall be deemed invalid by the Z.E.O./C.E.O.

Required Inspection

Where the building permit involves new construction, after completion of the footings and establishing the forms for the first course of the foundation walls, the applicant/owner shall notify the C.E.O. After such notification, the C.E.O. shall inspect the site to ensure that the construction is occurring the location shown on the plot plan submitted with the approved application. If the C.E.O. is unable to verify that the construction is taking place in accordance with the approved plan, he may require the applicant/owner to cause a survey to be made by a licensed land surveyor, showing the true location of the foundation with respect to the lot lines

of the parcel. A copy of such survey shall be filed with the C.E.O. prior to the continuation of the construction.

Enforcement of Violations

The following procedures shall be applied when enforcing the provisions of this ordinance.

Complaints

- 1. Any person aggrieved may file a complaint.
- 2. The Z.E.O. may file a complaint on personal knowledge.
- 3. All complaints including those made on personal knowledge shall be in writing and must be filed in person with the Z.E.O.
- 4. The Z.E.O. is authorized to accept citizen complaints filed on an anonymous basis, provided that the complaint is filed in the name of the Z.E.O. and the ZEO has obtained personnel knowledge verifying the complaint, and processed in accordance with the procedures outlined below.

Procedures

- 1. All complaints shall be investigated by the Z.E.O. and a report, outlining the findings of that investigation and any action taken, shall be completed within five (5) days of the date of the receipt of the complaint excluding Saturdays, Sundays and legal holidays.
- 2. A copy of such report shall be filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, and a copy shall be mailed to the complainant.

Violations

If, after investigation, the Z.E.O. determines that a violation exists, he/she shall:

- 1. Serve, by registered mail, return receipt requested or by personal service, a notice of violation of the owner of the parcel, the owner’s agent or contractor or other person in control of the parcel, building or structure where the alleged violation exists. This notice shall include the description of the alleged violation, including the section of the ordinance being violated.
- 2. Require the removal of such violation within ten days of the receipt of the registered letter or personal service. If the Z.E.O. determines that the violation cannot be removed within ten (10) days, he/she shall apply to the Town Board Zoning Board of Appeals for a determination as to the reasonable period of time within which such violation shall be removed.
- 3. If the alleged violation is not removed in the specified period of time, the Z.E.O. shall charge the violator with such violation of this ordinance before the Justice Court of the Town of Stuyvesant.
- 4. Any person served a notice of violation and who believes that the Z.E.O. has made a mistake or has misinterpreted the ordinance shall have the right to appeal the Z.E.O.’s Notice of Violation to the Zoning Board of Appeals pursuant to the interpretation appeal process.

Penalties

A violation of this ordinance is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not exceeding 15 days, or both for a conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, by a fine of not less than \$350.00 nor more than \$750.00, or imprisonment for a period not exceeding 15 days, or both; and for conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine of no less than \$750.00 nor more than \$1,000.00, or imprisonment for a period not exceeding 15 days, or both; or by the

imposition of a civil penalty in the above amounts, which said penalty may be assessed and recoverable against the violator in a small claims proceeding instituted by the Town in the Town Justice Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act. Each week's continued violation shall constitute a separate, additional violation for which separate and additional fines or civil penalties in the above amounts may be imposed or recovered.

Permit Revocation

1. Any permit issued under this ordinance may be revoked for violation of the provisions of this ordinance, or violation of any additional conditions placed on the permit by the Town Planning Board.
2. The Z.E.O. shall be empowered to issue a notice of revocation for the permit at any time information shall come to the Z.E.O.'s attention, and the Z.E.O. makes a determination, that the conditions of the permit are being violated. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. This notice shall include the description of the alleged violation, including the section of the ordinance, or permit condition, being violated.
3. The Z.E.O. shall notify the permit holder of the notice of revocation by registered mail. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice of revocation has been delivered by the United States Postal Service, or the Z.E.O. has been notified by the United States Postal Service that delivery has been refused or was unsuccessful.
4. The permit holder shall have ten (10) days to correct the violation. If the Z.E.O. makes a determination, that the conditions of the permit are no longer being violated, the permit shall be restored, and notice of such restoration shall be filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively.
5. Upon receipt of a notice of revocation, the permit holder, or the primary permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals agree to sustain the notice of revocation, the revocation shall take effect immediately.

Certificates of Zoning Compliance

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Zoning Compliance has been issued by the Z.E.O. A certificate of Zoning Compliance may be obtained from the Z.E.O. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this ordinance. The Z.E.O. shall make an inspection of each building or parcel for which a Zoning Compliance Certificate has been requested prior to the issuance of such certificate. Such inspection shall be made within five (5) days from the date of application excluding Saturdays, Sundays and legal holidays. Failure of the Z.E.O. to make such inspection and determination within the specified period of time shall be deemed to be an approval of the Certificate of Zoning Compliance application.

N.Y.S. Fire Prevention & Building Code

In addition to the above required Zoning Permit and Certificate of Zoning Compliance, the Town of Stuyvesant has adopted and enforces the New York State Fire Prevention and Building Code. This code is administered and enforced the Town of Stuyvesant Code Enforcement Officer.

Additional application procedures and submittal requirements **may** be applicable to a proposed project. All applicants requesting a Zoning Permit or Certificate of Zoning Compliance shall also contact the Building Inspector for the necessary Building Permits and Certificates of Occupancy pursuant to the State Code. The installation of solid fuel furnaces and stoves as well as all chimneys require a permit from the Building Inspector. In addition, the continued use of any solid fuel furnace or stove and its chimney following a chimney fire shall be prohibited until such time that the furnace, stove and chimney have been inspected by the Fire Officer of the Town and deemed by him/her to be undamaged and safe for such continued use.

SECTION 11 – FLOOD DAMAGE PREVENTION

In order to promote the health, safety and general welfare within the Town and to minimize public and private losses due to flood conditions within certain areas of the Town, Local Law #1 of 1987, entitled "*Flood Damage Prevention Local Law*" was enacted. This local law regulates the construction, alteration, relocation or conversion of uses within structures located within the Federal Emergency Management Agency's designated flood areas and further regulates the excavation or filling of land areas within these designated flood areas. All of the requirements outlined in this local law must be complied with in addition to other requirements found in this local zoning law. A copy of Local Law #1 of 1987 is attached as Appendix A.

SECTION 12 – ZONING BOARD OF APPEALS

A Zoning Board of Appeals is hereby created pursuant to Section 267 of General Town Law as in effect at the date of adoption of this Local Law and subsequent to any modifications, changes or alterations as may be made from time to time by the New York State Legislature. The Board of Appeals shall operate in accordance with Section 267-a of General Town Law and shall hereby be authorized to undertake any action so permitted pursuant to Section 267-b of General Town Law. Fees required for such permitted actions shall be as determined by Town of Stuyvesant Town Board and may be changed, altered or amended from time to time by said Board by resolution.

SECTION 13 – AMENDMENT PROCESS

The Town Board may from time to time on its own motion, on petition or on recommendation of the Town Planning Board, amend, supplement or repeal, in part or whole, the regulations and provisions of this Local Law including the Zoning Map, in accordance with Section 265 of General Town Law.

Any petition change to the Zoning Map shall be accompanied by the following:

1. The name of the petitioning property owners.
2. A map accurately drawn to an appropriate scale showing the proposed district change, all street right-of-ways in the immediate vicinity and the names of land boundary change, property lines and a calculation of the area affected by such owners immediately adjacent to and extending three hundred (300) feet of the boundaries of the properties proposed for rezoning.

- 3. A metes and bounds description of the proposed amendment.
- 4. The application fee as established by the Town Board.

SECTION 14 – MISCELLANEOUS PROVISIONS

Interpretation, Conflict & Other Laws

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

Validity

Should any section or provision of this Local law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Short Title

This Local Law shall be known and may be cited as the “*Town of Stuyvesant Zoning Ordinance*”.

Effective Date

This Local Law shall take effect immediately upon publication and filing with the New York State Secretary of State’s Office and/or as set forth by other laws.

SECTION 15 – DEVELOPMENTAL OPTIONS

Stuyvesant is an agricultural community, and seeks to encourage the perpetuation of agriculture, while maintaining the flexibility of property owners to use their property as they see fit, without creating a burden to the environment, or other residents of the Town.

In order to accomplish this goal, this section seeks to provide options that will encourage the creation of larger agricultural parcels which are better suited to the needs of modern agricultural equipment.

In order to provide as much flexibility as possible to property owners within the Town, various types of development options are provided for within this Ordinance. A landowner may use one or more of these options on either the entire parcel or only on a portion of his/her land. All proposed subdivision plats must include within the subdivision name, a notation indicating which of the options were utilized in the design of the proposal. The following are examples of this notation:

- John Smith Clustered Subdivision Cedar Ridge
- Density Averaged Subdivision Misty Creek, an
- Ag Land Set Aside Subdivision

A detailed description of each option follows:

For the purpose of these descriptions, the parcel under consideration for development has the following features:

- _ Total Parcel Size – 50 acres
- _ Total developmental area – 40 acres
- _ Total area of Prime Agricultural Land – 10 acres
- _ Parcel is zoned Agricultural (A)

Conventional Subdivision

The land owner would be able to create a maximum of 10 building lots, each containing 5 acres, served by an on-lot water and septic system and accessed either directly from an existing roadway or by an internal road system constructed as part of the subdivision proposal. This would result in the creation of 10 building lots and no open space would be preserved.

Conventional Subdivision Using Density Averaging

This option would allow the landowner to create a total of 8 building lots, without mandating that each lot contain 5 acres of land. The individual lot size would be determined based on the land area needed to comply with the Columbia County Health Department standards for on-lot Well and septic systems. The lots created may have access from an existing roadway or an internal road system and may be created anywhere on the parcel subject to the Density Control Schedule (Section 5). The lots may be created one at a time or two or more may be created with a single subdivision application. This would result in the creation of 9 building lots and may include up to 40 acres of open space preserved depending on the individual lot size based on the County Health Department requirements. Applicants choosing to use this option should be cognizant that for each parcel or lot created that is less than five (5) acres in size, a buildable land area equal to the difference between the proposed lot size the five (5) acre density minimum must be preserved for agricultural use or open space. Buildable land is defined in the Density Averaging definition on Page 8.

Clustered Subdivision

This option is similar in nature to using Density Averaging. The lots created would be abutting and would occupy a designated portion of the parcel identified in the Subdivision application. The maximum number of building lots that could be created by right would be 10. In addition, if this option is chosen, an incentive bonus equal to the total developable area of the parent parcel divided by 10 would be applicable. This would allow an additional 4 lots to be included in the clustered development. The entire layout including any roadways to be constructed, any community water or sewage facilities to be constructed, etc. must be designed prior to the submission of the Subdivision application. This would result in the creation of 14 building lots and the preservation of a minimum of 25 acres of open space.

Prime Agricultural Land Set Aside

This option provides for a developmental bonus if a landowner chooses not to create building lots or other development on land containing soils identified as prime agricultural soils or soils of statewide importance. The number of additional lots that may be created is determined by dividing the total land area of the parent parcel containing prime agricultural soils by ten (10). In this example, a bonus of 1 lot would be granted resulting in a total of 9 lots with a ten (10) acre area set aside for agricultural uses. This concept, due to its nature would require the use of Conventional Subdivision Using Density Averaging or Clustered Subdivision. This would result in the creation of 9 building lots with a minimum of 10 acre of prime agricultural land preserved as open space.

Enhanced Prime Agricultural Land Set Aside

In order to encourage the development of larger lots, suitable for modern agricultural practices, this option provides a bonus for creation of permanent lots in multiples of five acres on soil which is classified as prime soil, prime soil if drained, or farmland of statewide importance. In exchange for permanent creation of lots in multiples of five acres on land containing soils identified as prime soil, prime soil if drained, or farmland of statewide importance, the property owner may create as many buildable parcels of at least one acre, as may be created from the original parcel on soils of the property which are not classified as prime soil, prime soil if drained, or farmland of statewide importance. Such buildable parcels must be created out of the

original parcel by subdivision of the Planning Board. Buildable parcels shall meet all other requirements for parcels established by this ordinance under Section 6 – Parcels in the Agricultural District – Numbers 3 through 12. Upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further subdivided.

Clustered Subdivision & Prime Agricultural Land Set Aside

If a landowner chooses to cluster the building lots on an area that does not contain prime agricultural lands, both bonuses, Clustering and Agricultural Land Set Aside, would be applicable. The landowner would designate the area within the parent parcel where a total of 15 lots would be created and would identify the 10 acre area containing the prime agricultural lands. As with the clustered provision, the entire project would be designed prior to the submission of a subdivision application. This would result in the creation of 15 building lots with a minimum of 25 acres of open space plus 10 acres of prime agricultural lands preserved.

SECTION 16 – RESIDENTIAL CLUSTERED SUBDIVISION REGULATIONS

Pursuant to General Town Law Section 281, the Town Planning Board is hereby authorized to vary or modify the requirements of this ordinance to encourage and enable the flexible design and development of land in a manner that promotes the most appropriate use of land, facilitates the adequate and economical provisions for streets and utilities, preserves the natural and scenic qualities of open space and agricultural land uses and that prevents the despoliation of environmentally sensitive areas and historic places subject to the following conditions:

1. The provisions of this section shall be available to a property owner as an option and shall not be mandated by the Planning Board, Town Board or Zoning Board of Appeals.
2. The provisions of this section shall be applicable to lands of ten (10) acres or more in size. A landowner may use all or only a portion of his land for such development and may have more than one clustered development on a parcel.
3. Such proposed clustered development shall not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements in close proximity.
4. The provisions of this standard shall apply only to clustered development of a residential nature.
5. The maximum number of building lots or sites shall not exceed the maximum number that would be created by conventional subdivision procedures when applying the density averaging formula for the specific district as outlined in the Density Control Schedule (Section 5) of this ordinance.
6. Landowners or developers opting to use this clustered residential concept are eligible for a developmental bonus. This bonus will increase the developmental density of the parcel by allowing the creation of one (1) additional lot for each ten (10) acres of buildable area within the parcel as defined in Section 2 of this ordinance.

Required Open Space

1. A minimum of fifty (50) percent of the total parcel size devoted to the clustered development must be set aside, in a contiguous parcel, as perpetual open space. The requirement that the open space be a contiguous parcel may be waived by the Planning Board when extenuating circumstances are shown by the applicant.

2. The open space may, at the applicant's discretion, be retained by the owner or dedicated to a home owners' association, provided that the open space is placed under a conservation easement, offered to and accepted by a recognized land conservancy or trust. In the event that the owner/applicant is unable to locate a land conservancy or trust that is willing to accept such easement, the owner/applicant shall prepare an easement to be held by the Town of Stuyvesant. Such easement shall be reviewed and accepted by the Town Board prior to the final approval of the subdivision by the Planning Board.

3. The open space may be used for one or more of the following uses:

- a. Agricultural uses including the pasturing of farm animals, provided that no permanent structures other than animal shelters are constructed;
- b. Forestry;
- c. Ponds;
- d. Passive recreation; and
- e. Recreational uses such as wooded parks, hiking trails, bridle paths or other uses having a low impact upon the environment.

Home Owners' Association

If a Homeowners' Association is selected by the applicant/owner as to the method of maintaining the open space, the following provisions are applicable:

1. The Homeowners' Association must be established prior to the sale of any lots within the subdivision.
2. The Homeowners' Association shall take title to all open space created.
3. Membership in the Association is mandatory for all parcel owners, their heirs and successors. A deed covenant outlining this required membership and the payment of annual fees to be used for the maintenance of the open space shall be included in each parcel deed.
4. The Homeowners' Association will be responsible for liability insurance, local taxes and the maintenance of recreation and other facilities.
5. Homeowners' Association's members will pay their pro rata share of the costs and assessments levied by the Association and if unpaid may become a lien on their individual parcels.

SECTION 19 - EXISTING AND NONCONFORMING BUILDINGS AND USES

Continuation of Existing Nonconforming Buildings and Uses

1. Any existing use, accessory uses, lot or structure that does not meet the requirements of this Zoning Law shall be considered nonconforming and shall be allowed to be continued indefinitely subject to the provisions below. The provisions of this section shall apply to all lots, legally established uses or structures existing on the effective date of this Zoning Law, and to any lot, legally established land use or structure that becomes nonconforming by reason of any future amendment to this Zoning Law.
2. Non-conforming uses and/or accessory uses shall not be moved to another location where such use would be non-conforming.
3. Non-conforming uses shall not be changed to another non-conforming use without prior approval by the Zoning Board of Appeals. If the Zoning Board of Appeals approves such changes, they shall conform, to the greatest extent practical, to this Zoning Law and the current design standards and shall be subject to Site Plan approval by the Planning Board pursuant to Local Law #1-01 of 2001 as may be amended from time to time.

- 4. The discontinuance of any nonconforming use or accessory use for a period of more than three years shall terminate the nonconforming use status of that use. A nonconforming use or accessory use so terminated shall thereafter only be replaced by a conforming, permitted use. The Zoning Board of Appeals may issue a variance to allow one additional one-year extension for any nonconforming use.
- 5. A nonconforming use may be changed to a conforming use at any time, but shall not thereafter be changed back to a nonconforming use.
- 6. No lot shall be reduced in area so that it results in nonconformity with either the bulk or use provisions in this Law.

Maintenance

- 1. Nothing in this Zoning Law shall prevent the renovation, repair or maintenance of a nonconforming structure made necessary by ordinary wear and tear.

Existing Lots of Record

- 1. Lots existing at the time of adoption of this Zoning Law that do not meet the minimum density or size requirements shall be allowed to have one principal structure provided that, otherwise, all applicable laws and regulations related to potable water and sewage disposal facilities as required by the Town of Stuyvesant, Columbia County Department of Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied.

Pending Planning Board and Building Permit Applications

- 1. Any Site Plan, subdivision or building permit application which was submitted to the Town of Stuyvesant prior to the effective date of this Zoning Law, but has not yet been permitted, may continue to be processed and considered by the Planning Board or Zoning Enforcement Officer provided the application is amended to fully comply with the requirements of this Zoning Law.
- 2. The amended application shall not be deemed complete until such time as all submission requirements of this Zoning Law are received and accepted by the permitting authority. Where SEQRA applies, an application shall not be deemed complete until a Negative Declaration is issued or, where a Positive SEQRA Declaration has been or is issued, completed Draft Environmental Impact Statement accepted.
- 3. This provision shall not be interpreted as vesting any rights in the applicant to approval on any applications submitted prior to, and pending, on the effective date of this Zoning Law.

Buildings under Construction

- 1. Buildings under construction. When a subdivision or site plan application has been approved or when a building permit has been lawfully issued before the effective date of this Zoning law and where construction has also begun within 180 days of the effective date of this Zoning Law, the building may be completed according to approved plans and approval conditions issued before the law was adopted.
- 2. If upon completion, such building or use is nonconforming with this Zoning law, it shall thereafter be subject to all provisions of Section 19.

Changes in District Boundaries

- 1. Whenever the boundaries of a district are changed by the Town of Stuyvesant Town Board so that, under the regulations that apply in the changed area, a conforming use shall become a nonconforming use, all of the foregoing provisions of this section shall apply to such nonconforming use.

Pre-existing Mobile Home

- 1. Nothing contained in this Zoning Law shall prohibit the replacement of any mobile home or manufactured home legally existing in the Town of Stuyvesant at the time of adoption of this

Zoning Law, provided that the replacement follows the towns Mobile Home Park law of 2006, and the structure is in full compliance with both the 1976 Federal regulations for mobile homes and the requirements of the New York State Uniform Fire Prevention and Building Code and that existing nonconformities or elements of non-compliance are not increased or expanded by the replacement.

Pre-existing Accessory Apartment

1. Nothing contained in this Zoning Law shall prohibit the continuation of an accessory apartment, located in either an owner-occupied principal dwelling or in an accessory structure on an owner-occupied lot, legally existing in the Town of Stuyvesant at the time of adoption of this Zoning Law.

Pre-existing Salvage, Junkyard or Auto Junkyard

1. Where a valid and current salvage or junkyard has been regulated by the Town of Stuyvesant, under the provisions of Section 136 of the New York State General Municipal Law, and the salvage or junkyard meets all the fencing, location, setback, or other requirements, such use shall be allowed to continue.
2. All salvage or junkyards, including auto junkyards as defined in Section 2 of this Zoning Law, that have not been regulated by the Town of Stuyvesant under the provisions of Section 136 of the New York State General Municipal Law, or that do not meet the fencing, location, setback or other requirements shall not be considered a lawful nonconforming use and shall cease all activities associated with such use within three months of adoption of this Zoning Law.
3. In the event of a change in any NYS dealer, dismantler or repair licensing requirement, an expansion of any lawful non-conforming use hereunder may be expanded to comply with such licensure change.

Zoning Board of Appeals Review

1. The Zoning Board of Appeals shall review and decide whether to grant or deny any requested expansion of a non-conforming use, structure, or lot that exceeds the limits established in Section 19 of this Zoning Law.

