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(for use with Local Laws, Ordinances, Bylaws,
general and permanent Resolutions)

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Number: 1-2025

Short Title: Town Code Amendments

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Repeals Chapter No. _____ Nos. _____

Adds Chapter No. _____

References Chapter No. _____

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NOTE: A copy of this form may be made and placed with the Clerk's or Secretary's file copy of legislation at the time of introduction. The legislative history can then be compiled as the legislation passes through the required procedures. A copy of the form should be sent with the legislation to General Code Publishers for them to keep with your code files, the original being retained as a record in the Clerk's or Secretary's files.

Town of Schodack

2025 Land Use Local Law Update

Town of Schodack, Rensselaer County, New York

Chapter 9 Building Official

Chapter 74 Adult Businesses

Chapter 78 Appearance Tickets

Chapter 90 Building Code Administration

Chapter 99 Building, Unsafe

Chapter 188 Subdivision Regulations

Chapter 219 Zoning

Chapter 223 Water Quality



Town of Schodack

Chapter 9. CODE ENFORCEMENT OFFICER

§ 9-1. Designation of Code Enforcement Officer; compensation.

There is hereby designated in the Town of Schodack a public official, to be known as the "Code Enforcement Officer" as defined by §219 Zoning who shall be appointed by the Town Board at a compensation to be fixed by it.

§ 9-2. Acting Code Enforcement Officer; compensation.

In the absence of the Code Enforcement Officer, or in the case of his inability to act for any reason, the Supervisor shall have the power, with the consent of the Town Board, to designate a person to act in behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this chapter.

§ 9-3. Appointment of additional officers.

The Town Board may appoint one code enforcement officer or more, as the need may appear, to act under the supervision of the designated Code Enforcement Officer serving as the supervisor and director of all code enforcement in the Town and to exercise any portion of his powers and duties. The compensation of such building inspectors shall be fixed by the Town Board.

§ 9-4. Conflict of interest.

No officer or employee of the Building Department shall engage in any activity inconsistent with his duties or with the interests of the Building Department; nor shall be, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the preparation of plans or specifications thereof within the Town of Schodack, except that this provision shall not prohibit any employee from such activities in connection with the construction of a building or structure owned by that individual solely and not constructed for sale.

§ 9-5. Powers and duties.

- A. Except as otherwise specifically provided by law, ordinance or regulation, or except as herein otherwise provided, the Code Enforcement Officer or any additionally appointed inspectors serving in that capacity as provided in §9-3 of this chapter shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures, the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof.
- B. The Code Enforcement Officer shall have the power to adopt rules, with the consent of the Town Board, to secure the intent and purposes of this chapter and proper enforcement of the laws, ordinances and regulations governing building construction.
- C. The Code Enforcement Officer shall receive applications and issue permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction.
- D. The Code Enforcement Officer or additional appointed inspectors shall issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances and

regulations. The Code Enforcement Officer shall make all inspections which are necessary or proper for the carrying out of duties indicated herein, except that he may accept written reports of inspection from building inspectors or other employees of the Department of Buildings or from generally recognized and authoritative service and inspection bureaus, provided that the same are certified by a responsible official thereof.

- E. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances and regulations covering building construction, The Code Enforcement Officer may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.

§ 9-6. Records and reports.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him, including all applications received, permits and certificates issued, fees charged and collected, inspection reports and notices and orders issued. All such records shall be public records open to public inspection during business hours.
- B. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Department of Buildings, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or litigation pending.

§ 9-7. Cooperation of other departments and officials

The Code Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Police, Fire and Health Departments and of all municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

Town of Schodack

Chapter 74. ADULT BUSINESSES

§ 74-1. Title.

This local law shall be known and may be cited as "A Local Law Regulating Adult Business in the Town of Schodack."

§ 74-2. Intent.

- A. The purpose of this chapter is to promote the health, safety, and general welfare of the residents of the Town of Schodack, to provide standards for the safe provision of adult businesses, and to minimize any potential adverse effects which may result from adult businesses.
- B. This regulatory strategy is designed to avoid the negative secondary effects associated with a concentration of adult businesses, and to insulate residential areas and sensitive uses. The Town of Schodack wishes to minimize the negative secondary effects adult business uses have on the quality of life in the Town, on the crime rate, on its reputation and the perception of others and the associated straining of services.
- C. It is not the intent of the Town of Schodack in adopting this chapter to:
 - (1) Deny any person the right of free expression guaranteed by the United States Constitution and the New York State Constitution as may be expressed and presented in the form of goods and services offered by adult businesses; or
 - (2) Impose upon any person any additional limitations or restrictions upon the right of free expression, guaranteed by the United States Constitution and the New York State Constitution, as may be expressed and presented in the form of goods and services offered by adult businesses beyond those granted to the Town under the United States Constitution, the New York State Constitution and the laws of the State of New York regarding the time, place and manner of that free expression; or
 - (3) Impose upon any person any additional limitations or restrictions upon the right to obtain, view or partake of any communications guaranteed by the United States Constitution and the New York State Constitution as may be expressed and presented in the form of goods and services offered by adult businesses, beyond those granted to the Town under the United States Constitution, the New York State Constitution and the laws of the State of New York regarding the time, place and manner of that free expression; or
 - (4) Estimate, decide, determine, resolve, consider, conclude, judge or qualify in any manner or fashion the quality or value of the content, nature, message, form, format, appearance, substance or presentation of the free expression guaranteed by the United States Constitution and the New York State Constitution as may be expressed and presented in the form of goods and services offered by adult businesses.

§ 74-3. Findings.

- A. The Town of Schodack undertook a study to identify possible negative secondary effects that the Town might reasonably expect as a result of the location of an adult business within its borders and how these effects can be addressed. A negative secondary effect is one that happens to be associated with a type of speech, such as the deterioration of neighborhoods in relation to the presence of adult businesses, but is not the direct result of the speech itself. The concern that triggered this study was the possible negative secondary effects of adult businesses and not the materials and services provided by such establishments. The study looked at the negative secondary effects of adult businesses documented by other communities and applied them to the Town of Schodack.
- B. Based on studies performed by other municipalities, Schodack can expect to see residents' quality of life deteriorate with the unplanned addition of adult businesses. As with other rural areas, the shock of noise, parking

problems, lights, nighttime activity and litter will be more acutely felt than in a larger municipality. Schodack can expect to see an increase in crime, including prostitution, causing its resources to be strained by the increased demand on police services. The lack of anonymity in rural areas that is found in more urban settings can increase residents' fear of reprisals and recriminations if they complain. Studies have found that the character of a neighborhood can change dramatically when there is a concentration of adult businesses, including those that serve alcohol, adjacent to residential property. Additionally, housing values are lower in areas with three or more adult businesses than they are in areas with only one such business.

§ 74-4. Definitions.

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

ADULT BOOKSTORE, ADULT VIDEOSTORE, and ADULT NOVELTY SHOP

A public or private establishment having as a portion of its stock-in trade books, magazines, marital aids or novelties, films for sale/rent or viewing on premises, periodicals or materials or on-premises modeling of clothing and/or accessories; where such goods or services are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or an establishment with a segment or section devoted to the sale, rental or display of such goods or services.

ADULT BUSINESS

Includes an adult bookstore, adult video store, adult novelty shop, adult entertainment cabaret, adult motion-picture theater, adult drive-in theater, adult physical contact establishment and adult mini-motion-picture theater.

ADULT DRIVE-IN THEATER

A drive-in theater utilized for the presentation of materials distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT ENTERTAINMENT CABARET

A public or private establishment which permits or suffers or allows topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers whose performances are characterized by specified anatomical areas.

ADULT MINI-MOTION-PICTURE THEATER

A public or private establishment in an enclosed building with a capacity of fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTION-PICTURE THEATER

A building with a capacity of 50 persons or more used for presenting material distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT PHYSICAL CONTACT ESTABLISHMENT

Any establishment which offers or purports to offer massage or other physical contact to patrons of either gender by employees or staff of either gender. Medical offices, offices of persons licensed or authorized under the Education Law to practice massage therapy, offices of persons licensed or otherwise authorized by the Education Law as a physical therapist or physical therapist assistant and electrolysis, karate, judo and dance studios are not to be considered adult physical contact establishments under this section.

CODE ENFORCEMENT OFFICER

A town employee appointed by the Town Board and charged with the responsibility of administering and enforcing this chapter, as well as the New York State Uniform Fire Prevention and Building Code, as amended, and related regulations. Reference to Code Enforcement Officer may be construed to include Building Inspector, Fire Inspector and the like where applicable.

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or breast below a point immediately above the top of the areola.
- B. Human genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY

- A. Human genitals in the state of sexual stimulation or arousal.
- B. Any act of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of the human genitals, pubic region, buttock or breasts.

§ 74-5. Restrictions.

All adult businesses shall be subject to the following restrictions:

- A. Adult businesses shall be permitted in that portion of the Regional Commercial (RC) Zone as defined in Chapter 219, Zoning, as follows: all those lands bounded and described as follows: beginning at the intersection of the Columbia County line and running in a northerly direction along, east of US Route 9 to the southern boundary of lands owned by the New York State Thruway Authority, commonly known as the "Berkshire Spur," for a depth not to exceed 500 feet from the easterly right-of-way of US Route 9.
- B. Adult businesses shall comply with the following setback, frontage and lot size dimensional requirements:
 - (1) All buildings shall be set back not less than 100 feet from the public right-of-way. The one-hundred-foot setback area shall be landscaped with grass, trees, and shrubs and shall be curbed at the street. No parking will be allowed in this area. Pedestrian circulation, utility facilities, and accessways shall be allowed in this area.
 - (2) All buildings shall have side and rear yards that are a minimum of 50 feet.
 - (3) Minimum lot widths for an adult business shall be 250 feet, and the building or other structures on the lot shall not cover more than 50% of the gross area of the lot.
 - (4) No building shall have a height greater than 35 feet.
- C. Adult businesses shall comply with the following distancing requirements:
 - (1) No adult business use shall be permitted on a parcel which has a boundary within 500 feet of the parcel boundary of another existing adult business.
 - (2) No building or structure associated with an adult business shall be located within 100 feet of any boundary of any other zoning district.
 - (3) No building or structure associated with an adult business shall be located within 500 feet of existing residential dwelling units, churches or places of worship, private or public schools, preschools or day-care centers.
- D. Adult businesses shall comply with the following site planning requirements:
 - (1) No adult business shall be conducted in any manner that permits the observation of any material that depicts, describes, or relates to specified sexual activities or specified anatomical areas from any public right-of-way or from any property not registered as an adult business. This provision shall also apply to any display, decoration, sign, show window, or other opening.
 - (2) Only one on-site sign shall be permitted. Said sign shall only display the business name and/or hours of operation, and shall otherwise be in compliance with all other requirements of Chapter 219 of the Town of Schodack Code and by approval of the Planning Board.
 - (3) Adult businesses shall provide a minimum of one parking space for each 100 square feet of gross floor area, and one parking space for each employee. A parking space shall not be less than 10 feet by 20 feet. Parking for more than 50 vehicles shall delineate fire lanes and handicapped parking.

- (4) No driveway shall be located less than 50 feet from an intersection, less than 20 feet from a property line, and be less than 20 feet in width.
 - (5) Adult businesses shall provide commercial refuse container(s) placed on a concrete slab which is screened from view and is located so as to permit safe and easy removal of refuse by hand or truck.
 - (6) All exterior lighting shall be approved by the Planning Board.
 - (7) Fencing shall be provided along all side and rear lot lines to minimize visual conflicts with adjacent land uses, and shall be in compliance with all requirements of Chapter 219 of the Town of Schodack Code. Fencing shall be of material sufficient to screen adjoining properties and not be less than six (6) feet in height nor more than eight (8) feet in height in side or rear yards nor more than four (4) feet in height when erected within 15 feet of the front lot line or highway right-of-way.
 - (8) Driveways, accessways, parking lots, and walkways shall be paved with asphalt or concrete and shall be curbed.
- E. No adult business shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any alcohol beverage for consumption on or off the premises.
- F. No person under the age of 18 shall be permitted within the premises of an adult business.

§ 74-6. Permit required.

No person shall engage in, conduct, or carry on an adult business in the Town of Schodack unless a complete application therefore has been submitted, approved, and a permit is issued by the Town of Schodack Building Department and a certificate of occupancy has been issued.

- A. Each application for an adult business shall be submitted to the Director of Planning and Zoning for review by the Town of Schodack Planning Board, containing all the information described below, and be accompanied by a nonrefundable application fee of \$2,500. If the applicant is a corporation or a partnership, the following information shall be provided for each partner or officer or director of the corporation and each of the stockholders owning more than 10% of the stock of the corporation:
- (1) The name, residential street address, and residential mailing address (if different) of the applicant.
 - (2) The street address and mailing address (if different) of the proposed adult business.
 - (3) All other residences of the applicant for the three-year period immediately preceding the date of the application.
 - (4) The business, occupation, or employment of the applicant for the three-year period immediately preceding the date of the application.
 - (5) Written proof that the applicant is 18 years of age or older.
 - (6) A complete set of the applicant's fingerprints.
 - (7) A description of the facilities and services to be available on the premises of the proposed adult business.
 - (8) The history of the applicant in the operation of similar establishments of businesses, including, but not limited to, whether or not the person, if previously operating in this state or another city or state under license, has had such permit revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action or suspension or revocation.
 - (9) The criminal record, if any, other than traffic violations, of the applicant; if the applicant is an association or partnership, the criminal record of each associate or partner.
 - (10) A scaled site plan in compliance with the Town of Schodack site plan review requirements Chapter 219, Zoning Article XI.
- B. Upon receipt of a complete application and fee as provided for above, the Director of Planning and Zoning shall make or cause to be made a thorough investigation of the applicant's criminal record, and shall, within 30 days, submit the application to the Town of Schodack Planning Board for review.

§ 74-7. Approval, denial, suspension or revocation of permit.

- A. Permit approval. A permit application may be denied by the Planning Board where it appears that the applicant has [1] been convicted of any offense involving, promoting or permitting prostitution; promotion of obscenity; dissemination of indecent materials to minors or public display of offensive sexual material, or [2] has made a false statement on an application for a permit, or [3] has previously owned or operated an adult business which resulted in suspension or revocation of permits or licenses, or [4] has committed an act in violation of this chapter. The Planning Board shall give the applicant written notice specifying the grounds for permit denial.
- B. Permit suspension. A permit may be suspended by the Code Enforcement Officer where it appears that the permit holder has committed an act in violation of this chapter. The Code Enforcement Officer shall give the permit holder a written notice which shall: direct the permit holder to immediately cease operation of the business; specify the grounds for suspension; specify the action(s) that the permit holder must undertake to correct the violation; designate a ten-day time period from the date of said notice for all violations to be corrected to the satisfaction of the Code Enforcement Officer; and specify that if the violations are not adequately corrected within the ten-day time period, the permit shall be immediately revoked. The permit holder may, within 10 days from the date of suspension, file a written request with the Zoning Board of Appeals for a hearing. The Zoning Board of Appeals shall make a determination within 62 days of the hearing. If the Zoning Board of Appeals determines the permit was properly suspended, the adult business shall continue not to operate, and the permit holder shall have 10 days from the date of receipt of the Zoning Board of Appeals' determination to correct the violation(s) to the satisfaction of the Code Enforcement Officer. If the violation(s) are adequately corrected, the Code Enforcement Officer shall immediately reinstate the permit and the adult business shall be allowed to resume operation. If the violation(s) are not adequately corrected, the Code Enforcement Officer shall immediately revoke the permit following the procedures described below.
- C. Permit revocation. A permit may be revoked by the Code Enforcement Officer where it appears that the permit holder has not corrected violations pertaining to a previously issued suspension notice, or has committed an act in violation of this chapter. A permit shall be automatically revoked if the permit holder receives more than three separate suspensions. The Zoning Enforcement Officer shall give the permit holder a written notice directing the permit holder to immediately terminate operation of the business and shall specify the grounds for revocation.

§ 74-8. Penalties for offenses.

- A. A violation of any provision of this chapter shall constitute a violation, and shall be subject to suspension of the permit and punishable by a fine of \$350 for the first suspension; \$750 for a second suspension; and \$1,000 for a third and final suspension. A permit shall be automatically revoked if the permit holder receives more than three separate suspensions.
- B. If an adult business operates without a permit, or unlawfully operates after a permit was properly suspended or revoked, such violation shall be punishable by a fine of \$1,000 and/or by imprisonment for up to 15 days. Each day such a violation continues shall constitute a separate offense.

Town of Schodack

Chapter 90. BUILDING CODE ADMINISTRATION

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§ 90-1. Purpose.

This Chapter provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Schodack. This Chapter is adopted pursuant to § 10 of the New York State Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this Chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this Chapter.

§ 90-2. Definitions.

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

BUILDING AND ZONING PERMIT

A permit issued pursuant to § 90-4 of this Chapter, Chapter 219 Zoning, or any other Chapter of the Town of Schodack Town Code. The term "building and zoning permit" shall also include a building and zoning permit which is renewed, amended or extended pursuant to any provision of this Chapter.

CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE

A certificate, issued in accordance with this Chapter by the Code Enforcement Officer, certifying that a building, structure, or use complies with the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code), Town of Schodack Chapter 219 Zoning, and any other Chapter of the Town of Schodack Town Code, and that the same may be used for the purposes stated on the permit.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer appointed by the Town Board pursuant to Town of Schodack Chapter 9 Code Enforcement Officer.

ENERGY CODE

The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

OPERATING PERMIT

A permit issued pursuant to this Chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this Chapter.

ORDER TO REMEDY

An order issued by the Code Enforcement Officer pursuant to this Chapter.

PERMIT HOLDER

The person to whom a building and zoning permit has been issued.

PERSON

An individual, corporation, limited-liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP-WORK ORDER

An order issued pursuant to this Chapter.

TEMPORARY CERTIFICATE

A certificate issued pursuant to this Chapter.

TOWN

The Town of Schodack.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 90-3. Code Enforcement Officer(s).

- A. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code, this Chapter, the Town of Schodack Chapter 219 Zoning Code, and other Chapters of the Town of Schodack Town Code. The Code Enforcement Officer shall have the following powers and duties:
- (1) To receive, review, and approve or disapprove applications for building and zoning permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;
 - (2) To undertake the review and approval of the following types of applications associated with the Town Center (TC) District regulations found in the Town of Schodack Chapter 219 Zoning and any necessary coordination with emergency responders, highway or other agency to ensure consistency with other regulations as deemed necessary:
 - (a) Simple renovations such as door and window changes, re-siding, re-roofing, and enclosing entryways as prescribed by the Town Center approval;
 - (b) Compliance with conditions of approval as specified in a prior written decision of the Planning Board; and
 - (c) Minor amendments to development applications previously approved by the Planning Board where the proposed amendment otherwise qualifies for administrative review in accordance with Town of Schodack Chapter 219 Zoning and will not substantively alter any findings of fact or Planning Board decision and related conditions of approval.
 - (3) Upon approval of such applications, to issue building and zoning permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, the Code Enforcement Officer may include terms and conditions as determined to be appropriate by the Code Enforcement Officer;
 - (4) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this Chapter;
 - (5) To issue stop-work orders;
 - (6) To review and investigate complaints;
 - (7) To issue compliance orders pursuant to this Chapter;
 - (8) To maintain records;
 - (9) To collect fees on behalf of the Town as set by the Town Board of this Town;
 - (10) To pursue administrative enforcement actions and proceedings;
 - (11) In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this Chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this Chapter; and
 - (12) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Chapter.
- B. The Code Enforcement Officer shall be appointed by the Town Board of this Town in accordance with the Town of Schodack Chapter 9 Code Enforcement Officer. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code

enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board of this Town to serve as Acting Code Enforcement Officer in accordance with the Town of Schodack Chapter 9 Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this Chapter.
- D. One or more code enforcement officers may be appointed by the Town Board of this Town to act under the supervision and direction of the Code Enforcement Officer who shall as the supervisor and director of all code enforcement in the town in accordance with the Town of Schodack Chapter 9 Code Enforcement Officer.
- E. Each code enforcement officer shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement officers shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- F. The compensation for the Code Enforcement Officer shall be fixed from time to time by the Town Board in accordance with the Town of Schodack Chapter 9 Code Enforcement Officer.

§ 90-4. Building and Zoning permits.

- A. Building and zoning permits required. Except as otherwise provided in Subsection B of this section, no person, firm, corporation or other legal entity shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of the occupancy of any building or structure or excavate or grade land or cause the same to be done without first obtaining a separate building and zoning permit from the Code Enforcement Officer for each such building or structure as required pursuant to the Town of Schodack.
- B. Exemptions. No building and zoning permit shall be required for work in any of the following categories:
 - (1) Installation of swings and other playground equipment associated with a one- or two-family dwelling or townhouse dwellings;
 - (2) Installation of swimming pools associated with a one- or two-family dwelling or townhouse dwellings where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (3) Construction of retaining walls, unless such walls support a surcharge or impound Class I, II or IIIA liquids, except as otherwise provided in Chapter 219 of the Code of the Town of Schodack;
 - (4) Construction of temporary motion-picture, television and theater stage sets and scenery;
 - (5) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or townhouse dwellings, except as otherwise provided in Chapter 219 of the Code of the Town of Schodack;
 - (6) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (7) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (8) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (9) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load-bearing component;
 - (b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or
 - (d) The removal from service of all or part of a fire protection system for any period of time, except as otherwise provided in Chapter 219 of the Code of the Town of Schodack.

- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building and zoning permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. Applications for building and zoning permits. Applications for a building and zoning permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
 - (1) A description of the proposed work;
 - (2) The Tax Map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) At least two sets of construction documents (drawings and/or specifications) which:
 - (a) Define the scope of the proposed work;
 - (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
 - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
 - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- E. Construction documents. Construction documents will not be accepted as part of an application for a building and zoning permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building and zoning permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building and zoning permit will be issued. Work shall not be commenced until and unless a building and zoning permit is issued.
- F. Issuance of building and zoning permits. An application for a building and zoning permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a building and zoning permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- G. Building and zoning permits to be displayed. Building and zoning permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be performed in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building and zoning permit. The building and zoning permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building and zoning permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building and zoning permit, such change shall not be made until and unless a new or amended building and zoning permit reflecting such change is issued.

- I. Time limits. Building and zoning permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building and zoning permits shall expire 12 months after the date of issuance. A building and zoning permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. Revocation or suspension of building and zoning permits. If the Code Enforcement Officer determines that a building and zoning permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building and zoning permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the building and zoning permit or suspend the building and zoning permit until such time as the permit holder demonstrates that all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 90-16, Fees, of this Chapter must be paid at the time of submission of an application for a building and zoning permit, for an amended building and zoning permit, or for renewal of a building and zoning permit.

§ 90-5. Construction inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
 - (1) Work site prior to the issuance of a building and zoning permit;
 - (2) Footing and foundation;
 - (3) Preparation for concrete slab;
 - (4) Framing;
 - (5) Building systems, including underground and rough-in;
 - (6) Fire-resistant construction;
 - (7) Fire-resistant penetrations;
 - (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) A final inspection after all work authorized by the building and zoning permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 90-16, Fees, of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 90-6. Stop-work orders.

- A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:
 - (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building and

- zoning permit is required, and without regard to whether a building and zoning permit has or has not been issued for such work; or
- (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building and zoning permit is required, and without regard to whether a building and zoning permit has or has not been issued for such work; or
 - (3) Any work for which a building and zoning permit is required which is being performed without the required building and zoning permit, or under a building and zoning permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop-work orders. Stop-work orders shall be in writing, be dated and signed by the Code Enforcement Officer, state the reason or reasons for issuance, and, if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail, return receipt requested. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail, return receipt requested; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.
- E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 90-15, Enforcement; penalties for offenses, of this Chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 90-7. Certificates of occupancy/certificates of compliance.

- A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building and zoning permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building and zoning permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.
- B. Issuance of certificates of occupancy/certificates of compliance. The Code Enforcement Officer shall issue a certificate of occupancy/ certificate of compliance if the work which was the subject of the building and zoning permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/certificate of compliance:
- (1) A written statement of structural observations and/or a final report of special inspections; and
 - (2) Flood hazard certifications.
- C. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

- (1) The building and zoning permit number, if any;
 - (2) The date of issuance of the building and zoning permit, if any;
 - (3) The name, address and Tax Map number of the property;
 - (4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
 - (5) The use and occupancy classification of the structure;
 - (6) The type of construction of the structure;
 - (7) The assembly occupant load of the structure, if any;
 - (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) Any special conditions imposed in connection with the issuance of the building and zoning permit; and
 - (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.
- D. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building and zoning permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.
- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 90-16, Fees, of this Chapter must be paid at the time of submission of an application for a certificate of occupancy/ certificate of compliance or for a temporary certificate.

§ 90-8. Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§ 90-9. Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Chapter 99 of the Code of the Town of Schodack, as now in effect or as hereafter amended from time to time.

§ 90-10. Operating permits.

- A. Operating permits required.
- (1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

- (a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;
 - (b) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (c) Use of pyrotechnic devices in assembly occupancies;
 - (d) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
 - (e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.
- (2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.
- B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. Inspections. The Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.
- D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code
- F. Enforcement Officer to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.
- G. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- H. Fee. The fee specified in or determined in accordance with the provisions set forth in § 90-16, Fees, of this Chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 90-11. Fire safety and property maintenance inspections.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer at the following intervals:
- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.

- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed at least once every 36 months.
- B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer at any time upon: the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- C. Fee. The fee specified in or determined in accordance with the provisions set forth in § 90-16, Fees, of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 90-12. Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this Chapter, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

- A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 90-15, Enforcement; penalties for offenses, of this Chapter;
- C. If appropriate, issuing a stop-work order;
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 90-13. Condition Assessments of Parking Garages.

- A. Definitions. For the purposes of this section:
 - (1) The term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
 - (2) The term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
 - (3) The term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
 - (a) Buildings in which the only level used for parking or storage of motor vehicles is on grade;
 - (b) An attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and
 - (c) A townhouse unit with attached parking exclusively for such unit;

- (4) The term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations.
 - (5) The term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
 - (6) The term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the 2015 edition of the International Property Maintenance Code (a publication currently incorporated by reference in 19 NYCRR Part 1226); and
 - (7) The term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- B. Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town of Schodack, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.
- C. Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:
- (1) New parking garages shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure,
 - (2) Existing parking garages shall undergo an initial condition assessment as follows:
 - (i) If originally constructed prior to January 1, 1984, then prior to October 1, 2019;
 - (ii) If originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
 - (iii) If originally constructed between January 1, 2003 and the effective date of the rule adding this subdivision to 19 NYCRR section 1203.3, then prior to October 1, 2021.
- D. Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.
- E. Additional Condition Assessments.
- (1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the Town of Schodack shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.
 - (2) If the Town of Schodack becomes aware of any new or increased deterioration which, in the judgment of the Town of Schodack, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the Town of Schodack shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the

portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town of Schodack to be appropriate.

- F. Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town of Schodack within thirty (30) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:
- (1) An evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;
 - (2) An evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;
 - (3) An evaluation and description of the unsafe conditions;
 - (4) An evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (5) An evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (6) An evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;
 - (7) The responsible professional engineer's recommendation regarding preventative maintenance;
 - (8) Except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and
 - (9) The responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.
- G. Review Condition Assessment Reports. The Town of Schodack shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town of Schodack shall, by Order to Remedy or such other means of enforcement as the Town of Schodack may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town of Schodack to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.
- H. The Town of Schodack shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town of Schodack with a written statement attesting to the fact that he or she has been so engaged, the Town of Schodack shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town of Schodack shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

- I. This section shall not limit or impair the right or the obligation of the Town of Schodack:
 - (1) To perform such construction inspections as are required by section 5 of this Chapter;
 - (2) To perform such periodic fire safety and property maintenance inspections as are required by section 11 of this Chapter; and/or
 - (3) To take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town of Schodack by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 90-14. Recordkeeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:
 - (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All building and zoning permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All other features and activities specified in or contemplated by §§ 90-4 through 12, inclusive, of this Chapter; and
 - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 90-15. Program review and reporting.

- A. The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer(s), including a report and summary of all transactions and activities described in § 90-13, Recordkeeping, of this Chapter and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 90-16. Enforcement; penalties for offenses.

- A. Orders to Remedy. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this Chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue an Order to Remedy.
 - (1) An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter; shall specify the provision

or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

“The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy.”

- (2) The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this Chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.
- B. Appearance tickets. The Code Enforcement Officer(s) are authorized to issue appearance tickets for any violation of the Uniform Code.
- C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this Chapter, or any term or condition of any building and zoning permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town.
- D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this Chapter, or any term or condition of any building and zoning permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this Chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this Chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this Chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of this Town.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 90-6, Stop-work orders, of this Chapter, in any other section of this Chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 90-6, Stop-work orders, of this Chapter, in any other section of this Chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 90-17. Fees.

A fee schedule shall be established from time to time by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building and zoning permits, amended building and zoning permits, renewed building and zoning permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this Chapter.

§ 90-18. Intermunicipal agreements.

The Town Board of this Town may, by resolution, authorize the Supervisor of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this Chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 90-19. Partial Invalidity.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

§ 90-20. Effective Date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Town of Schodack

Chapter 99. BUILDINGS, UNSAFE

§ 99-1. Intent.

Pursuant to Town Law § 130, the town desires to regulate unsafe buildings and collapsed structures for the health, welfare and safety of its citizens and hereby enacts a new Chapter 99 to be known as the "Unsafe Buildings and Collapsed Structure Law for the Town of Schodack."

§ 99-2. Procedure.

The town may order the removal or repair of buildings or structures that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public.

- A. Upon an inspection and report by an official or other person duly appointed by the Town Board, including but not limited to the Code Enforcement Officer that a building or structure shall be repaired or removed, the Town Board shall order a hearing be held relating thereto.
- B. A notice shall be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the receiver of taxes and/or in the office of the County Clerk, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring the same to be made safe and secure or removed and, if such service be made by registered mail, for a copy of such notice to be posted on the premises.
- C. A person or entity served with such notice shall commence the securing or removal of buildings or structures, as specified in said notice, within 30 days of the service of said notice, which shall be completed within 60 days thereafter unless otherwise provided by the Town Board.
- D. A copy of such notice shall be filed in the office of the Rensselaer County Clerk, which notice shall be filed by such 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 a notice of pendency as therein provided, except as otherwise hereinafter provided in this subsection. A notice so filed shall be effective for a period of one year from the date of filing provided, however, that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Town Attorney. The Rensselaer County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.
- E. A hearing shall be held before the Town Board, notice of which and the time and place thereof to be specified in the notice to repair or demolish the building or structure as served upon the owner; the Schodack Historic Preservation Commission, if the subject property is designated or is in a designated district; and such other persons having an interest in the property or structure as is herein prescribed.
- F. The Town Board may order the removal or repair of such building or structure by the town in the event that such owner fails or refuses to repair or remove the same within the time provided.
- G. The town shall assess all costs and expense incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, against the land on which said buildings or structures are located; and such charges shall be levied and collected in the same manner as provided by law for the levy and collection of taxes.

Town of Schodack

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Attachment 1: Town of Schodack Standard Details

ARTICLE I. Policy

§ 188-1. Declaration of policy; title.

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

ARTICLE II. Terminology

§ 188-2. Definitions.

For the purpose of these regulations, certain words and terms used herein are defined as follows:

CLUSTER DEVELOPMENT

A development pattern in which uses are grouped or clustered, rather than spread evenly throughout a parcel as in conventional lot-by-lot development.

CODE ENFORCEMENT OFFICER

A Town employee appointed by the Town Board and charged with the responsibility of administering and enforcing this Chapter, as well as the New York State Uniform Fire Prevention and Building Code, as amended, and related regulations. Reference to Code Enforcement Officer may be construed to include Building Inspector, Fire Inspector and the like where applicable.

COLLECTOR STREET

A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.

CROSS LOT DRAINAGE

Cross-lot drainage means a system of drainage in which water from one parcel drains across one or more other parcels prior to reaching a public street, or other storm drainage system.

CRITICAL DRAINAGE STRUCTURE

A critical drainage structure is a stormwater conveyance that is required to pass the design storm and or will or may be associated with an area where there are known flooding problems and or if the drainage structure failed in any manner could potentially affect the health and welfare of people, property or local infrastructure.

DEAD-END STREET OR CUL-DE-SAC

A street or a portion of a street with only one vehicular traffic outlet.

DIRECTOR OF PLANNING AND ZONING

A Town employee appointed by the Town Board and charged with the responsibility of serving the Town of Schodack Planning Board and the Town of Schodack Zoning Board of Appeals in assisting with development applications and other powers as may be designated herein.

EASEMENT

The authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER OR LICENSED PROFESSIONAL ENGINEER

A person licensed as a professional engineer by the State of New York.

MAJOR STREET

A street which serves or is designed to serve heavy flows of traffic and is used primarily as a route for traffic between communities and/or other heavy-traffic-generating areas.

MAJOR SUBDIVISION

Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots within a thirty-six-month period or any size subdivision requiring any new public or private street or extension of municipal facilities.

MASTER OR COMPREHENSIVE PLAN

A Comprehensive Plan, approved by the Town Board pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

THE PROBABLE MAXIMUM FLOOD (PMF)

The PMF is the flood (based upon the Probable Maximum Precipitation and the Probable Maximum Storm) that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in a particular drainage area. The PMF is as determined in accordance with the US Army Corps of Engineers Hydrologic Engineering Center "HMR52 Probable Maximum Storm (Eastern United States)

MINOR STREET

A street intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION

Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map or Zoning Law ¹ or these regulations.

OFFICIAL MAP

The map established by the Town Board pursuant to § 270 of the Town Law, showing streets, highways and parks and drainage, both existing and proposed.

PLANNING BOARD OR BOARD

The Planning Board of the Town of Schodack, appointed by the Town Board pursuant to the NYS Town Law, having such powers and duties as are set out in the NYS Town Law, in this law and as lawfully may be further provided by the Town Board.

PLANNING BOARD ENGINEER

The duly designated Engineer of the Town of Schodack.

PRELIMINARY PLAT

A drawing or drawings, clearly marked "preliminary plat," showing the layout of a proposed subdivision, as specified in this Chapter, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

RESERVE STRIP

A strip of land, which might be used to control access from a proposed subdivision to any neighboring property or to any land within the subdivision itself, shall be prohibited.

SEQR

The State Environmental Quality Review Act, 6 NYCRR 617, whose statutory authority is Environmental Conservation Law § 8-0113.

SITE PLAN

That map or drawing and related information submitted for review by the Planning Board in accordance with the requirements and procedure specified in Chapter 219.

SITE PLAN DEVELOPMENT

A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SKETCH PLAN

¹ Editor's Note: See Ch. 219, Zoning.

A sketch of a proposed subdivision showing the information specified in this Chapter to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

STREET

Includes streets, roads, avenues, lanes or other trafficways, between right-of-way lines.

STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

The width of right-of-way, measured at right angles to the center of the street.

SUBDIVIDER

Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION

The division of any parcel of land into two or more lots, blocks or sites, with or without streets or highways, and includes resubdivision; provided, however, that this shall not apply to a lot line adjustment for which a waiver has been granted by the Planning Board pursuant to this Chapter.

SUBDIVISION PLAT OR FINAL PLAT

A drawing, in final form, showing a proposed subdivision, containing all information or detail required by the law and by these regulations, to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Register.

SURVEYOR

A person licensed as a land surveyor by the State of New York.

SWPPP

A Storm Water Pollution Prevention Plan meeting the requirements of the latest issuance of the New York State Department of Environmental Conservation (NYS DEC) SPDES General Permit for Stormwater Discharges from Construction Activity also meeting the requirements of the NYS DEC Stormwater Design Manual and the NYS DEC Standards and Specifications for Erosion and Sediment Control, latest editions.

TOWN

The Town of Schodack.

ARTICLE III. Application Procedure

§ 188-3. Application required; information to be provided.

- A. Whenever any subdivision of land is proposed to be made and before any contract for the sale of or any offer to sell any lots in such subdivision or any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply, in writing, for approval of such proposed subdivision in accordance with the following procedures.
- B. The application shall be submitted, signed and acknowledged by the legal owner of record or equitable contract owner(s) of all rights to the real property in the entire area to be included within the subdivision.
 - (1) If the applicant is an individual, he/she shall set forth his/her name and residence.
 - (2) If the applicant is a partnership, joint venture or other business entity, except a corporation, it shall set forth:
 - (a) The name and address of the business entity or partnership.
 - (b) The date established or created.
 - (c) Where created or established.
 - (d) The names and residences of all parties in interest, showing the nature and extent of the interest.
 - (3) If the applicant is a corporation, it shall set forth the following;
 - (a) The name and address of the corporation.
 - (b) The date, place and method of incorporation.
 - (c) The name and residence of each officer.
 - (d) The name and address of the agent for service.

§ 188-4. Sketch plan.

- A. Submission of sketch plan. Any owner of land shall, prior to subdividing or re-subdividing land, submit to the Director of Planning and Zoning, at least 10 days prior to the regular meeting of the Board, ten (10) copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article V, § 188-19, for the purposes of classification and preliminary discussion.
- B. Discussion of requirements and classification.
 - (1) The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
 - (2) Classification of the sketch plan is to be made at this time by the Planning Board as to whether it is a minor or a major subdivision, as defined in these regulations. The Board may require, however, when it deems it necessary for protection of the public health, safety and welfare, that a minor subdivision comply with all or some of the requirements specified for major subdivisions. If the sketch plan is classified as a minor subdivision, the subdivider shall then comply with the procedure outlined in Article III, §§ 188-5, 188-9 and 188-11, of these regulations. If it is classified as a major subdivision, the subdivider shall then comply with the procedures outlined in Article III, §§ 188-6, 188-7, 188-9, 188-10 and 188-11.
- C. Study of sketch plan. The Planning Board shall determine whether the sketch plan meets the purposes of these regulations and shall, where it deems it necessary, make specific recommendations, in writing, to be incorporated by the applicant in the next submission to the Planning Board.

§ 188-5. Approval of minor subdivision.

- A. Application and fee.
 - (1) Within six months after classification of the sketch plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so shall require resubmission of the sketch plan to the Planning Board for reclassification. The plat shall conform to the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article V, § 188-20A.
 - (2) All applications for plat approval for minor subdivisions shall be accompanied by payment of the fee set forth in the schedule of fees established from time to time by resolution of the Town Board and on file in the offices of the Town Clerk and the Director of Planning and Zoning.
- B. Number of copies. Ten (10) copies of the subdivision plat shall be presented to the Director of Planning and Zoning at the time of submission of the subdivision plat.
- C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.
- D. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date on which the application for plat approval, complete and accompanied by the required fee and all data required by Article V, § 188-20, of these regulations, has been filed with the Director of Planning and Zoning. Should the Planning Board determine that the plat is incomplete, it shall be returned to the applicant with the deficiencies noted.
- E. Public hearing. A public hearing shall be held by the Planning Board within 62 days from the time of submission of a subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least five days before such hearing.
- F. Action on subdivision plat
 - (1) The Planning Board shall, within 62 days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Also, the time in which the Planning Board must act shall be automatically extended as required until the SEQR process has been completed. Failure of the Planning Board to act within such sixty-two-day period, except as noted above, shall constitute approval of the plat.
 - (2) Upon granting conditional approval, with or without modification, to the plat, the Planning Board shall empower a duly authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five days of the resolution granting conditional approval, the plat shall be certified by the Director of Planning and Zoning as conditionally approved and a copy filed in the Director's office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly designated officer of the Planning Board. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature if, in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

§ 188-6. Preliminary plat for major subdivision.

- A. Application and fee.
 - (1) Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the approval of a preliminary plat of the proposed subdivision. Such preliminary plat shall be clearly marked "preliminary plat" and shall be in the form described in Article V, § 188-21, of these regulations, except where a waiver may be specifically authorized by the Planning Board. The preliminary plat shall in all respects comply with

the requirements set forth in the provisions of §§ 276 and 277 of the Town Law and Article V, § 188-21, of these regulations, except where a waiver may be specifically authorized by the Planning Board.

- (2) The application for approval of the preliminary plat shall be accompanied by a fee set forth in the schedule of fees established from time to time by resolution of the Town Board and on file in the offices of the Town Clerk and Director of Planning and Zoning.
- B. Number of copies. Ten (10) copies of the preliminary plat shall be presented to the Director of Planning and Zoning at the time of submission of the preliminary plat.
 - C. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
 - D. Study of preliminary plat. The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the lands being subdivided. Particular attention shall be given to the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided and the requirements of the Master Plan, the Official Map and Zoning Regulations, if such exist.²
 - E. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article V, § 188-21, of these regulations, has been filed with the Director of Planning and Zoning. Should the Planning Board determine that the plat is incomplete, it shall be returned to the applicant with the deficiencies noted.
 - F. Approval of the preliminary plat.
 - (1) Within 62 days after the time of submission of a complete preliminary plat to the Director of Planning and Zoning, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. Within 62 days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat, and the grounds of a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. Also, the time in which the Planning Board must take action shall be automatically extended as required until the SEQR process has been completed. When so approving a preliminary plat, the Planning Board shall state, in writing, modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat, it shall be certified by the Director of Planning and Zoning as granted preliminary approval and a copy filed in his/her office and a copy of the resolution shall be mailed to the owner. Failure of the Planning Board to act within such sixty-two-day period, except as noted, shall constitute approval of the preliminary plat.
 - (2) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the modifications to the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

² Editor's Note: See Ch. 219, Zoning.

§ 188-7. Subdivision plat for major subdivision.

- A. Application for approval and fee. The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application blank available from the Director of Planning and Zoning. All applications for plat approval for major subdivisions shall be accompanied by the fees established from time to time by resolution of the Town Board and on file in the office of the Town Clerk and the office of the Director of Planning and Zoning. If the final plat is not submitted within six months after the approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat. In addition to the fees set forth above, the developer shall pay the Town for all engineering costs required for review of the subdivision plat and all fees for inspection of the project.
- B. Number of copies. A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Director of Planning and Zoning with a copy of the application and ten (10) copies (two (2) copies in ink on Mylar) of the plat; the original and one true copy of all offers of cession, covenants and agreements; and three (3) prints of all construction drawings.
- C. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date on which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article V, § 188-22, of these regulations, has been filed with the Director of Planning and Zoning. Should the Planning Board determine that the plat is incomplete, it shall be returned to the applicant with the deficiencies noted.
- D. Endorsement of state and county agencies.
 - (1) Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Rensselaer County Department of Health and, where applicable, the New York State Department of Environmental Conservation. Applications for approval of plans for sewer, water, or stormwater coverage will be filed by the subdivider with all necessary Town, county and state agencies. Endorsement and approval by the Rensselaer County Department of Health and, where applicable, the New York State Department of Environmental Conservation shall be secured by the subdivider before final approval of the subdivision plat.
 - (2) For subdivisions which are not under the jurisdiction of the Rensselaer County Health Department, on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Rensselaer County Health Department, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- E. Public hearing. Within 62 days of the submission of a complete plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under § 188-6 of this article and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.
- F. Action on proposed subdivision plat. The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat. Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five days of such resolution, the plat shall be certified by the Director of Planning and Zoning as conditionally approved and a copy filed in his/her office and a copy of the resolution shall be mailed to the subdivider. The copy of the resolution mailed to the subdivider shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat. Upon completion of such requirements, the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting final approval, unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature if, in its opinion, such extension is warranted in the circumstances, for not to exceed two additional periods of 90 days each.

§ 188-8. Required improvements.

- A. Improvements and performance bond. Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection A(1) or (2) below:
- (1) In an amount set by the Planning Board, the subdivider shall either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of the Town Law and further shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond, within which time required improvements must be completed.
 - (2) The subdivider shall complete all required improvements in accordance with the Town Subdivision Regulations and Design and Construction Standards and to the satisfaction of the Town Planning Board Engineer, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Town Clerk a bond or certified check covering the costs of such improvements and the costs of satisfactorily installing any improvements not approved by the Town Planning Board Engineer. Any such bond shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety.
 - (3) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Planning Board Engineer and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection A (2), then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection A(1), such bond shall not be released until such a map is submitted.
- B. Modification of design of improvements. If, at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Town Planning Board Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Planning Board Engineer may, authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Planning Board Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board.
- C. Inspection of improvements. All required improvements shall be inspected as detailed in Part 2, Design and Construction Standards, Article VIII, General Provisions.
- D. Proper installation of improvements.
- (1) If the Town Planning Board Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with the Design and Construction Standards and the plans and specifications filed by the subdivider, he shall so report to the Town Planning Board. The Town Planning Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.
 - (2) An escrow account, as specified in § 188-11, shall be established to pay for the fees and/or costs incurred by the Town for construction and inspection of improvements.

§ 188-9. Filing of approved subdivision plat.

- A. Final approval and filing. Upon completion of the requirements in §§ 188-7 and 188-8 above and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not

so filed or recorded within 30 days of the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.

- B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

§ 188-10. Public streets and recreation areas.

- A. Public acceptance of streets. The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Town of any street, easement or other open space shown on such subdivision plat.
- B. Ownership and maintenance of recreation areas.
 - (1) Refer to Design and Construction Standards, § 188-30, Acceptance of improvements.
 - (2) When a park, playground or other recreation area shall have been shown on a plat, the approval of said plat shall not constitute an acceptance by the Town of such area. The Planning Board shall require the plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future deed and title, dedication and provision for the cost of grading, development, equipment and maintenance of any such recreation area.

§ 188-11. Consultant review fees.

The Planning Board may require an applicant for any review, permit or approval to deposit in escrow an amount established by the Planning Board to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application. The fees and/ or costs charged by such engineer, consultant or attorney in connection with such review will be charged against the sum deposited in escrow.

ARTICLE IV. General Requirements

§ 188-12. Requirements to be minimum standards.

In considering applications for the subdivision of land, the Planning Board shall be guided by the general subdivision requirements set forth hereinafter. Said general subdivision requirements shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article VI herein.

§ 188-13. General provisions.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Conformity to Official Map and Master Plan. Subdivisions shall conform to the Official Map of the Town and shall be in harmony with the Master Plan, if such exists.
- C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to Part 2, Design and Construction Standards.

§ 188-14. Layout of streets.

- A. Width, location and construction. Streets shall be of sufficient width, suitably located and adequately constructed to conform to the Master Plan, if such exists, and to accommodate the prospective traffic and afford access for fire-fighting, snow removal and other road maintenance equipment. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system.
- B. Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers and water and drainage facilities. Where, in the opinion of the Planning Board, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified.
- C. Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- D. Provision for future resubdivision. Where a tract is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.
- E. Dead-end or looped streets. The creation of dead-end or looped residential streets is discouraged and shall be limited to 600 feet. Dead-end or loop streets in excess of 600 feet may be allowed by the Board up to 1,200 feet with a boulevard type road entrance/exit. Dead-end or looped streets may be allowed wherever the Board finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end or looped streets, where needed or desirable, the Board may require an extension of the right-of-way to provide for future road connections, continuation of pedestrian traffic, and utilities to the next street. Subdivisions containing 20 lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved subdivision plat for which a bond has been filed. Water distribution mains shall be looped to avoid dead-end conditions.
- F. Block size. In general, no block width shall be less than twice the normal lot in depth. In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a thirty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic, where needed or desirable, and may further specify, at its discretion, that a five-foot-wide paved footpath be included.

- G. Intersections with collector or major arterial roads. Minor or secondary street openings into such roads shall, in general, be at least 500 feet apart.
- H. Street jogs. Street jogs with center-line offsets of less than 125 feet shall be prohibited.
- I. Angle of intersection. In general, all streets shall join each other so that, for a distance of at least 100 feet, the street is approximately at right angles to the street it joins.
- J. Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so that finished floor elevations are above the grade of the streets by a minimum of 18". Grades of streets shall conform as closely as possible to the original topography.
- K. Other required streets. Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- L. Utilities in streets. All utilities shall be placed underground unless a waiver is granted by the Planning Board. The Planning Board shall, wherever possible, require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The subdivider shall install underground service connections to the property line of each lot within the subdivision for each required utility before the street is paved.
- M. Utility easements. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 30 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block to block and shall present as few irregularities as possible. Such easements shall be cleared and graded where required.
- N. Watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the Town Planning Board Engineer.
- O. Free flow of vehicular traffic abutting commercial developments. In front of areas zoned and designed for commercial use or where a change of zoning to a zone which permits commercial use is contemplated, the street width shall be increased by such amount on each side as may be deemed necessary by the Planning Board to assure the free flow of through traffic without interference by parked or parking vehicles and to provide adequate and safe parking space for such commercial or business district.
- P. Sidewalks and bicycle lanes/paths. Unless determined not to be appropriate by the Planning Board, provision shall be made for sidewalks and bicycle lanes/paths.
- Q. All streets in the Town Center District shall be subject to the Town Center Form Based Code regulations in Chapter 219 Zoning.

§ 188-15. Street names.

- A. Type of name. All street names shown on a preliminary plat or subdivision plat shall be approved by the Planning Board. In general, streets shall have names and not numbers or letters.
- B. Names to be substantially different. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name. Generally, no street should change direction by more than 90° without a change in street name.

§ 188-16. Lots.

- A. Lots to be buildable. The lot arrangement shall be such that, in constructing a building in compliance with the Zoning Law,³ there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage the later creation of a second building lot at the front or rear unless allowed within the Town Center Form Based Code (Chapter 219 Zoning).
- B. Side lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a waiver by the Planning Board from this rule will give a better street or lot plan.
- C. Corner lots. In general, corner lots should be larger than interior lots to provide for proper building setback from each street and provide a desirable building site. This shall not apply to the Town Center where standards shall be determined by the Form Based Code (Chapter 219 Zoning).
- D. Driveway access. Driveway access and grades shall conform to specifications contained in Part 2, Design and Construction Standards or Chapter 219 Zoning where applicable Town.
- E. Access from private roads/driveways. Access from private roads/ driveways shall be deemed acceptable only if such roads/driveways are designed and improved in accordance with these regulations.
- F. Monuments and lot corner markers. Permanent granite stone or reinforced concrete monuments shall be set at such block corners, angle points, points of curves in streets and other points as the Town Planning Board Engineer may require. Their location shall be shown on the subdivision plat.

§ 188-17. Drainage improvements.

- A. Removal of spring- and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible or in perpetual unobstructed easements of appropriate width.
- B. Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential future runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Town Planning Board Engineer shall approve the design and size of facility under conditions of total potential development permitted by the Chapter 219 Zoning Law in the watershed.⁴
- C. Responsibility for drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision, and this study shall be reviewed by the Town Planning Board Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until provision has been made for the improvement of said condition.
- D. Cross-lot drainage is prohibited.
- E. Land subject to flooding. Land subject to flooding or land deemed by the Planning Board to be uninhabitable shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or be improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions.

§ 188-18. Parks, open spaces and natural features.

- A. Recreation areas shown on the plan. Where a proposed park, playground or open space shown on the Town Plan is located in whole or in part in a subdivision, the Board shall require that such area or areas be shown on the plat in accordance with

³ Editor's Note: See Ch. 219, Zoning.

⁴ Editor's Note See Ch. 219, Zoning.

the requirements specified in Subsection B below. Such area or areas may be dedicated to the Town or county by the subdivider if the Town Board approves such dedication.

- B. Parks and playgrounds not shown on Town Plan.
- (1) For subdivisions of 100 or more lots, the Planning Board shall require that the plat show sites of a character, extent and location suitable for the development of a park, playground or other recreation purpose. The Planning Board may require that the developer satisfactorily grade and make required improvements of any such recreation areas shown on the plat.
 - (2) The Board shall require that no less than three acres of recreation space be provided per 50 dwelling units shown on the plat. However, in no case shall the amount be less than 5% or more than 10% of the total area of the subdivision. To further the goal of establishing three acres of recreation space per 50 dwelling units, the Planning Board shall have the discretion to require a proportionate amount of recreation space for subdivisions of fewer than 50 dwelling units. Such area or areas may be dedicated to the Town by the subdivider if the Town Board approves such dedication. Appropriate legal conditions will be attached to ensure that such land can never be developed for other than recreational purposes.
- C. Information to be submitted. In the event that an area to be used for a park or playground is required to be so shown, the subdivider shall submit, prior to final approval, to the Board three prints [one on Mylar] drawn in ink showing, at a scale of not less than 30 feet to the inch, such area and the following features thereof:
- (1) The boundaries of said area, giving lengths and bearings of all straight lines and radii, lengths, central angles and tangent distances of all curves.
 - (2) Existing features such as brooks, ponds, clusters of trees, rock outcrops and structures.
 - (3) Existing and, if applicable, proposed changes in the grade and contours of said area and of areas immediately adjacent.
- D. Park fees. The Board shall require as a condition to approval of the plat a payment of parkland fees as established from time to time by resolution of the Town Board and filed in the offices of the Town Clerk and Director of Planning and Zoning. Such amount shall be paid to the Town at the time of final plat approval, and no plat shall be signed by the authorized officer of the Planning Board until such payment is made. All such payments shall be held by the Town Board, to be used for the acquisition or improvement of land that is suitable for permanent park, playground or other recreational purposes. For purposes of determining the number of lots in a subdivision in order to compute the amount due the Town for payment, the number of lots subdivided by a single owner on one tract or parcel within a five-year period shall be added together to determine said amount due.
- E. Reserve strips prohibited. Reserve strips of land, which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself, shall be prohibited.
- F. Preservation of natural features. The Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets. All trees in areas to be disturbed with diameters of eight (8) inches or more as measured, diameter at breast height (DBH) shall be shown on the subdivision plan. No tree with a diameter of eight inches DBH or more shall be removed unless such tree is within the right-of-way of a street or grading limit line as shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board. In no case, however, shall a tree with a diameter of eight inches or more DBH, be removed without prior approval of the Planning Board.

ARTICLE V. Documents to be Submitted

§ 188-19. Sketch plan.

- A. The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale, preferably not less than 200 feet to the inch, to enable the entire tract to be shown on one sheet. The sketch plan shall be submitted, showing the following information:
- (1) The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
 - (2) All existing structures, wooded areas, streams and other significant physical features within the portion to be subdivided and within 200 feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than 10 feet.
 - (3) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.
 - (4) The Tax Map sheet, block and lot numbers, if available.
 - (5) All the utilities available and all streets which are either proposed, mapped or built.
 - (6) The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area. [See § 188-20A(3).]
 - (7) A topographic map, showing topography at five-foot intervals shall be provided.
 - (8) A soils map overlay shall be provided with appropriate soils descriptions and USDA Natural Resources Conservation Service web soil survey report.
 - (9) All existing restrictions on the use of land, including easements, covenants or zoning lines.
- B. The form of documents to be submitted shall be as paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files, AutoCAD dwg files, and other geographic information system (GIS) file formats as may be deemed appropriate by the Planning Board Engineer. The number of each type shall be as required by the Planning Board and Planning Board Engineer.

§ 188-20. Minor subdivision plat.

- A. In the case of minor subdivision only, the subdivision plat application shall include the following additional information:
- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
 - (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the plat.
 - (3) All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the Rensselaer County Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer. This requirement may be waived for lots greater than 10 acres in size which are not to be used for building purposes.
 - (4) The proposed subdivision name and the name of the Town and county in which it is located.
 - (5) The date, North point true or magnetic dated, map scale and name and address of the record owner and subdivider.
 - (6) The plat to be filed with the County Clerk shall conform to the requirements of the County Clerk's office.
 - (7) A SEQR environmental assessment form, as appropriate.

§ 188-21. Major subdivision preliminary plat and accompanying data.

- A. Ten (10) copies of the preliminary plat shall be submitted for approval and prepared at a scale of not more than 100 feet but preferably not less than 50 feet to the inch. Such plans shall include the following:

- (1) The proposed subdivision name, the name of the Town and county in which it is located, the date, the true North point, the scale, the name and address of the record owner, the subdivider and the engineer or surveyor, including license number and seal.
- (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
- (3) The zoning district, including exact boundary lines of the district, if more than one district and any proposed changes in the zoning district lines and/or the Zoning Law text applicable to the area to be subdivided.⁵
- (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (5) The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas, and other significant existing features for the proposed subdivision and adjacent property.
- (6) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and directions of flow.
- (7) Contours with intervals of two feet, including elevations on existing roads and a grading plan with proposed contours.
- (8) All trees in areas to be disturbed with diameters of eight (8) inches or more as measured, diameter at breast height (DBH) three (3) feet above the base of the trunk shall be shown.
- (9) The width and location of any streets or public ways or places shown on the Official Map or the Master Plan, if such exists, within the area to be subdivided and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (10) The approximate location and size of all proposed waterlines, valves, hydrants and sewer lines and fire alarm boxes; connections to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law; and profiles of all proposed water- and sewer lines.
- (11) A storm drainage plan indicating the approximate location and size of proposed lines and their profiles and connection to existing lines or alternate means of disposal. A Storm Water Pollution Prevention Plan (SWPPP) shall accompany the submittal.
- (12) Plans, construction details, profiles and cross sections showing the proposed location and type of sidewalks, street lighting specifications, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and subbase and the location of manholes, basins and underground conduits.
- (13) The preliminary design of any bridges or culverts which may be required.
- (14) The proposed lot lines with approximate dimensions and area of each lot.
- (15) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than 30 feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision plat or the Official Map.
- (16) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the plat.
- (17) A soil survey, including field test pits, or borings and infiltration tests as may be required and analysis. Soils test pits or borings shall be of suitable depths for the proposed project and shall be at the following minimum rates:
 - (a) Building Lots: one for every five building lots proposed;

⁵ Editor's Note: See Ch. 219, Zoning.

- (b) Roadway and utility alignments: one for every 500 feet roadway or alignment proposed; and
 - (c) All areas: Additional tests/borings as determined necessary by the Planning Board Engineer.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than 400 feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract, shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- D. Other consistent with SEQR environmental assessment form as applicable
- E. The form of documents to be submitted shall be as paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files, AutoCAD dwg files, and other geographic information system (GIS) file formats as may be deemed appropriate by the Planning Board Engineer. The number of each type shall be as required by the Planning Board and Planning Board Engineer.

§ 188-22. Major subdivision plat and accompanying data.

The following documents shall be submitted for plat approval:

- A. The plat to be filed with the County Clerk shall comply with the requirements of the County Clerk's office. The plat shall show:
- (1) The proposed subdivision name or identifying title and the name of the Town and county in which the subdivision is located, the name and address of the record owner and subdivider and the name, license number and seal of the licensed land surveyor.
 - (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.
 - (3) Sufficient data acceptable to the Town Planning Board Engineer to determine readily the location and bearing length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the state system of plane coordinates and in any event should be tied to reference points previously established by a public authority.
 - (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.
 - (5) The plat shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the subdivision plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.
 - (6) All offers of cession and covenants governing the maintenance of un-ceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
 - (7) Lots and blocks within a subdivision shall be numbered and lettered in alphabetical order in accordance with the prevailing Town practice.
 - (8) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Town. Their location noted and referenced on the plat.
 - (9) All lot corner markers shall be permanently located satisfactorily to the Town Planning Board Engineer, at least 3/4 inch (if metal) in diameter and at least 24 inches in length and located in the ground to existing grade.
 - (10) Monuments of the type approved by the Town Planning Board Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such immediate points as shall be required by the Town Planning Board Engineer.

- (11) A topographic map, showing topography at five-foot intervals shall be provided.
- B. Construction drawings, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.
 - C. A letter of compliance and approval by the Town Planning Board Engineer.
 - D. The form of documents to be submitted shall be as paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files, AutoCAD dwg files, and other geographic information system (GIS) file formats as may be deemed appropriate by the Planning Board Engineer. The number of each type shall be as required by the Planning Board and Planning Board Engineer.

ARTICLE VI. Waivers

§ 188-23. Waiver for special circumstances.

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Master Plan or the Zoning Law, if such exist.⁶ In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

§ 188-24. Waiver for lot line adjustment.

- A. An applicant may request that the subdivision review process be waived when a proposed subdivision:
 - (1) Would not create an additional lot; and
 - (2) A lot otherwise in conformance with the minimum Town zoning requirements would not be rendered nonconforming by virtue of the proposed action; and
 - (3) Either of the following conditions is satisfied:
 - (a) The action involves a modification of an existing lot line; or
 - (b) The action involves the conveyance and merger of a portion of one parcel to an adjoining parcel.
- B. To request such a waiver, the applicant shall submit a waiver application, a sketch plan and a narrative explaining the proposed action to the Planning Board and pay the required fee. A survey map showing the adjustment shall also be required as part of the application.
- C. Upon submission of a complete application, the Planning Board shall review such application and shall either approve or deny the application. Approval may be granted when the Planning Board determines that the waiver would not adversely affect the site's development or neighboring properties, alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents. No public hearing shall be required.
- D. If the Planning Board denies the request for the waiver, the applicant may proceed with the subdivision review process as set forth in this Chapter.

⁶ . Editor's Note: See Ch. 219, Zoning.

ARTICLE VII. Fees

§ 188-25. Establishment of fees and charges.

An applicant for any review, approval or permit prescribed in this Chapter shall not be authorized to obtain the same without first making payment of the required fee therefor as established by the Town Board and/or depositing in escrow an amount equal to the review estimate amount as set by the Planning Board for engineer, consultant or attorney designated by the Planning Board for such review, and no submission shall be deemed complete until such fees are paid.

- A. Approval of minor subdivision. An engineer, consultant or attorney designated by the Town Planning Board shall, after appointment and receipt of the proposed preliminary plat, forward to the applicant thereof a detailed review estimate setting forth the estimated cost of the engineering, consultant and/or legal review.
- B. Preliminary plat for major subdivision. An engineer, consultant or attorney designated by the Town Planning Board shall, after appointment and receipt of the proposed preliminary plat, forward to the applicant thereof a detailed review estimate setting forth the estimated cost of the engineering, consultant and/or legal review.
- C. Plat for major subdivision. An engineer, consultant or attorney designated by the Town Planning Board shall, after appointment and receipt of the proposed plat, forward to the applicant thereof a detailed review estimate setting forth the estimated cost of the engineering, consultant and/or legal review.

ARTICLE VIII. General Provisions for Major Subdivisions

§ 188-26. Purpose and applicability.

- A. Improvements constructed in the Town of Schodack as part of a major subdivision or site plan development shall meet these minimum standards.
- B. The purpose of these standards is to ensure that any privately constructed improvements which may at some future date be owned by the Town of Schodack will not adversely impact the general health and safety of the people of the Town of Schodack and can be economically maintained and operated by the Town.
- C. These minimum standards do not limit consideration of alternative construction materials and methods when warranted.

§ 188-27. Application and approval procedures.

Prior to the construction of any improvements, a site development permit shall be obtained from the Code Enforcement Officer. No improvements shall be made until all necessary federal, state and local permits (including necessary site plan and subdivision approvals) are obtained and the State Environmental Quality Review Act (SEQR)⁷ has been complied with.

§ 188-28. Application Information Required.

The following required information shall be submitted as part of the application to the Director of Planning and Zoning:

- A. Plans, specifications, engineer's report and accompanying data shall be submitted as detailed in the appropriate sections of the Subdivision Regulations or Zoning Regulations.⁸
- B. The name and address of the contractor(s) performing the work.
- C. The name and telephone number of the owner's representative in charge of the work.
- D. A construction schedule.
- E. A quality assurance plan indicating the frequency and type of inspections and tests required and who will be making the inspections and performing the tests.
- F. Product data and/or shop drawings for manufactured and fabricated materials to be incorporated into the work.
- G. Certificates of compliance with referenced specifications will be required upon request.
- H. As-built plans showing the actual field locations and elevations of improvements as constructed and shall minimally include details of crossings, etc. with appropriate measurements taken during construction and so noted on the plans. The form of these plans shall be as paper originals (hard copies) both full scale size and half scale size and copies along with digital format documents in such file formats as: Adobe Acrobat Reader pdf files, AutoCAD dwg files, and other geographic information system (GIS) file formats as may be deemed appropriate by the Planning Board Engineer. The number of each type shall be as required by the Planning Board and Planning Board Engineer.

§ 188-29. Inspections.

- A. Notification.
 - (1) The applicant shall notify the Town Planning Board Engineer, Planning & Zoning Director, and the Code Enforcement Officer 48 hours prior to the start of any work and at other times noted herein so that appropriate inspections can be made by the Town or Town's representative. Such inspections shall not relieve the applicant's obligation to perform the work in compliance with these standards and the approved plans.

⁷. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

⁸. Editor's Note: See Ch. 219, Zoning.

- (2) A pre-construction meeting shall be scheduled with the Town Planning Board Engineer, Planning & Zoning Director, and the Code Enforcement Officer prior to any other notifications as noted below and prior to the undertaking of any proposed site disturbances.
- (3) Notifications shall be made prior to:
 - (a) Site clearing.
 - (b) Subgrade preparation.
 - (c) Proof rolling of subgrade.
 - (d) Gravel subbase installation.
 - (e) Compaction tests.
 - (f) Asphalt paving.
 - (g) The installation of water, sewer or storm pipe.
 - (h) The backfill of water, sewer or storm pipe.
 - (i) The testing of water and sewer pipes.
 - (j) Other inspections as detailed in the quality assurance plan or as requested by the Town or its representative(s).

B. Inspections.

- (1) The applicant shall provide cash escrow to the Town for the Planning Board Engineer to make inspections of the work as deemed necessary by the Planning Board Engineer.
- (2) The Planning Board Engineer shall prepare reports for each inspection which shall be made available to the Town and applicant as requested.
- (3) The Planning Board Engineer shall provide written certification that the constructed improvements meet the minimum construction standards and are in conformance with the approved plans and specifications contained in Chapter 188 and Chapter 219 of Town of Schodack Town Code.

§ 188-30. Acceptance of improvements.

A. Policy.

- (1) Acceptance of street, utilities and other improvements for Town ownership shall be at the discretion of the Town Board.
- (2) The Town Board may refuse to accept any improvements, notwithstanding that the improvements conform to the Design and Construction Standards.
- (3) The Town Board may, at its discretion, accept a proposed street or highway notwithstanding that it does not conform to all provisions of the Subdivision Regulations and Design and Construction Standards if, in the Town Board's judgment, the public interest will best be served by such acceptance and subject to such conditions as the Town Board may impose.

B. Submittals. In addition to submittals required elsewhere in these specifications, the following items shall be submitted for dedication of streets or parcels of land to the Town:

- (1) A proposed deed.
- (2) A current abstract or title insurance policy in an amount acceptable to the Town Attorney.
- (3) A release of liens and claims on property.
- (4) All required easements and rights-of-way for drainage, utilities and other improvements.
- (5) All necessary information for filing of the above.

- C. Time of acceptance.
 - (1) No street or improvements shall be accepted until one year from the date of substantial completion, provided a sufficient cash escrow is provided to cover all outstanding items as determined by the Planning Board Engineer and is deposited with the Town.
 - (2) The Town may temporarily waive the placement of the top course of pavement on streets.
 - (a) Such waiver shall cease upon seventy-five percent (75%) complete buildout of the subdivision or 30 months after substantial completion or acceptance whichever may occur first at which time the top course of pavement shall be constructed after any remediation of failed, previously constructed pavement sections.
 - (b) A cash escrow guaranty for the construction of the top course shall be provided prior to the issuance of a Town waiver.
- D. Maintenance bond. A cash escrow or letter of credit in an amount acceptable to the Town Planning Board Engineer but not less than ten percent of the cost of the top course of pavement shall be posted for a three-year maintenance period after acceptance or twelve (12) months after the top course maintenance is complete, whichever occurs later. The cash escrow or letter of credit shall be in a form acceptable to the Town Attorney.
- E. Maintenance and repairs of non-dedicated roads.
 - (1) The applicant is responsible for all maintenance, repairs and liability of non-dedicated roads.
 - (2) It is the applicant's responsibility to keep private roads in a safe and well-maintained condition.
 - (3) The Town may agree, upon request of the applicant, to accept responsibility for snow and ice control on approved roads during the one-year waiting period for dedication without risk of costs for damages incurred.

ARTICLE IX. Site Work and General Construction Practices

§ 188-31. Safety.

It is the applicant's responsibility to perform all work in a safe manner and in compliance with all applicable Town, state and federal laws and regulations.

§ 188-32. Maintenance and protection of traffic.

- A. Traffic shall be maintained in a safe manner by appropriate measures, including signage and flagmen as required. The Town may require a traffic maintenance plan.
- B. All lanes of traffic shall be maintained unless otherwise approved by the Town Planning Board Engineer.

§ 188-33. Protection of property.

- A. Necessary measures shall be taken to protect all property line monuments and utilities in and adjacent to the work area. The applicant shall be solely responsible for all damage claims and make the necessary repairs or restitution. Service interruptions to utilities shall not be allowed except as approved by the Town Planning Board Engineer to make connections.
- B. Dig Safely New York or any successors of that service shall be contacted in advance of any work to locate any subsurface utilities or structures in accordance with applicable laws and regulations.

§ 188-34. Maintenance of work area.

- A. Necessary measures shall be taken to mitigate any adverse impacts from construction activities, such as noise, dust, soil erosion, etc.
- B. The work area shall be left in a safe erosion-resistant condition, free from dust, mud and debris, at the end of each workday in areas where the public or adjacent property owners may be impacted.

§ 188-35. Restoration.

The work area shall be returned to its original condition or better, including cleanup and disposal of debris, pavement restoration and revegetation of disturbed areas.

§ 188-36. Soil and erosion control.

Soil and erosion control measures shall be planned and implemented consistent with the approved SWPPP, NYS DEC State Standards and Specifications for Erosion and Sediment Control and as directed by the Town Planning Board Engineer.

§ 188-37. Rock excavation.

- A. Permits and licenses shall be submitted prior to any blasting.
- B. A pre-blast survey of all structures likely to be affected and minimally within a radius of 1,500 feet of the blast site shall be conducted regardless of jurisdictional boundaries (360-degree survey). Blasting shall also be in compliance with Rensselaer County local laws regulating blasting, as may be amended.
- C. All work is to be done in a safe manner and in accordance with applicable federal, state and local laws and regulations. A pre-blast/ rock excavation meeting shall be held with the Town, Town Planning Board Engineer, and the Town Code Enforcement Officer.
- D. Seismic monitoring shall be provided with all operations.
- E. The maximum allowable particle velocity measured at any adjacent structure shall not exceed five feet per second. Mats and time delay explosives shall be required.
- F. Notification of blasting activity and a timetable to neighboring dwelling units/offices/stores within five-tenths mile of the blast area will be required.

§ 188-38. Utility Trench excavation, backfill and compaction.

- A. Existing pavement and walks shall be saw-cut prior to excavation.
- B. A trench shall not be excavated more than 200 feet, in advance of installation of utilities.
- C. Sheeting and bracing shall be provided as required by the Occupational Safety and Health Administration (OSHA) 1926.652 - Requirements for protective systems as amended and for safe conditions. Excavations shall provide sufficient room to perform work as required.
- D. Dewatering shall be done as required to allow work to be performed under dry conditions and shall not result in water quality violations as defined by Town Code §219-126 Water quality standards.
- E. Any unusual conditions encountered shall be reported to the Town Planning Board Engineer and the engineer of record.
- F. Trench bottoms shall be excavated to the required line and grade for pipe and pipe bedding, where required.
- G. Safety fences, cones, engineered barricades, etc., shall be provided as necessary to protect public safety in the event that the trench will be left open.
- H. Bedding. First-class bedding shall be washed sand, pea or crushed stone with a maximum particle size of half of one inch.
- I. Pipe laying. Pipe shall be kept clean and free of debris. Pipe laying shall be started at the low end with spigot ends pointing in the direction of flow. Pipe shall be laid to line and grade. Joints shall be assembled as specified elsewhere. The pipe and conduit shall be supported during bedding and compaction operations.
- J. Bedding, Backfill and Compaction:
 - (1) Lower bedding: Place pipe on a minimum of six inches of bedding and shape to conform to the outside of the pipe. The Town may require the addition of a geotextile separation fabric to be placed on the subgrade prior to placement of the lower bedding material. The extent of which may be as determined by the Town at the time of installation of the pipe bedding.
 - (2) Upper bedding / haunch zone: Place bedding in six-inch lifts continuing to the pipe spring line.
 - (3) Initial backfill: To complete the pipe embedment, place NYS DOT Type 4 (Item No. 304.14) evenly on both sides of the pipe in six-inch lifts continuing to a minimum of 6 inches over the crown of the pipe. Do not use mechanical compaction directly on the pipe.
 - (4) Final backfill: Place backfill from the top of the initial backfill elevation to the surface in maximum 6-inch lifts to achieve the required depth of cover.
 - (a) Final backfill material shall be as approved by the Town and shall be properly graded to prevent soils migration between differing bedding and backfill materials.
 - (b) Backfill materials shall be stockpiled on site and tested with results provided to the Town for approval or rejection.
 - (5) Compaction of bedding and backfill shall be to 100% of the standard proctor maximum density at optimal moisture content.
 - (6) Upon Town approval or as required by the Town a flowable fill capable of being excavated in the future, may be used provided the pipe is sufficiently weighted and anchored against floatation.
- K. No more than 200 feet of trench shall be kept open at any time, and all trenches shall be backfilled at the end of each working day.
- L. Warning tape shall be placed 12 inches above all pipe. Warning tape with a stainless-steel trace wire shall be used over nonmetallic pipe. The trace wire shall be terminated in accessible underground structures.
- M. Tunnels, jacking and boring. A plan shall be submitted for approval by the Planning Board Engineer, and work shall be performed according to the approved plan.

§ 188-39. Concrete work.

Structural concrete shall conform to applicable sections of NYSDOT 555 as amended.

ARTICLE X. Streets

§ 188-40. Applicable standards.

- A. The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents. Town
- B. AASHTO LRFD Bridge Construction Specifications, 4th Edition, with 2020 Interim Revisions.
- C. National Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD): Federal Highway Administration (FHWA), the Manual on Uniform Traffic Control Devices (MUTCD) 2009 Edition & 17 NYCRR Chapter V (New York Supplement 2010 Edition, effective March 16, 2011).
- D. 2018 - A Policy on Geometric Design of Highways and Streets, 7th Edition, American Association of State Highway and Transportation Officials.
- E. Guidelines for Geometric Design of Very Low-Volume Roads Second Edition, 2019, American Association of State Highway and Transportation Officials.
- F. Standard Specifications with Updates (US Customary Units), January 1, 2021 New York State Department of Transportation.
- G. AASHTO Guide for Design of Pavement Structures, 4th Edition with 1998 Supplement.
- H. Highway Design Manual, New York State Department of Transportation (NYSDOT) Facilities Design Subdivision.
- I. §112 Driveway, Town of Schodack.
- J. Town Center Regulations in § 219 Zoning Article XIX, Town of Schodack.

§ 188-41. Submittals.

- A. Certification of materials used for road subbase, pavement, drainage structures and/or surface treatment and appurtenances, water mains, sewer mains, and other public improvements shall be submitted.
- B. When requested, tests shall be made to determine the suitability of the subgrade material to support foundation course(s) and pavement.
- C. Compaction tests shall be made of embankment sections and the subbase course at the interval specified in the quality assurance plan but not fewer than one per every 200 feet of constructed road for each course of material, in each lane of the proposed roadway.

§ 188-42. Approvals.

Prior to construction, necessary approvals shall be obtained from the appropriate agency having jurisdiction (NYSDOT, the Rensselaer County Highway Department and/or the Town Highway Department, etc.) for:

- A. Proposed curb cuts on Town, county or state roads.
- B. Proposed streets which intersect Town, county or state roads.
- C. Stormwater discharge to any Town, county or state road or drainage system.
- D. Water and sewer systems extensions.

§ 188-43. Design standards.

- A. Minimum and maximum design values.

(1) Minimum and maximum design values shall be as follows:

Design Value	Road Type		
	Type I: Local		Type II: Collector
	Type IA: Local Access	Type IB: Boulevard Local Access Only	
Typical Average Daily Traffic	ADT < 400	ADT < 400	ADT > 400
Minimum Right-Of-Way	60 feet	80 feet at boulevard section then Taper to 60 feet	60 feet
Traveled Way [Total width/Lane width] exclusive of shoulders.	26 / 13 feet	26 / 13 feet	26/ 13 feet
<p><u>NYS Fire Code exception:</u></p> <ol style="list-style-type: none"> 1. Traveled way widths shall be increased to 26 feet for the following: <ol style="list-style-type: none"> a. Roads with fire hydrants. b. Dead-end roads, 500 feet < length < 750 feet. 2. Type IA: entrance lane shall be 20 feet wide. 			
Design Speed	30	30	45
Minimum Centerline Horizontal Radius (maximum superelevation 4%)	200	200	600
Maximum Grade	8 %	8 %	6 %
Minimum Grade	1 %	1 %	1 %
Minimum Length of Vertical Curve	100 feet	100 feet	200 feet
Changes in vertical alignment shall include the use of a vertical curve meeting the requirements for sag and crest curve stopping sight distances for the road design speed.			
Minimum rate of vertical curvature, K			
Crest Vertical Curves	19	19	61
Sag Vertical Curves	37	37	79
Pavement Structure			
<p><u>Woven geotextile stabilization fabric</u> for any subgrade soils meeting any of the following AASHTO Soils Classifications: A-4, A-5, A-6, A-7 (Silt-clay materials with more than 35% passing the No.200 Sieve) Adequate sampling and testing results / submittals required, otherwise the stabilization fabric will be required.</p>			
<p><u>Subbase:</u></p> <ol style="list-style-type: none"> 1. NYSDOT 304-1.02 Option D. Item No. 304.14 Type 4 <ol style="list-style-type: none"> a. Materials Meeting NYSDOT requirements of §733-0404 Subbase course, Type 4 b. 12-inch compacted thickness, in maximum 6-inch compacted lifts. 2. Increased Thickness for subbase placed over subgrade soils that meet any of the following AASHTO Soils Classifications: A-4, A-5, A-6, A-7: <ol style="list-style-type: none"> a. A-4 and A-5: Subbase thickness 18 inches compacted thickness b. A-6 and A-7: Subbase thickness 24 inches compacted thickness 			
<p><u>Hot Mix Asphalt:</u></p> <ol style="list-style-type: none"> 1. Binder Course: 3-1/2 inches total compacted thickness of Type 3 HMA 2. Top Course: 1-1/2 inches total compacted thickness of Type 6F HMA 3. True & Leveling Course: Required prior to placement of the top course, if upon review of the binder course by Planning Board Engineer and the Town Highway superintendent that the binder and/or subbase requires remediation to correct any defects as may be determined. 4. Tack Coat shall be applied between all HMA courses. NYS DOT 407.0103 applied in accordance with Table 407-1 			

- (2) All roads shall be designed in accordance with the requirements set forth in § 188-40, Applicable standards
 - (3) For the design values listed in the above table, the more stringent standards shall apply.
- B. Dead-end or loop streets.
- (1) Cul-de-sac or other approved turnarounds shall be provided at all temporary and permanent dead-end streets. Cul-de-sac shall have a minimum pavement radius of 55 feet to the outside edge and a minimum radius of 70 feet to the right-of-way.
 - (2) Cul-de-sac shall comply with the NYS Fire Code for Access Roads, Appendix D.
 - (3) Cul-de-sac shall have a center island that is to be landscaped to the satisfaction of the Planning Board.
- C. Minimum turning paths. Streets, parking areas and access roads shall be designed to accommodate the minimum turning path of an American Association of State Highway and Transportation Officials (AASHTO) bus design vehicle.
- D. Intersections.
- (1) Intersection offset distances shall be not less than 150 feet. Greater distances shall be maintained on collector and arterial roads.
 - (2) Intersections shall be at approximate right angles for the first 100 feet, but in no case shall the angle of the intersection be less than 75°.
 - (3) Intersection grades shall not exceed 3% in the first 50 feet.
- E. All street design within the Town Center shall be in accordance with design standards and regulations in § 219 Article XIX.

§ 188-44. Materials.

- A. Monuments. Monuments shall be:
- (1) Granite stone; or
 - (2) Reinforced concrete – 4,000 p.s.i, with one #3 deformed reinforcing bar, centered in four inches square on the bottom, and 4 inches square on the top by 42” long; and
 - (3) Provided with survey marker by Berntsen International Inc. or approved by the Town, BP1P marker with center mark and anchoring plug with imprint “Town Of” centered at 12 o’clock and “Schodack” centered at 6 o’clock.
- B. Geotextiles. Soil stabilization shall be included, unless otherwise directed in writing by the Town Highway Superintendent, as follows:
- (1) For use under pavement structure on subgrades: Mirafi RS380i woven geotextile.
 - (2) For use under manholes, catch basins, vaults, and other structures on subgrades: Mirafi HP270
 - (3) For use with drainage systems: Mirafi 160N, non-woven geotextile.
- C. General fill for embankments.
- (1) General fill for embankments shall be sound, durable soil or rock free from topsoil, muck or organic material, as approved by Town Planning Board Engineer. Material with a magnesium sulfate soundness loss exceeding 35% will be rejected.
 - (2) The maximum particle size shall be 10 inches.
 - (3) The sieve size percent passing shall be as follows:
 - (a) No. 40: 0% to 70%.
 - (b) No. 200: 0% to 15%.
- D. Subbase course.
- (1) The course shall be NYSDOT Section 304.13, Type 4.

- E. Hot Mix Asphalt.
 - (1) Hot Mix Asphalt binder shall be NYSDOT Section 403, Type 3.
 - (2) Hot Mix Asphalt top course shall be NYSDOT Section 403, Type 6F.
- F. Curbs.
 - (1) Hot Mix Asphalt curb shall in accordance with the NYSDOT Section 714-06
 - (2) Concrete curbs shall be conventionally or machine formed concrete, precast or granite curb, NYSDOT Section 609-2.02.
 - (3) Precast concrete curb shall be in accordance with NYSDOT Section 704-03 and class A concrete per NYSDOT Section 501.
 - (4) Machine formed shall be in accordance with the NYSDOT Section 501, portland cement concrete.
- G. Sidewalks.
 - (1) Subbase shall be NYSDOT Section 304.14, Type 4.
 - (2) Concrete sidewalks shall be NYSDOT Section 501-2, Class A concrete.
- H. Guiderailing.
 - (1) Box beam guide railing and median barrier shall be NYSDOT Section 710-21.
- I. Traffic control devices.
 - (1) Street signs, aluminum signs and aluminum alloy or galvanized steel posts shall be NYSDOT Section 645-2.
 - (2) Regulatory and warning signs shall be NYSDOT Section 645-2.
 - (3) Delineators and snowplow markers shall be NYSDOT Section 646-2.
 - (4) Traffic signals shall be NYSDOT Section 680-2.
- J. Street trees. Street trees shall be two-and-one-fourth-inch (2 ¼ inch) caliper (diameter at breast height), deciduous trees, species as approved, NYSDOT Section 713-06.
- K. Landscaping.
 - (1) Topsoil shall be NYSDOT Section 713-01.
 - (2) Turf establishment shall be as follows:
 - (a) Limestone: NYSDOT Section 713-02.
 - (b) Fertilizer: NYSDOT Section 713-03, Type 3.
 - (c) Mulch: NYSDOT Sections 713-11.
 - (d) Mulch anchorage: NYSDOT Section 713-12.
 - (e) Seed: NYSDOT Section 713-04.
- L. Utilities. Materials for gas, electric, telephone, television cable and other utilities shall meet the requirements of the utilities having jurisdiction.

§ 188-45. Construction methods.

- A. Construction stakeout.
 - (1) A licensed surveyor shall provide stakeout of the following items prior to construction:
 - (a) The road center line and the edge of the right-of-way at a minimum of one-hundred-foot stations on tangent sections.

- (b) All beginnings and ends of curves and at fifty-foot stations along the curves.
 - (c) The top of bank and toe of bank in cut or fill sections.
 - (d) The limits of construction where different from the road right of-way.
- (2) Sufficient vertical and horizontal control outside of the work area shall be maintained to check and reestablish stakeout as necessary.
- B. Clearing of trees and brush.
- (1) Trees and brush shall be cleared within the right-of-way. Additional clearing may be required to maintain the design sight distance.
 - (2) No stumps, trees or brush shall be buried on site at all within rights of ways, easements, utility corridors, etc. on-site except as approved by the preliminary plat. Disposal shall be by approved best management practices in an approved manner and in accordance with 6 NYCRR Part 360 Solid Waste Management Facilities Regulations.
- C. Subgrade preparation.
- (1) Topsoil under the street section and under all embankment areas shall be removed.
 - (2) The subgrade and embankment foundation areas shall be free of all stumps, organic material, boulders, soft clay and other objectionable material.
 - (3) The full depth of unsuitable material shall be removed and replaced with approved compacted fill. Frozen fill or fill on frozen subgrade shall not be permitted.
 - (4) Subgrade shall be compacted to 95% standard proctor density at optimal moisture content.
 - (5) Approved embankment fill shall be placed in eight-inch lifts and compacted to 95% standard proctor density at optimal moisture content.
 - (6) Any other excavation shall be filled with approved fill material and compacted to 95% standard proctor density at optimal moisture content.
- D. Subbase course.
- (1) The subbase course shall be placed and compacted in accordance with NYSDOT Section 304. The minimum subbase section shall be 12 inches of Item 304.14, Type 4, placed in maximum 6-inch lifts.
 - (2) The tolerance of the subbase course shall be 1/2 inch from required elevations as measured at centerline of roadway, middle of travel lanes, edge of pavement and shoulder.
 - (3) The minimum thickness of gravel subbase shall be increased for poorer subgrades depending on the AASHTO soil group classification, as follows:
 - (a) AASHTO Groups A-4 and A-5: 18 inches total thickness, NYS DOT Type 4.
 - (b) AASHTO Groups A-6 and A-7: 24 inches total thickness, NYS DOT Type 4.
 - (4) Woven geotextile soil stabilization fabric will be required over subgrades of AASHTO Groups A-4, A-5, A-6 and A-7.
 - (5) Alternate pavement structures designated in accordance with the AASHTO Guide for Design of Pavement Structures will be considered for approval and shall be used for special circumstances such as nonresidential developments or high-volume streets. In no case shall the proposed subbase and pavement be less than the above minimums.
- E. Pavement.
- (1) Streets shall be paved in accordance with §188-43. Design standards- A. Minimum and maximum design values.
 - (2) No pavement shall be installed until all underground utilities are installed and approved.
- F. Curbs.

- (1) Finished pavement adjacent to concrete or stone under curb shall be cleaned and tack-coated.
 - (2) Asphalt concrete curb shall be machine-placed to line and grade.
 - (3) Asphalt concrete curb shall be laid on the base course and keyed in with the top course.
 - (4) Concrete curbs, where required, shall be placed in accordance with NYSDOT Section 609-3.03.
- G. Sidewalks.
- (1) Subbase. A six-inch-thick subbase course of Type 4 gravel shall be placed and compacted in accordance with NYSDOT Section 304.
 - (2) Concrete sidewalks. 6 inch-thick concrete sidewalks shall be placed in accordance with NYSDOT Section 608-3.01.
 - (3) Hot mix asphalt sidewalks. Two-inch asphalt concrete sidewalks shall be placed and compacted in accordance with NYSDOT Section 608-3.02.
- H. Guiderail Systems. Guiderails shall be installed on all sections of road with embankments greater than six (6) feet high which have side slopes steeper than three (3) horizontal to one (1) vertical and along sections of road within 30 feet from the edge of pavement to bodies of water which are greater than two (2) feet deep. They shall be installed in accordance with NYSDOT Section 606.
- I. Traffic control devices.
- (1) Construction of traffic control devices shall be in accordance with applicable NYSDOT Sections 645 (signs), 646 (markers) and 680 (traffic signals).
 - (2) Street signs shall be placed at all street intersections.
 - (3) Regulatory signs, warning signs and signals shall be placed in accordance with the NYSDOT Manual of Uniform Traffic Control Devices (MUTCD).
 - (4) Delineators, placed in accordance with NYSDOT MUTCD, may be required as directed by the Town Planning Board Engineer.
 - (5) Snowplow markers shall be placed at guiderails and culverts and where directed by the Town Planning Board Engineer.
- J. Monuments.
- (1) Street monuments shall be placed:
 - (a) At all corners.
 - (b) Along tangents at intervals not exceeding 500 feet.
 - (c) At the beginning and end points of curves.
 - (d) At additional points as determined by the Planning Board Engineer
 - (2) Excavations for the placement of monuments shall be backfilled NYSDOT Section 204 using controlled low strength material.
 - (3) Monumentation and horizontal control for the project shall be tied to the New York State Plane Coordinate System (North American Horizontal Datum of 1983).
 - (4) Vertical monumentation for each street monument shall be North American Vertical Datum of 1988, NAVD '88.
- K. Streets, trees and plantings.
- (1) Trees shall be planted three (3) feet outside of the right-of-way at a spacing of not more than 100 feet on center on each side of proposed streets or as required by the Planning Board. At a minimum each lot shall have a minimum of two (2) trees on each road frontage. Trees shall be planted at the time of subdivision development, but in all cases prior to issuance of a certificate of occupancy for each lot.

(2) Planting shall be in accordance with NYSDOT Section 611.

L. Turf establishment.

(1) Turf shall be established in all unpaved areas of the right-of-way.

(2) Topsoil. Topsoil shall be prepared and placed in accordance with NYSDOT Section 610. Except topsoil thickness shall be 6 inches.

(3) The area shall be limed, fertilized, mulched and seeded in accordance with NYSDOT Section 610.

M. Utilities.

(1) Gas, electric, telephone, television cable and other utilities shall be constructed in accordance with the requirements of the utility having jurisdiction.

(2) All utilities shall be placed in a right-of-way or easement.

(3) Appropriate warning tape shall be installed 12 inches above all utilities.

(a) Marking tape shall be 6" detectable marking tape (5 mil. Thickness, with 0.35 mil solid aluminum foil with "Deep-1" Magnetic Utility markers by Berntsen International)

(b) The following colors shall be utilized based upon the utility:

Blue: Water & Associated Lines

Green: Sanitary & Associated Lines

Orange: Telecommunications & Telephone Lines

Red: Electric & Associated Lines

Yellow: Gas & Associated Lines

(4) The locations of all utilities shall be recorded on the record drawings.

N. Driveways. Proposed driveways shall comply with the Town of Schodack Chapter 112 Driveways Law, except as follows:

(1) Proposed driveway grades shall not exceed ten-percent slope, to facilitate access by emergency vehicles.

(2) Proposed driveway grades shall not exceed three-percent slope within the first 50 feet from the road edge of the pavement.

ARTICLE XI. Drainage

§ 188-46. Applicable standards.

The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents:

- A. New York State Stormwater Management Design Manual, January 2015, NYS Department of Environmental Conservation.
- B. New York State Standards and Specifications for Erosion and Sediment Control, November 2016, NYS Department of Environmental Conservation.
- C. Design and Construction of Urban Stormwater Management Systems, MOP 77/WEF MOP FD-20, ISBN (PDF): 9780784473665 Water Environment Federation and American Society of Civil Engineers, 1992.
- D. Stormwater Management – Cornell Local Roads Program March 2014 CLRP No. 14-03.
- E. Upper Confidence Limits - Extreme Precipitation In New York & New England, Extreme Precipitation Tables, Northeast Regional Climate Center (NRCC).
- F. Technical Release 55 (TR-55) Urban Hydrology for Small Watersheds USDA NRCS June 1986.
- G. Technical Release No. 20: Computer Program for Project Formulation Hydrology (TR-20).
- H. NYS DOT Highway Design Manual Chapter 8 Highway Drainage Rev.87 May 01, 2016.
- I. Roadway and Roadside Drainage - Cornell Local Roads Program CLRP #98–5 updated February 2003.
- J. Hydraulic Design of Energy Dissipators for Culverts and Channels-HEC Circular No.14, Third Edition. US DOT FHWA Pub. No. FHWA-NHI-06-086.
- K. Hydraulic Design of Highway Culverts Third Edition Hydraulic Design Series Number 5. April 2012 US DOT FHWA Pub. No. FHWA- FHWA-HIF-12-026.
- L. Maintenance Guidance – Stormwater Management Practices, September 7, 2016, NYS Department of Environmental Conservation.

§ 188-47. Submittals.

Complete plans and drainage calculations shall be submitted, including drainage basin maps of predevelopment and post development stormwater runoff and hydraulic calculations for all storm water management practices, pipes and other drainage structures. A SWPPP containing this information should be compiled and submitted

§ 188-48. Drainage easements.

- A. Drainage easements or rights-of-way shall be provided for all drainage ways and structures within the development and, when required, downstream of the development.
- B. Drainage easements widths provided shall be suitable to provide access for future maintenance and improvements and shall be a minimum width of 30 feet and wider where required.

§ 188-49. Design standards.

- A. Methodology.

- (1) Calculations shall be done for predevelopment and post development runoff for the design recurrence intervals: 1-year, 10-year, 25-year and 100-year storm events.
 - (2) SCS TR-55 or TR-20 shall be used for all calculations, except that the rational method may be used for sites of less than two acres.
 - (3) Calculations shall consider the total upstream drainage area as potentially developed for the design and analysis of all downstream structures and drainage facilities.
- B. Peak runoff.
- (1) The post development peak rate of stormwater discharge from the project site may not be increased at any point at the project's boundary or beyond as compared to the pre-development peak rate of stormwater discharge for the following design recurrence intervals: 1-year, 10-year, 25-year and 100-year, for a SCS 24-Hour Type III rainfall event.
 - (2) The rainfall amounts shall be based upon the Upper Confidence Limits - Extreme Precipitation in New York & New England, Extreme Precipitation Tables, Northeast Regional Climate Center (NRCC) latest documentation.
 - (3) Stormwater management systems and green infrastructure practices shall be used as required to store the additional stormwater runoff from the development and to treat stormwater runoff to obtain the required water quality.
 - (4) An emergency spillway shall be provided for the one-hundred-year storm.
 - (5) An outlet structure shall be provided to minimize sedimentation and plugging and achieve the designed outflow.
 - (6) An increase of no more than 10% in the peak stormwater runoff above pre-development conditions from the project may be allowed if it can be shown by supporting calculations that no downstream property or structures will be impacted. The total potential build-out of the watershed must be considered for a waiver request to be considered.
- C. Drainage pipe and structures.
- (1) The recurrence interval to be utilized for determining the peak stormwater runoff for designs shall be as follows:
 - (a) For Boulevards and Local Access Roads:
 - [1] Closed storm drainage systems associated with roads, gutter flow (for inlet spacing) and parking areas: 10-year
 - [2] Ditches and driveway culverts: 25-year
 - [3] Critical drainage structures as defined by the project and determined by the Town: 100-year minimum or maximum probable flood.
 - (b) For Local Through Roads and Collector Roads:
 - [1] Closed storm drainage systems associated with roads: 25-year
 - [2] Gutter flow analysis for inlet spacing: 10-year
 - [3] Ditches and driveway culverts: 50-year, with additional 100-year design check in order to determine the potential impact of this large storm and possible designation of the ditch or culvert as a critical structure.
 - [4] Critical drainage structures as defined by the project and determined by the Town: 100-year minimum or maximum probable flood.
 - (2) Storm drainage pipe:
 - (a) The minimum pipe slope shall be 0.5% with a minimum design velocity of 2 feet per second.
 - (b) The maximum velocity shall not exceed 10 feet per second.

- (3) Road side swales may be designed as grassed or lined waterways designed in accordance with the NYS Standards for Erosion and Sediment Control, and shall be sized for a maximum drainage area of 5 acres, a minimum slope of 0.5% and a maximum slope of 5%. Linings shall be designed to prevent erosion of the ditch soils. Ditch velocities shall not exceed the maximum permissible velocities for waterway lining.
- (4) The minimum pipe size shall be 15 inches.
- (5) The maximum length of surface flow on streets and ditches shall be 300 feet and meet the NYS DOT design criteria for allowable gutter flow.
- (6) Rock outlet protection (rip rap outlet erosion protection) on woven geotextile shall be a minimum size 10 feet by 10 feet, and shall be provided at all culvert, pipe inlets to drainage systems and outlets and points of discharge from drainage systems. Rock outlet sizes shall be calculated using the design procedures and sizing provided in the NYS Standards and Specifications for Erosion and Sediment Control. Rock outlet protection may be further required to be further designed in accordance with the "Hydraulic Design of Energy Dissipators for Culverts and Channels-HEC Circular No.14", Third Edition. US DOT FHWA Pub. No. FHWA-NHI-06-086 in order to provide a sized stilling basin.
- (7) Flared pipe end sections shall be provided.
- (8) Pipes and structures in traffic areas shall accommodate HS-20 loading.
- (9) Sedimentation control, sumps, trash racks and other measures shall be provided as required to minimize system maintenance and prevent failure.
- (10) Storm drainage catch basins at sag points in road vertical alignments shall be provided as follows:
 - (a) 1 catch basin at the low point station at the gutter line
 - (b) 2 catch basins, one on either side of the low point station at the gutter line
 - (c) Both sides of a normal crown road section shall be provided as noted above.

D. Subsurface drainage.

- (1) In areas of high groundwater or springs, measures shall be taken to control subsurface water so as not to impact building basements and foundations, on-site wastewater systems or other structures or facilities.
- (2) Transverse and longitudinal subsurface drains and underdrains shall be provided within the street right-of-way to fully drain the road base. Underdrains may be eliminated if approved by the Planning Board Engineer and the Town Highway superintendent in writing.
- (3) Stormwater facilities/capacity shall be provided to accommodate roof and foundation drains. Drains shall be connected into storm manholes, catch basins or junction boxes.
- (4) Backflow prevention devices or check valves shall be provided.

E. Surface drainage.

- (1) Proper grading and drainage facilities shall be provided to accommodate site drainage, including runoff from upstream areas, in a controlled manner without adverse impact to or flooding of onsite or downstream buildings, roads, wastewater systems or other facilities.
- (2) Additional temporary drainage measures shall be provided as required to accomplish soil erosion and sedimentation control during construction operations.

§ 188-50. Materials.

A. Drainage pipe shall be as follows:

- (1) Smooth-lined, annular exterior corrugations polyethylene pipe (AASHTO M294) with soil tight joints (ASTM F447) or water tight joints (ASTM D3212): AASHTO M294 ADS[®] N-12 or equal.
- (2) Circular Reinforced Concrete Pipe – RCP, ASTM C-76, C-443, AASHTO –M170

- (3) Other pipes as approved by the Planning Board Engineer
- B. Subsurface drains shall be as follows:
 - (1) Geotextile Filter Fabric: Mirafi 160N, Amoco 4547 or Synthetic Industries 451; non-woven geotextile.
 - (2) Stone: NYSDOT Filter Stone 703-02 No. 1 or No. 2 stone per NYS DOT Table 703-4.
 - (3) Corrugated polyethylene pipe: ADS® 401.
 - (4) Corrugated filter sock pipe meeting ASTM F405 standards.
- C. Underdrains shall be as follows:
 - (1) Perforated PVC SDR 35: ASTM D3034.
- D. Catch basins and manholes shall be as follows:
 - (1) Precast concrete manhole: ASTM 478. NYS DOT Section 604-2
 - (2) Mortar: ASTM C270.
 - (3) Hydraulic cement: ASTM C595/C595M-17.
 - (4) Grade Adjustment Rings:
 - (a) Precast concrete grade rings shall be used. No brick shall be allowed. NYS DOT Section 604-1.02
 - (5) Drainage manhole covers shall include the words "STORM SEWER" in bold letters cast in on the cover.
- E. Frame and grates shall be NYSDOT Section 715.
- F. Stone protection:
 - (1) Shall be NYSDOT Section 620-02, dry riprap, with a minimum medium weight stone greater than 100 pounds.
 - (2) Protection shall be designed and the size provided shall be in accordance with HEC-14 analysis results and the NYS Standards and Specifications for Erosion and Sediment Control.

§ 188-51. Construction methods.

- A. Drainage structures and facilities shall be staked out prior to construction.
- B. Pipe and ditches shall be installed to the designed line and grade.
- C. Pipe catch basins and manholes shall be installed in accordance with NYSDOT Section 604-3.
- D. Underdrains with filter stone and geotextile fabric shall be installed in accordance with NYSDOT Section 605 and the recommendations of the geotextile manufacturer.

ARTICLE XII. Sewer Systems

§ 188-52. Applicable standards.

The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents.

- A. Recommended Standards for Wastewater Facilities: Policies for the Design, Review, and Approval of Plans, and Specifications for Wastewater Collection and Treatment Facilities, 2014 Edition – A Report of the Wastewater Committee of the Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.
- B. New York State Design Standards for Intermediate Sized Wastewater Treatment Systems. March 5, 2014. New York State Department of Environmental Conservation, Division of Water.
- C. Uni-Bell UNI-B-6-98 “Recommended Practice for Low-Pressure Air Testing of Installed Sewer Pipe” July 1998
- D. Rural Sewage Disposal, Rensselaer County Department of Health.
- E. Articles II and IX, Sanitary Code of Rensselaer County.
- F. Part 75-A, New York State Department of Health.
- F. Design and Construction of Sanitary and Storm Sewers, Manual of Practice No. 8 Water Pollution Control Federation.

§ 188-53. Design standards.

- A. Public sewer systems.
 - (1) Sites within or adjacent to an existing or proposed future sewer district as shown on the Official Map or within 2,000 feet of public sewers, or at the discretion of the Planning Board shall be served by public sewers.
 - (2) The applicant shall pay for the cost of extending the sewer district and facilities to connect to the existing system.
 - (3) The extension of facilities can be waived in specific instances where economic hardship and suitable alternative methods of sewage disposal can be demonstrated.
- B. Community sewer system.
 - (1) Community wastewater treatment and collection systems shall be provided for all sites with a design wastewater flow of greater than 20,000 gallons per day within the direct recharge areas of the Schodack Terrace Aquifer or the Valatie Kill Aquifer as mapped in Town of Schodack Chapter 233 Water Quality Control Law, and for all sites serving 50 or more housing units.
 - (2) Wastewater treatment systems shall provide treatment to a level as determined by the New York State Department of Environmental Conservation
 - (3) Upstream and downstream monitoring wells shall be provided for subsurface discharge systems with testing incorporated into the State Pollutant Discharge Elimination System permit.
 - (4) All copies of laboratory test results shall be provided annually to the Town for non-municipal facilities.
- C. On-site wastewater treatment systems.
 - (1) Where public sewers or community systems are not feasible, onsite wastewater systems will be considered, provided that suitable site conditions exist.
 - (2) System designs shall be submitted to the Rensselaer County Department of Health for approval.
 - (3) The adequacy of existing systems shall be verified prior to any expansion of site facilities or changes in use.

- (4) Dry sewers shall be required on all major subdivisions, unless waived by the Planning Board via resolution
- (5) Appeal.
 - (a) Any person or entity aggrieved by a determination of the Planning Board regarding the waiver of the dry sewer requirement under this Chapter may appeal the Planning Board's decision to the Town Board for further consideration by filing of a notice of appeal with the Town Clerk within 30 days of the filing of the decision of the Planning Board denying such a waiver. The Town Board shall consider whether the applicant has suffered an undue hardship as a result of the denial of a waiver and may exercise its discretion using all relevant factors.
 - (b) An appeal to the Town Board must be made within the thirty-day period following the filing of Planning Board decisions denying a waiver, except that any application for a waiver which has been decided in the 12 months prior to the date of this subsection may be taken by filing a notice of appeal with the Town Clerk within the thirty-day period following the effective date of this subsection.
- D. Discharges other than domestic wastewater. Industrial and nondomestic wastewater discharges will be allowed only after careful review on a case-by-case basis. Pretreatment may be required prior to connection to any public sewer systems.
- E. Gravity collection systems. Gravity sewer systems shall be provided unless not feasible.
- F. Pump stations and force mains.
 - (1) Central pump stations and force mains shall be provided where gravity systems are not feasible.
 - (2) Pump stations shall be designed in accordance with the Recommended Standards for Sewage Works, including provisions for emergency power.
 - (3) A remote alarm system shall be provided to alert maintenance people of system failure.
- G. Ownership, operation and maintenance.
 - (1) The Town shall require that all community sewer systems be owned and operated by the Town. The applicant must make provisions to own and operate the system during the one-year waiting period for acceptance as discussed in § 188-30, Acceptance of improvements.
 - (2) For all wastewater systems, pump stations and nonresidential systems, operation and maintenance plans shall be submitted, including;
 - (a) Detailed as-built drawings showing all deviations from the design plans
 - (b) Equipment lists.
 - (c) Instruction manuals.
 - (d) Spare parts.
 - (e) Regulatory and reporting requirements.
 - (f) Emergency plans.
 - (g) Operation and replacement cost estimates.
 - (3) Where facilities are to be dedicated to or owned by the Town of Schodack, such dedication should be accompanied by the following:
 - (a) Two -year cash performance bond in the amount of 20% of the municipally constructed value of the system as approved by the Planning Board Engineer which will commence upon the date of acceptance.
 - (b) Warranties for each process equipment item should commence upon the date of dedication/acceptance.
 - (4) The Town reserves the right to request equipment, materials and treatment processes that may exceed minimum requirements in order to:

- (1) Meet Town standards or match other equipment/processes already in use by the Town
- (2) Increase operator safety;
- (3) Increase ease of operation;
- (4) Reduce operating costs including labor, energy, consumables, and residual disposal costs;
- (5) Reduce maintenance costs;
- (6) Extend the useful life of the equipment and facility;
- (7) Provide a greater degree of protection to the aquifer and the environment;
- (8) Reduce or mitigate impacts to neighbors such as odors, noise or visual impacts; and
- (9) Conserve resources, including water consumption.

§ 188-54. Materials.

- A. Sewer pipe shall be as follows:
 - (1) PVC SDR 35: ASTM D3034.
 - (2) As approved by the Planning Board Engineer.
- B. Manholes shall be as follows:
 - (1) Precast concrete manhole: ASTM C478.
 - (2) Mortar, Type M: ASTM C270.
 - (3) Frames and covers: NYSDOT Section 715.
 - (4) Covers for sanitary sewer systems shall have the words "SANITARY SEWER" in bold letters cast in on the cover
- C. Pump stations. Pump stations shall be wet-well-mounted pump stations as manufactured by Smith and Loveless or an approved equal.
- D. Force mains shall be as follows:
 - (1) PVC SDR 21: D2241 for heads up to 90 feet.
 - (2) PVC SDR 26: ASTM D2241.
 - (3) PVC Schedule 40: ASTM D1785.
 - (4) As approved by the Planning Board Engineer.

§ 188-55. Construction methods.

- A. Stakeout. Sewer systems shall be staked out prior to construction.
- B. Pipe installation.
 - (1) Sewer pipe shall be installed to line and grade.
 - (2) Warning tape with stainless steel tracing wire shall be installed 12 inches above all pipe and terminated in accessible underground structures.
- C. Testing.
 - (1) Pipe testing.
 - (a) Pipe shall be tested as follows:
 - [1] Deflection testing.
 - [2] Low-pressure air testing.

- [3] Corroborative infiltration/exfiltration tests on the three sections with greatest air loss.
- (b) These tests are to be performed and witnessed prior to connection between the house services and the system. Testing shall follow recommendations of UNI-BELL.
 - (c) Infiltration testing. Infiltration testing is considered an acceptable method of leakage test if the groundwater level is above the top of the pipe for the entire length being tested. A weir shall be installed in locations as directed by the Town Planning Board Engineer and will be used to measure the infiltration. The allowable infiltration shall not exceed 50 gallons per inch of internal pipe diameter per mile per twenty-four-hour day. The minimum length of testing shall be one hour.
 - (d) Exfiltration testing. Exfiltration testing will be acceptable only when the groundwater level is suitably low or in dry areas. Plugs, caps and branch connections must be secured against blowoff during leakage tests. The maximum allowable exfiltration for any section of pipe between manholes shall be measured and shall not exceed 20 gallons per inch of internal pipe diameter per mile per twenty-four-hour day. The owner/applicant shall provide water and measuring devices. During testing, the maximum internal pipe pressure at the lowest end shall not exceed 25 feet, and the internal head shall be two feet higher than the top of the pipe.
 - (e) Low-pressure air testing. All plugs, fittings, gauges and pumping systems required shall be provided by the owner/applicant. The pressure drop shall not exceed 0.5 pound per square inch from 3.5 pounds per square inch to 3.0 pounds per square inch in excess of the groundwater pressure above the top of the pipe. Testing shall conform to ASTM F-1417 for plastic pipe. For other materials, test procedures shall be approved by the Town.
 - [1] The duration of the testing shall be taken from C. Uni-Bell UNI-B-6-98 "Recommended Practice for Low-Pressure Air Testing of Installed Sewer Pipe" July 1998 Table II, Minimum Specified Time For a 0.5 PSIG Pressure Drop for Size and Length of Pipe Indicated for Q=0.0015.⁹
 - (f) Deflection testing. Sewer lines shall be tested for straightness with a maximum allowable deflection of 7 1/2%. Sections found to be questionable shall be tested by pulling an appropriately sized mandrel through the pipe.
 - (g) The owner/applicant shall furnish the correct mandrels for the pipe size being tested, as determined from Table 5-4.03.2. The owner/applicant shall be responsible for furnishing all necessary rope, labor, fittings, etc., in order to conduct the testing.

Table 5-4.03.2 Specified Mandrel Size for Pipe Diameter Indicated

Pipe Diameter (inches)	Mandrel O.D. (inches)
6	5.31
8	7.09
10	8.85
12	10.51
15	12.86
18	15.70
21	18.50
24	20.80
27	23.43

- (i) Acceptance. Any section of the sewer system that does not comply with the requirements of the testing outlined above shall be repaired or replaced at the owner's/applicant's expense, to meet the requirements of the Town.

⁹ Editor's Note: Table 5-403.1 is included at the end of this Chapter.

- (2) All mechanical systems shall be tested to ensure proper operation within the design parameters prior to placing in service.

ARTICLE XIII. Water Systems

§ 188-56. Applicable standards.

The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents.

- A. Distribution System Requirements for Fire Protection. American Water Works Association Manual M31. Denver, Colorado: American Water Works Association, January 2008.
- B. 2012 Edition Policies for the Review, and Approval of Plans, and Specifications for Public Water Supplies [Recommended Standards for Waterworks-Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers].
- C. Rural Water Supply, New York State Department of Health.
- D. Part 75-B, New York State Department of Health.
- E. AWWA Standards, American Water Works Association.
- F. Fire Suppression Rating Schedule, Insurance Services Offices.

§ 188-57. Design standards.

- A. Public water systems.
 - (1) Sites within or adjacent to an existing or proposed future water district as shown on the Official Map or within 2,000 feet of public water mains, shall be served by a public water system, or at the discretion of the Planning Board. The Planning Board may reduce this requirement where difficulties to extend are proven by the applicant.
 - (2) The applicant shall pay for the cost of extending the water district and facilities to connect to the existing system.
 - (3) The extension of facilities can be waived in specific instances where economic hardship and suitable alternative methods of water supply can be demonstrated.
 - (4) Dry water mains shall be provided for all major subdivisions unless waived by the Planning Board.
- B. Community water system.
 - (1) Community water systems shall be provided for all sites serving 50 or more housing units.
 - (2) Water systems shall be designed in accordance with the Recommended Standards for Water Works.
 - (3) A minimum of two wells or other water supply sources shall be provided.
 - (4) Provisions shall be made for emergency power supply.
- C. Fire protection.
 - (1) Fire protection shall be provided for major subdivisions of 20 or more lots, sites with water flows greater than 10,000 gallons per day and sites served by public water supply.
 - (2) Fire protection shall be in accordance with the recommendations of the Insurance Service Offices of New York State.
 - (3) Fire ponds and dry fire hydrants will be considered as alternative methods of fire protection where economic and technical hardships can be demonstrated.

- D. Dry water mains. Dry water mains with valves and tees for future hydrants shall be installed in all subdivisions greater than 19 lots and on sites with daily flows of greater than 10,000 gallons per day when community or public water supply is not being provided unless waived by the Planning Board via resolution.
- E. Existing systems. The adequacy of existing water supply systems shall be verified prior to any expansion of site facilities or changes in use.
- F. Treatment and disinfection.
 - (1) Water shall be treated as required to achieve New York State Department of Health Part 5, Drinking Water Standards and Recommendations.
 - (2) Equipment shall be provided for the chlorination of all public and community water supplies.
- G. Water mains.
 - (1) The minimum diameter of water mains shall be eight inches.
 - (2) Larger mains shall be installed at the applicant's expense if required by the Town.
 - (3) Dead-end water mains will not be allowed except as approved in special circumstances.
- H. Hydrants and valves.
 - (1) The maximum hydrant spacing shall be 500 feet, and shall also be based upon the required spacing per the Fire Code for the required fire flow
 - (2) The maximum valve spacing shall be 500 feet.
 - (3) Valves shall be provided on all pipes at all pipe intersections in proximity to the intersection.
 - (4) A hydrant shall be provided at dead ends and high points and low points for flushing. Proper provisions during flushing for drainage shall also be required.
- I. Services. Corporation, three-fourths-inch or larger diameter service line, curb box, water meter and an approved backflow prevention device shall be provided if the need for a backflow device is so determined by the Town.
- J. Flow and pressure.
 - (1) The minimum service flow shall be adequate for peak demand.
 - (2) The minimum domestic pressure shall be 40 pounds per square inch in the main at peak domestic demand.
 - (3) The minimum residential fire flow shall be 500 gallons per minute at 20 pounds per square inch residual pressure for a two-hour duration.
 - (4) The minimum nonresidential fire flow shall be in accordance with Insurance Service Office recommendations.
 - (5) Pressure-reducing valves and booster pumps shall be provided when required by the Town.
- K. Storage.
 - (1) The minimum gravity storage shall be one-day maximum demand plus the required fire storage.
 - (2) Hydropneumatic storage will not be allowed.
- L. Wells.
 - (1) Where public or community water systems are not feasible, individual wells may be considered.
 - (2) Individual wells shall be designed and constructed in accordance with Rensselaer County Health Department requirements and the New York State Rural Water Supply Handbook. The minimum yield shall be five gallons per minute unless waived.

- (3) Test wells, pump tests and hydrogeologic studies shall be performed in accordance with Recommended Standards for All Community Water Systems for Water Works.
- (4) The installation of test wells, hydrogeologic studies and pump tests will be required for major subdivisions and for sites with daily flow requirements of greater than 10,000 gallons per day.
- (5) Water quality tests beyond the typical parameters listed in the New York State Sanitary Code, Part 5, Drinking Water Supplies, may be required in areas where groundwater is suspect.

M. Ownership, operation and maintenance.

- (1) The Town shall require that all community water systems be owned and operated by the Town. The applicant must make provisions to own and operate the system during the one-year waiting period for acceptance, as discussed in § 188-30, Acceptance of improvements.
- (2) For water systems, operation and maintenance plans shall be submitted, including:
 - (a) As-built drawings.
 - (b) Equipment lists.
 - (c) Instruction manuals.
 - (d) Spare parts.
 - (e) Regulatory and reporting requirements.
 - (f) Emergency plans.
 - (g) Operation and replacement cost estimates.
- (3) Where water systems are to be dedicated to or owned by the Town, such dedication should be accompanied by the following:
 - (a) Two-year cash performance bond in the amount of 20% of the constructed value of the system as approved by the Planning Board Engineer which will commence upon the date of acceptance.
 - (b) One-year warranty for each process equipment item, which should commence upon the date of dedication/acceptance.
- (4) The Town reserves the right to request equipment, materials and processes that may exceed minimum requirements in order to;
 - (1) Meet Town standards or match other equipment/processes already in use;
 - (2) Increase operator safety;
 - (3) Increase ease of operation;
 - (4) Reduce operating costs including labor, energy, consumables, and residual disposal costs;
 - (5) Reduce maintenance costs;
 - (6) Extend the useful life of the equipment and facility;
 - (7) Provide a greater degree of protection to the aquifer and the environment;
 - (8) Reduce or mitigate impacts to neighbors such as odors, noise or visual impacts; and
 - (9) Conserve resources, including water consumption.

§ 188-58. Materials.

A. Water mains shall be as follows:

- (1) Ductile iron pipe, double cement lined and seal coated: AWWA C151 and C104.

- (2) Polyvinyl chloride (PVC): AWWA C900.
- B. Fittings shall be as recommended by the pipe manufacturer and conform in every respect to the same specification as the pipe with which they are to be used.
- C. Joints shall be as follows:
 - (1) Cast-iron mechanical: AWWA C111.
 - (2) Cast-iron push on: AWWA C111.
- D. Hydrants shall be five-inch, with two two-and-one-half-inch hose nozzles and one four-and-one-half-inch steamer nozzle, six-inch hub connection, open left, AWWA C502, Kennedy or Mueller
- E. Gate valves shall be cast-iron gate valve, bronze-mounted resilient wedge, AWWA C509.
- F. Services shall be Copper Tube Sizing (CTS) Chlorinated Poly Vinyl Chloride (CPVC) pipe, ASTM D-2846 with stainless steel tracer wire, or NSF- approved copper tubing Type K, ASTM B88 bedded in twelve (12) inches of clean sand from the main and covered in twelve (12 inches of clean sand from the main unless otherwise approved.
- G. Curb Valves shall be Mueller H-1502-2N or Ford.
- H. Valve boxes shall be cast-iron, telescopic pattern, Erie Style.
- I. Corporation stops shall be Mueller H-15000 or as approved.
- J. Saddles (required for PVC pipe) shall be brass, McDonald 3801 or equal.
- K. Water meters shall be purchased from the Town, installed by owner in accordance with the Town standard detail and inspected and sealed by Town.
- L. Pressure-reducing valves shall be Ross Valve or Watts Regulator PVIO or equal.
- M. Backflow prevention valves shall be New York State Department of Health approved, Mueller or equal.

§ 188-59. Construction methods.

- A. Stakeout. Wells and water systems shall be staked out prior to construction.
- B. Pipe installation.
 - (1) Water main shall be installed to line and grade. Pipe and services shall be installed at a minimum cover depth of five feet below grade on a bed of 8" of clean sand or washed stone with a minimum cover of 8" of the same materials.
 - (2) Thrust restraint shall be installed at bends and intersections.
 - (3) Warning tape shall be installed 12 inches above the pipe. Warning tape with stainless steel tracer wire shall be used above nonmetallic pipe and terminated in accessible underground structures.
 - (4) PVC pipe shall be installed in accordance with UNI-BELL
 - (5) Handbook of PVC Pipe: Design and Construction.
- C. Testing.
 - (1) Pipe shall be disinfected and tested in accordance with American Water Works Association standards.
 - (2) Mechanical systems shall be tested to ensure proper operation within the design parameters prior to placing in service.

TOWN OF SCHODACK
RENSSELAER COUNTY, NEW YORK

TOWN OF SCHODACK
STANDARD DETAILS
LOCAL LAW CHAPTER 188

REVISED: SEPTEMBER 2024

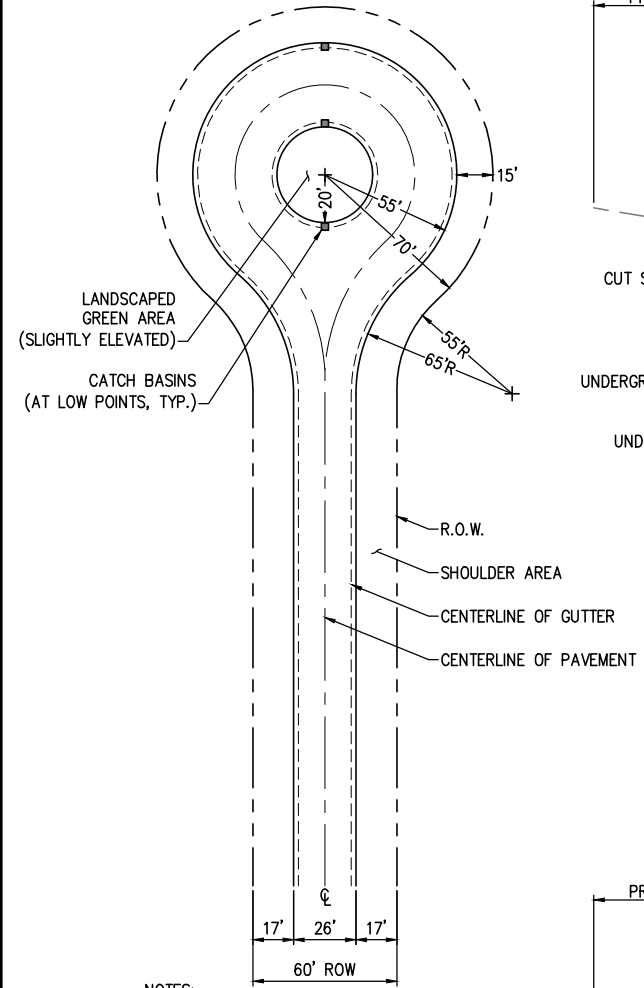
SUPERVISOR
CHARLES J. PETER

TOWN BOARD
JIM BULT
MICHAEL KENNEY
SCOTT SWARTZ
SARAH HALLER

SHEET INDEX:

1. ATTACHMENT 1 – DETAIL 1
2. ATTACHMENT 2 – DETAIL 2
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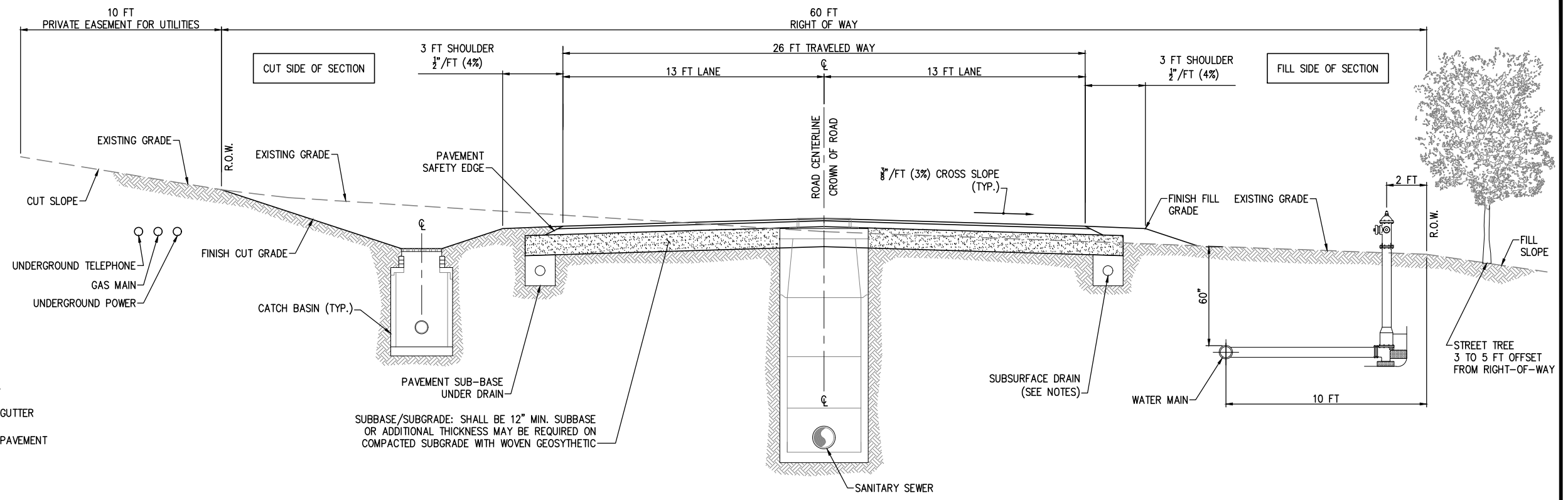
Laberge Group - J:\2024001\Cadd\T of S Chapter 188\Cadd\Attachment 1.dwg [DETAIL 1] September 10, 2024 - 8:05am WMB



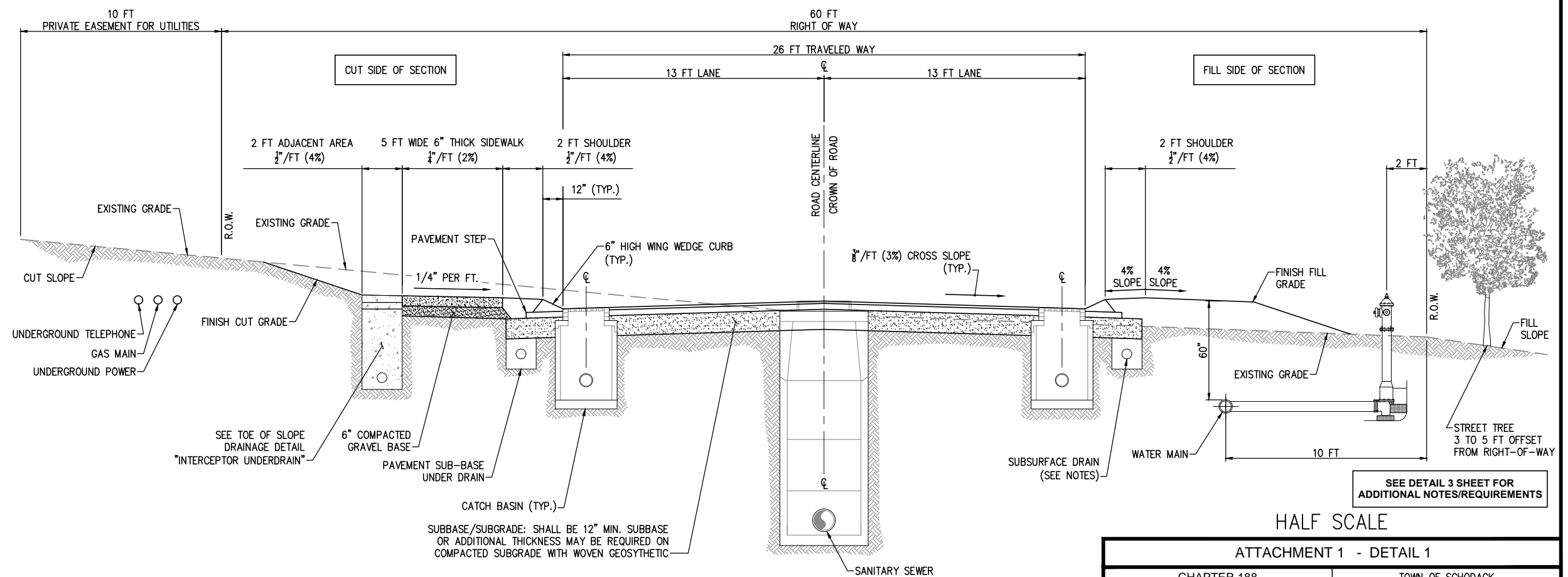
NOTES:

1. ROAD WIDTH EXCLUSIVE OF SHOULDERS.
2. LENGTH OF DEAD END STREETS IS LIMITED TO 600 FEET.

TYPICAL LOCAL ROAD CUL-DE-SAC
NTS
ROADWAY WITH PAVED GUTTERS



TYPE IA LOCAL ROAD: ACCESS ONLY - TYPICAL CROSS SECTION
NTS



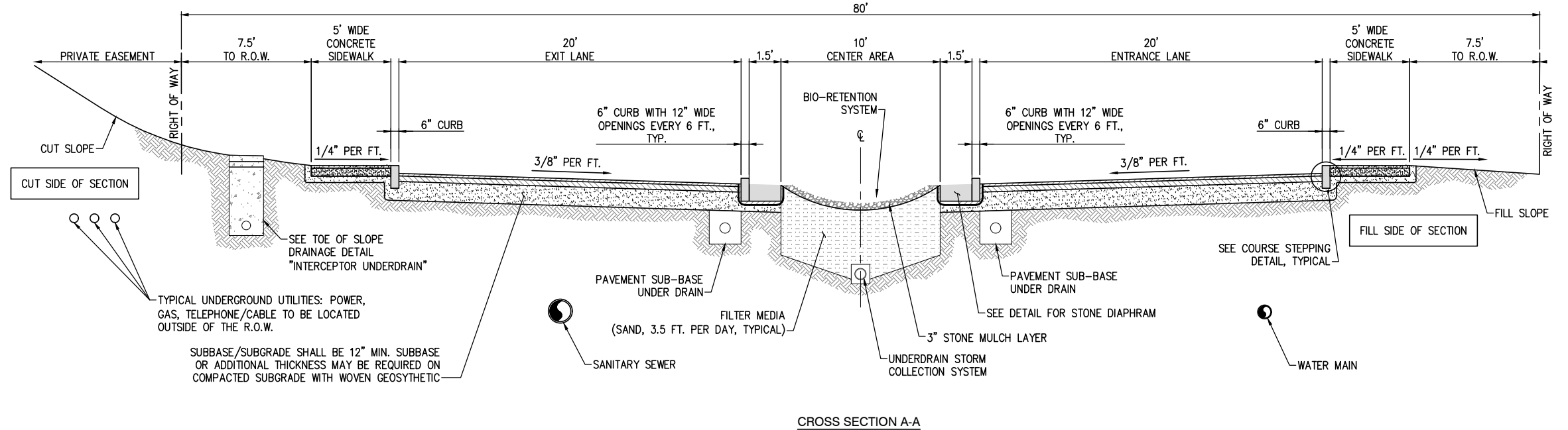
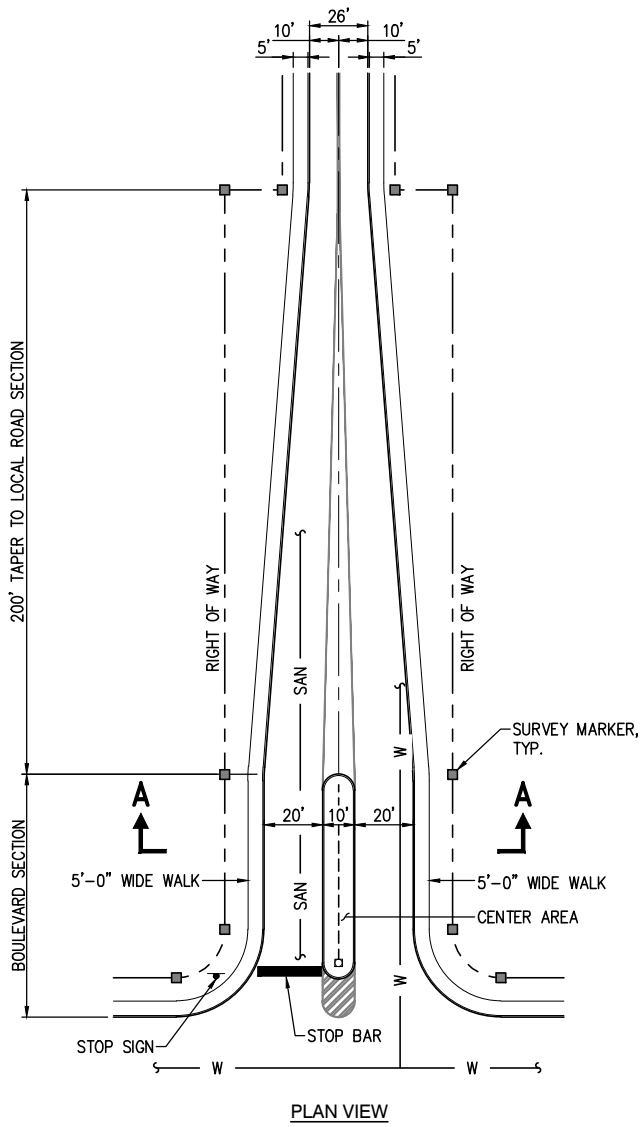
TYPE II COLLECTOR - TYPICAL CROSS SECTION
NTS

HALF SCALE

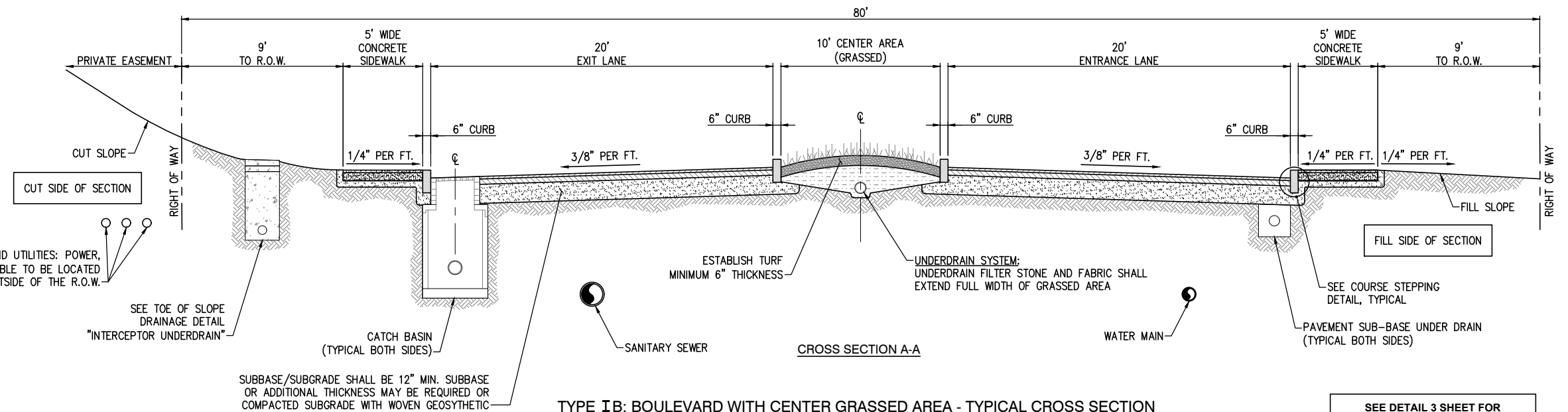
ATTACHMENT 1 - DETAIL 1

CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
REVISIONS			
NO.	DATE	DESCRIPTION	BY

Laberge Group
ENGINEERING ARCHITECTURE SURVEYING PLANNING
4 Computer Drive West Albany, New York 12205
(518) 458-7112 www.labergegroup.com



TYPE IB: BOULEVARD WITH CENTER GREEN INFRASTRUCTURE - TYPICAL CROSS SECTION
NTS



TYPE IB: BOULEVARD WITH CENTER GRASSED AREA - TYPICAL CROSS SECTION
NTS

- NOTE:**
1. NO CURB CUTS/DRIVEWAYS/ACCESS PERMITTED ALONG BOULEVARD SECTION OF ROAD.
 2. CURB SHALL BE GRANITE OR REINFORCED CONCRETE CURB IN BOULEVARD SECTION.

TYPICAL UNDERGROUND UTILITIES: POWER, GAS, TELEPHONE/CABLE TO BE LOCATED OUTSIDE OF THE R.O.W.

SEE TOE OF SLOPE DRAINAGE DETAIL "INTERCEPTOR UNDERDRAIN"

SUBBASE/SUBGRADE SHALL BE 12" MIN. SUBBASE OR ADDITIONAL THICKNESS MAY BE REQUIRED OR COMPACTED SUBGRADE WITH WOVEN GEOSYTHETIC

SEE DETAIL 3 SHEET FOR ADDITIONAL NOTES/REQUIREMENTS

HALF SCALE

ATTACHMENT 2 - DETAIL 2			
CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
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ROADWAY NOTES:

- REFER TO TOWN SPECIFICATIONS (CHAPTER 188 OF LOCAL LAW) FOR MATERIALS AND CONSTRUCTION. (REFERENCES MADE TO NYSOT STANDARD SPECIFICATIONS SHALL MEAN JANUARY 1, 2021 CONSTRUCTION AND MATERIALS AS AMENDED).
- SUBGRADE, SUBBASE AND BINDER COURSE SHALL BE CROWNED.
- SCHEDULE OF HOT MIX ASPHALT:**
 BINDER COURSE - 3 1/2" TYPE 3
 TOP COURSE - 1 1/2" TYPE 6F
 12" MIN. NYSOT ITEM 304.14 TYPE 4 SUBBASE COMPACT TO 95% STANDARD PROCTOR.
- THICKNESS ARE TOTAL COMPACTED THICKNESS.
- ADDITIONAL THICKNESS MAY BE REQUIRED DEPENDING ON SUBGRADE MATERIAL IN ACCORDANCE WITH LOCAL LAW 188-43.
- TACK COATS APPLIED BETWEEN HMA COURSES, NO EXCEPTION, PLACED IN ACCORDANCE WITH NYSOT 407.0103 TABLE 407-1.
- 12" MIN. NYSOT ITEM 304.14 TYPE 4 SUBBASE COMPACT TO 95% STANDARD PROCTOR.
- COMPACTED SUBGRADE WITH WOVEN GEOSYNTHETIC MIRAFI RS3801 REQUIRED FOR ANY SUBGRADE SOILS MEETING ANY OF THE AASHTO SOILS CLASSIFICATIONS: A-4, A-5, A-6, A-7 (SILT-CLAY MATERIALS WITH MORE THAN 35% PASSING THE NO. 200 SIEVE).
- STREET TREES SHALL BE 2 1/4" CALIPER AND ARE REQUIRED EVERY 100 FEET CENTER TO CENTER, BOTH SIDES OF THE ROAD.

CUT AND FILL SLOPES:

1. CUT SLOPES:

THE MAXIMUM CUT SLOPE SHALL NOT BE EXCEEDED FOR THE FOLLOWING CONDITIONS:

- SLOPES IN COMMON EARTH CONSISTING OF A UNIFORM MIXTURE OF SAND, SILT CLAY SOILS (LOAM). SLOPE - 3 HORIZONTAL TO 1 VERTICAL (18 DEGREES).
- SLOPES IN SHALE WITH LOW FISSILITY. SLOPE - 1 HORIZONTAL TO 1 VERTICAL (45 DEGREES).
- SLOPES IN SOLID HARD ROCK. SLOPE - 1 HORIZONTAL TO 4 VERTICAL (76 DEGREES).

2. FILL SLOPES:

THE MAXIMUM FILL SLOPE SHALL NOT BE EXCEEDED FOR THE FOLLOWING CONDITIONS:

- FILL HEIGHT/EMBANKMENT HEIGHT LESS THAN 6 FEET - 3 HORIZONTAL TO 1 VERTICAL (18 DEGREES).
- FILL HEIGHT/EMBANKMENT HEIGHT EQUAL TO OR GREATER THAN 6 FEET - 4 HORIZONTAL TO 1 VERTICAL (18 DEGREES).

DRAINAGE NOTES:

CATCH BASIN NOTES:

- SPACING PER SWALE DESIGN SUCH THAT DEPTH OF FLOW SHALL NOT BE GREATER THAN 1/2 OF THE SWALE DEPTH.

SWALE AND WATERWAY NOTES:

- DRY SWALE, GRASSED WATERWAY OR LINED WATERWAY DESIGN IN ACCORDANCE WITH §188-49 OF THE NYSDEC STORMWATER DESIGN MANUAL AND THE NYS STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL, BOTH SIDES OF ROAD.

UNDER DRAINAGE NOTES:

- SUBSURFACE DRAIN SHALL BE PROVIDED ON BOTH SIDES OF ROADWAY. MAY ONLY BE OMITTED AT SPECIFIC LOCATIONS UPON REVIEW AND AUTHORIZATION OF THE TOWN ENGINEER AND HIGHWAY SUPERINTENDENT.
- ADDITIONAL UNDER DRAINAGE MAY BE REQUIRED BY THE TOWN ENGINEER AT THE TOE OF CUT SLOPES UPON OBSERVATIONS BY THE TOWN ENGINEER AT THE TIME OF CONSTRUCTION.

UNDERGROUND UTILITY NOTE:

- TYPICAL UNDERGROUND UTILITIES, POWER, GAS, TELEPHONE/CABLE TO BE LOCATED OUTSIDE OF THE R.O.W. AT A MINIMUM DEPTH OF BURY PER UTILITY OWNER WITH BURIED UTILITY MARKER TAPE FOR EACH UTILITY. CONFORM TO LOCAL LAW §188-45M.

SAFETY EDGE NOTES:

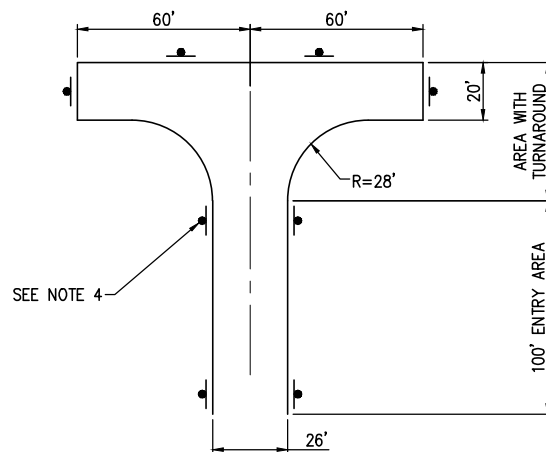
- SAFETY EDGE SHALL BE CONSTRUCTED MONOLITHICALLY WITH THE ASPHALT PAVEMENT.
- EDGE TO BE MACHINE FORMED. RAKED/HAND FORMED AND COMPACTION SHALL NOT BE ACCEPTED.
- THE SAFETY EDGE SYSTEM SHALL BE ADJUSTABLE TO ACCOMMODATE VARYING PAVEMENT THICKNESSES AND SHALL BE FIRST APPROVED FOR USE BY THE TOWN ENGINEER AND HIGHWAY SUPERINTENDENT.
- USE PAVEMENT STEP IN PLACE OF SAFETY EDGE WHEN CURB AND GUTTER ARE TO BE INSTALLED.
- DO NOT PLACE SAFETY EDGE THROUGH INTERSECTIONS.
- CONTINUE SAFETY EDGE ACROSS DRIVEWAYS.
- PLACE EDGE BACKING/SHOULDER MATERIALS ALONG EDGE AS SOON AS POSSIBLE AFTER THE ASPHALT MAT HAS SUFFICIENTLY COOLED
- THE FINISHED EDGE SHALL BE 30 DEGREES TO THE PAVEMENT CROSS-SLOPE ON THE EDGE OF PAVEMENT, WITHIN A TOLERANCE OF PLUS 10 DEGREES AND MINUS 4 DEGREES.

MONUMENT NOTES:

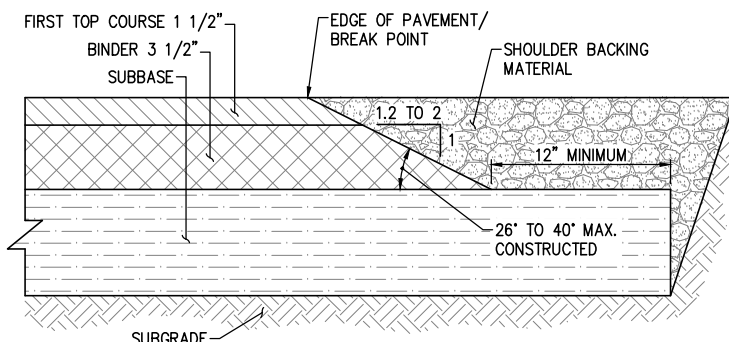
- STREET MONUMENTS SHALL BE PLACED AT ALL CORNERS, ALONG TANGENTS AT INTERVALS NOT TO EXCEED 500 FEET AND AT THE BEGINNING AND END POINTS OF CURVES.
- MONUMENTATION AND HORIZONTAL CONTROL FOR THE PROJECT SHALL BE TIED TO THE NEW YORK STATE PLANE COORDINATE SYSTEM (NORTH AMERICAN HORIZONTAL DATUM OF 1983).
- VERTICAL MONUMENTATION SHALL BE NORTH AMERICAN VERTICAL DATUM OF 1988, NAVD88.
- MONUMENTS SHALL BE GRANITE STONE OR REINFORCED CONCRETE - 42" LONG, 4000 p.s.i. WITH (1) ONE #3 DEFORMED REBAR, CENTERED.
- PROVIDE WITH SURVEY MARKER BY BERNTSEN INTERNATIONAL INC. OR APPROVED EQUAL BY TOWN, BP1P MARKER WITH CENTER MARK AND ANCHORING PLUG WITH IMPRINT "TOWN OF" CENTERED AT 12 O'CLOCK AND "SCHODACK" CENTERED AT 6 O'CLOCK.
- AFTER THE CONCRETE RIGHT OF WAY MARKER OR CIP PERMANENT SURVEY MARKER IS IN PLACE, THE EXCAVATION SHALL BE BACKFILLED IN ACCORDANCE WITH THE REQUIREMENTS OF NYSOT STANDARD SPECIFICATIONS SECTION §204 - "FLOWABLE FILL" USING CONTROLLED LOW STRENGTH MATERIAL.
- WHEN ROCK IS ENCOUNTERED MONUMENT INSTALLATION SHALL CONFORM TO THE DETAILS AND THE FOLLOWING:
 - PREPARE A LEVEL SURFACE FOR ALL CONDITIONS UNLESS NOTED OTHERWISE TO A MINIMUM DEPTH BELOW GRADE OF 18 INCHES AND A CLEAR DISTANCE FROM ROCK SLOPES AND EDGES OF 12 INCHES IN ALL DIRECTIONS.
 - FOR SEDIMENTARY ROCK (INCLUDING SHALE OR OTHER LAMINATED ROCK THAT IS FISSILE) IN ALL CASES THE ROCK SHALL BE FURTHER CUT AWAY TO A LEVEL SURFACE THAT IS SOLID IN THE SOLE OPINION OF THE TOWN ENGINEER UPON INSPECTION.
 - UPON ACCEPTANCE OF THE PREPARED LEVEL SURFACE BY THE TOWN ENGINEER A 1 INCH DIAMETER HOLE SHALL BE DRILLED THAT EXTENDS TO 24" INCHES BELOW THE LEVEL LANDING. GROUT THE MONUMENT ROD IN PLACE AND COMPLETE CONSTRUCTION IN ACCORDANCE WITH THE DETAIL.
 - FOR IGNEOUS OR SOLID METAMORPHIC ROCK SURFACES THAT EXTEND ABOVE OR AT GRADE. PREPARE A LEVEL SURFACE RECESSED SO THAT WHEN THE MARKER IS SET IT WILL BE FLUSH WITH THE SURROUNDING ROCK. SET THE SURVEY MARKER IN ACCORDANCE WITH THE MANUFACTURERS DIRECTIONS. OTHERWISE PREPARE THE LEVEL SURFACE AS DESCRIBED ABOVE.

TEMPORARY DEAD END TURN-AROUND NOTES:

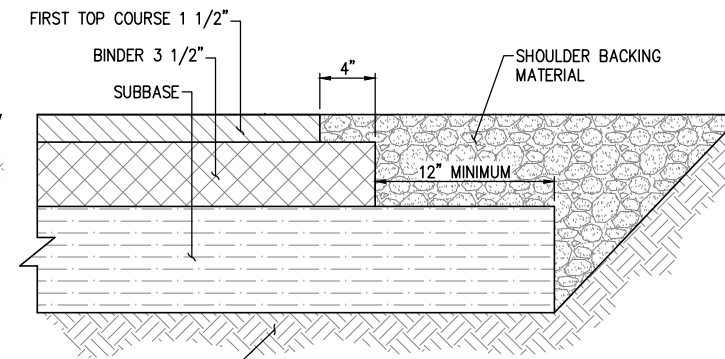
- ENTRY/EXIT GRADES SHALL NOT EXCEED 8% WITHIN 100 FT.
- GRADES WITHIN THE TURN AROUND SHALL NOT EXCEED 3% IN ANY DIRECTION.
- MAXIMUM LENGTH OF THE TEMPORARY DEAD END SHALL NOT EXCEED 750'
- FIRE ACCESS SHALL BE SIGNED "NO PARKING FIRE LANE", MINIMUM 12" WIDE BY 18" HIGH WITH RED LETTER ON WHITE BACKGROUND, POSTED ON BOTH SIDES OF THE ROAD WITHIN THE AREA OF THE TURNAROUND AND WITHIN 100 FT.



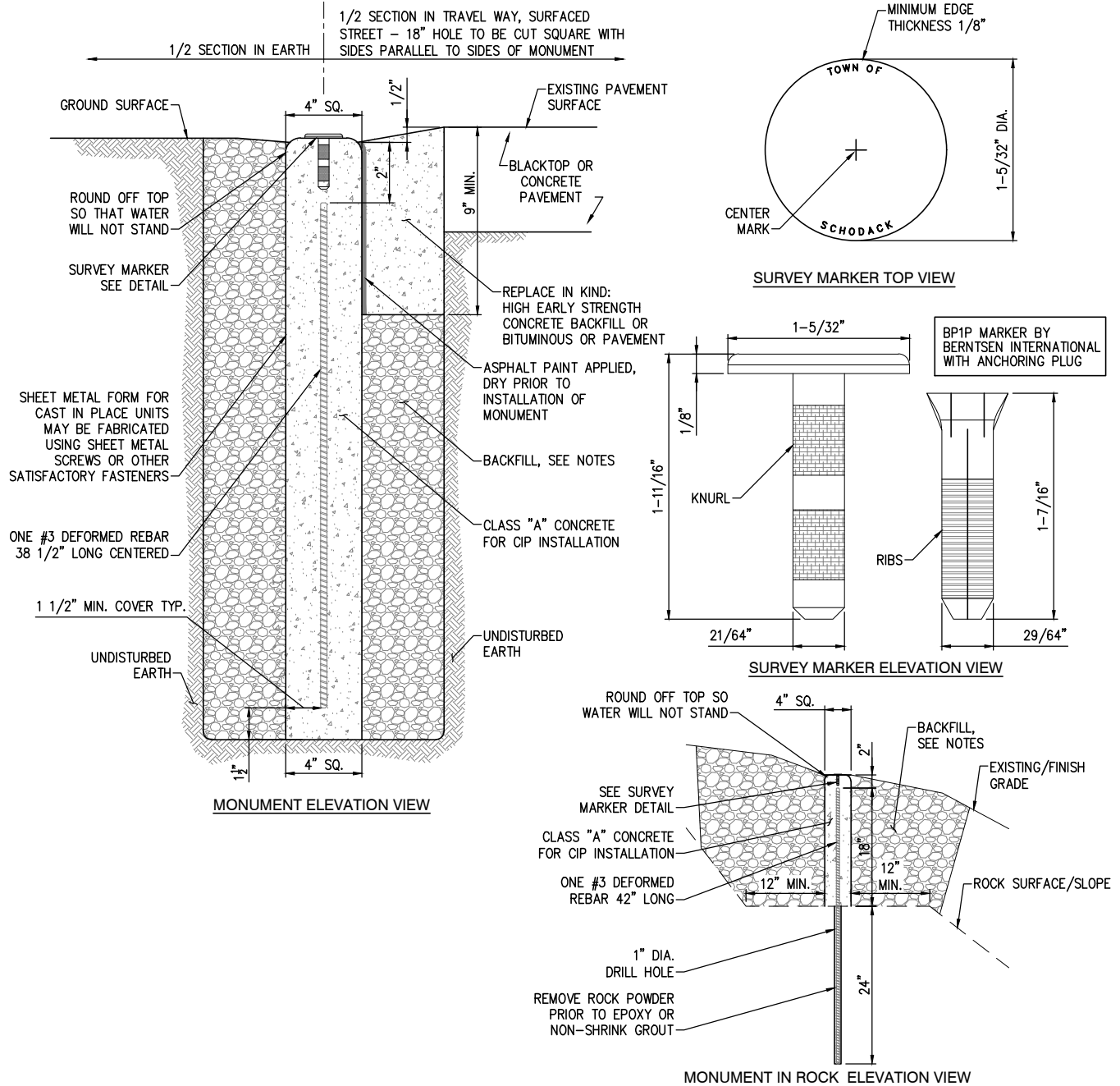
TEMPORARY DEAD END TURN-AROUND
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TYPICAL SAFETY EDGE DETAIL
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TYPICAL PAVEMENT COURSE STEPPING DETAIL
NTS

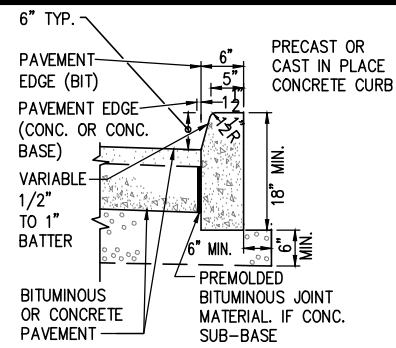


PERMANENT SURVEY MARKER INSTALLATION DETAIL
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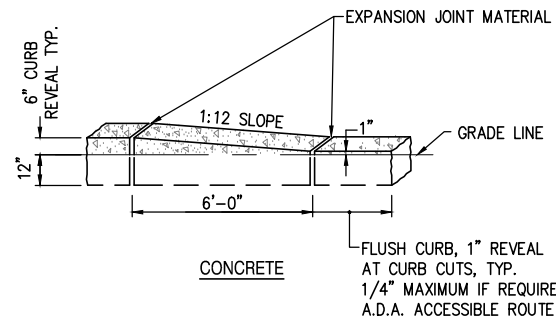
HALF SCALE

ATTACHMENT 3 - DETAIL 3

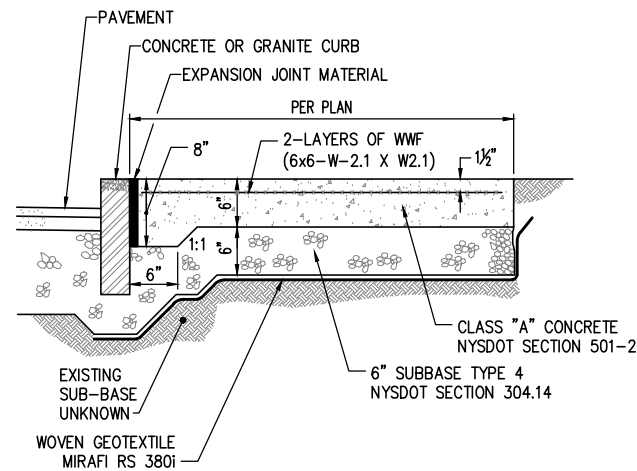
CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
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NO.	DATE	DESCRIPTION	BY
Lalberge ENGINEERING ARCHITECTURE		Group SURVEYING PLANNING	
4 Computer Drive West Albany, New York 12205 (518) 458-7112 • www.lalbergegroup.com			



CONCRETE CURB
NTS



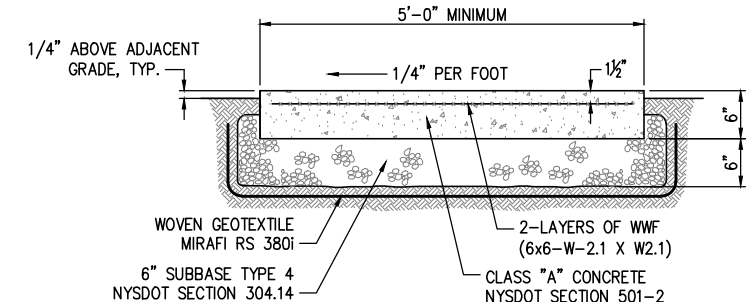
CURB TRANSITION
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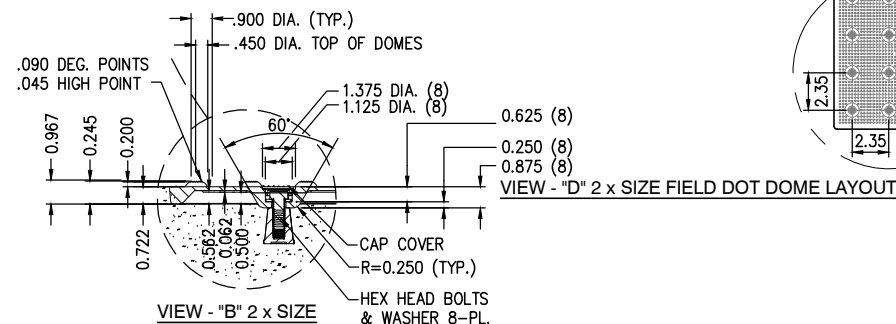
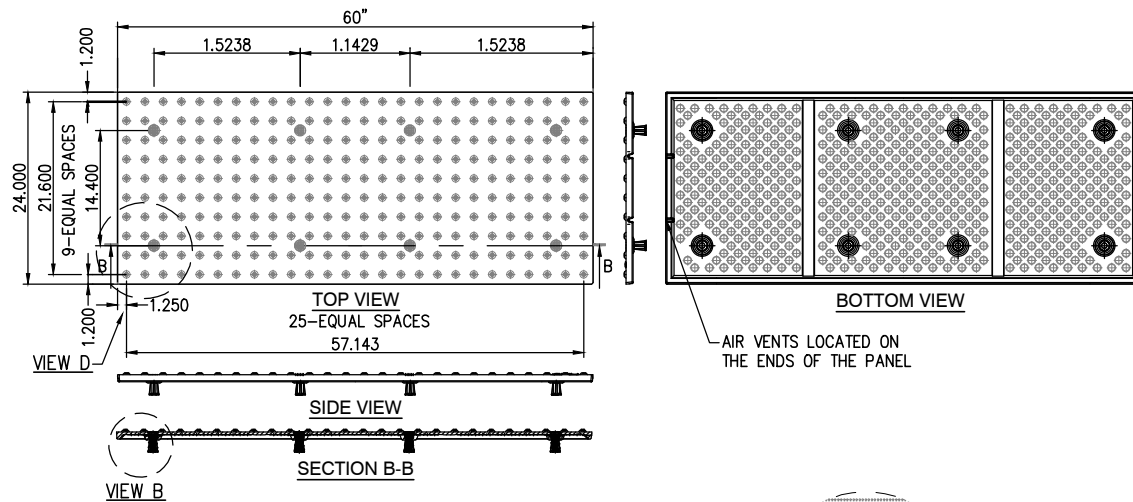
NOTE:

1. PROVIDE EXPANSION JOINT AND PREMOLDED BITUMINOUS JOINT MATERIAL EVERY 20'-0" O.C. LONGITUDINALLY AND SCORED JOINTS - 1/2" IN DEPTH EVERY 5'-0" O.C. BOTH WAYS, UNLESS OTHERWISE DIRECTED.
2. FIBER MESH MAY NOT BE SUBSTITUTED FOR WELDED WIRE FABRIC ("MESH").

TYPICAL CONCRETE SIDEWALK ADJACENT TO CURB
NTS



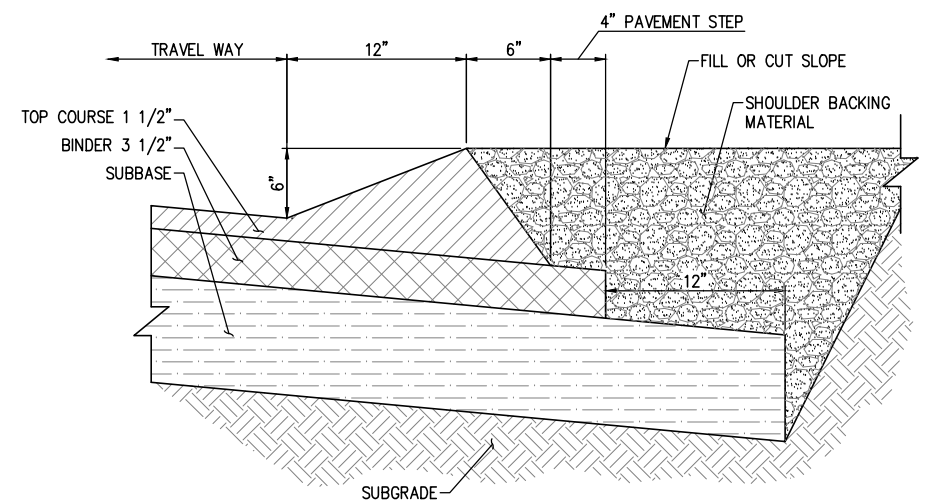
TYPICAL CONCRETE SIDEWALK WITHOUT CURB
NTS



RAISED TRUNCATED DOME ADA WARNING SYSTEM
NTS

NOTES:

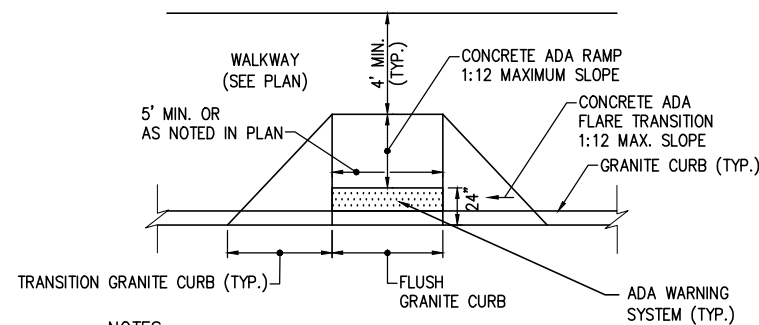
1. THE DETAILS PROVIDED ARE NOT DRAWN TO SCALE. THE QUANTITY OF DOMES DEPICTED ON THE DETECTABLE WARNING UNIT (THE DOMES AND THE ENTIRE 24" LEVEL SURFACE) IS FOR ILLUSTRATION ONLY.
 2. THE SIZE OF THE DETECTABLE WARNING FIELD SHALL BE 24" IN THE DIRECTION OF TRAVEL AND SHALL EXTEND THE FULL WIDTH OF THE CURB RAMP OR FLUSH SURFACE, EXCLUSIVE OF SIDE FLARES.
 3. THE ROWS OF DOMES SHALL BE ALIGNED TO BE PERPENDICULAR OR RADIAL TO THE GRADE BREAK BETWEEN THE RAMP LANDING OR CURB RAMP AND THE STREET.
 4. WHERE DOMES ARE ARRAYED RADially THEY MAY DIFFER IN DOME DIAMETER AND CENTER-TO-CENTER SPACING WITHIN THE RANGES SPECIFIED ON THIS SHEET.
 5. THE DETECTABLE WARNING FIELD SHALL BE THE COLOR SAFETY YELLOW.
 6. DETECTABLE WARNINGS SHALL BE LOCATED SO THAT THE EDGE OR CORNER OF THE WARNING FIELD NEAREST TO THE ROADWAY IS 5" TO 9" FROM THE FRONT OF THE CURB OR THE ROADWAY EDGE (12" WHERE TRAVERSABLE CURB IS USED).
- DETECTABLE WARNING UNIT DIMENSIONS:**
- DETECTABLE WARNING LOCATIONS:**
- DOMES ALIGNMENT:**
- COLOR REQUIREMENTS:**
- DETECTABLE WARNING LOCATIONS:**
- SPECIFICATIONS:**
1. COMPOSITE DOME PLATES SHALL BE WET SET IN NEW CONCRETE.
 2. UNITS SHALL BE REPLACEABLE 24"x60" 8-BOLT PATTERN.
 3. COLOR SHALL BE UV STABLE
 4. TRUNCATED DOMES SHALL BE FIBERGLASS REINFORCED.
 5. UNITS SHALL MEET THE MINIMUM OF THE FOLLOWING
 - 5.1. COMPRESSIVE STRENGTH 28,900 PSI ASTM D 695
 - 5.2. FLEXUREAL STRENGTH 29,300 PSI ASTM D 790
 - 5.3. TENSILE STRENGTH 11,600 PSI ASTM D638
 - 5.4. SLIP RESISTANCE 1.18 DRY/1.05 WET ASTM C 1028
- ACCEPTABLE MANUFACTURES SHALL BE 1) ADA SOLUTIONS, INC 800-372-0519 OR 2) ENGINEERED PLASTICS INC ARMOR-TILE 800-682-2525 OR 3) US SAFETY DOMES 800-540-9277



NOTE:

1. SEE NOTES ON "DETAIL SHEET 3"

INTEGRAL WING WEDGE CURB DETAIL
NTS



NOTES:

1. RUNNING SLOPE (5%) MINIMUM PREFERRED AND (8.33%) MAXIMUM.
2. WHERE THE SLOPE OF THE ROADWAY EXCEEDS 8.33%, THE CURB RAMP LENGTH IS THE LENGTH NECESSARY TO MEET THE EXISTING SIDEWALK. IT IS NOT NECESSARY THAT THE RAMP LENGTH EXCEED 15'-0".
3. RAMP SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES. & NEW YORK STATE BUILDING CODE.
4. FLUSH CURB SHALL BE 1/4" MAXIMUM HIGH/CHANGE IN LEVEL WITH ADJACENT SURFACES OR 1/2" WITH 2 HORIZONTAL TO 1 VERTICAL CHAMFER PER A.D.A.
5. RAMP MUST BE DESIGNED TO PREVENT THE ACCUMULATION OF WATER.
6. A.D.A. SHALL MEAN THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT, THE ARCHITECTURAL BARRIERS ACT AND THE GUIDE TO THE ADA.

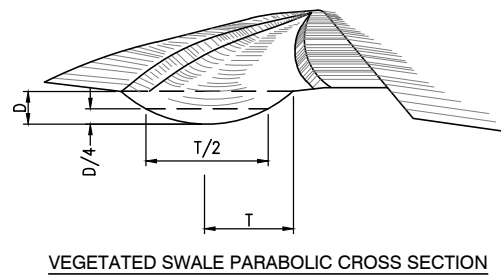
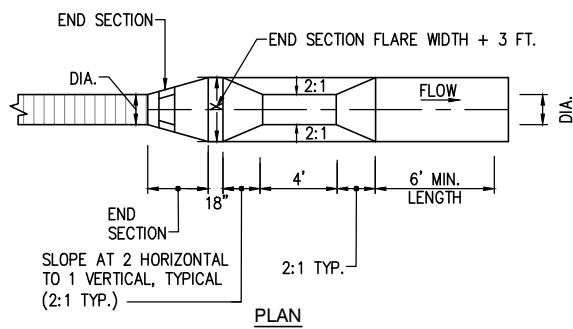
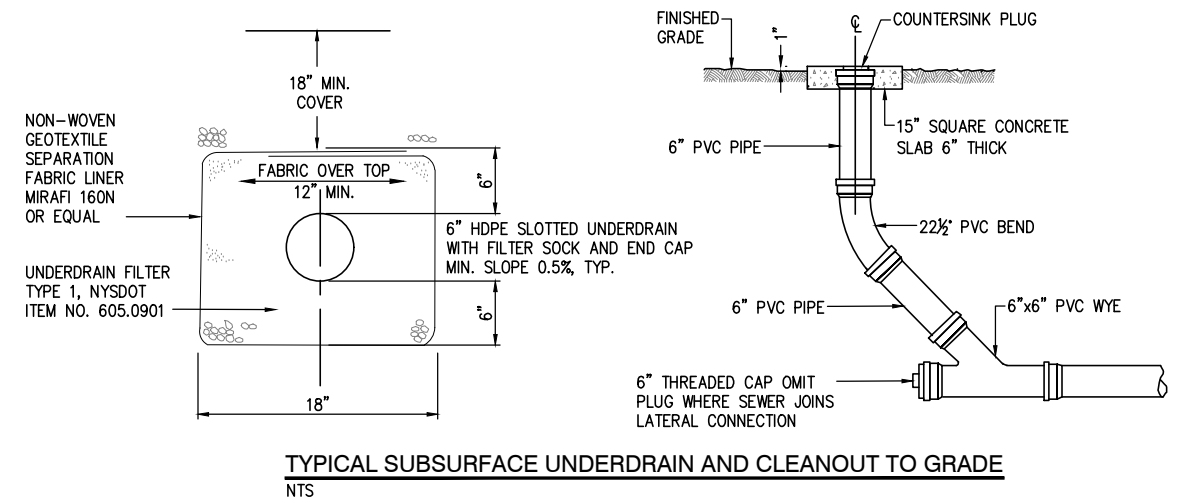
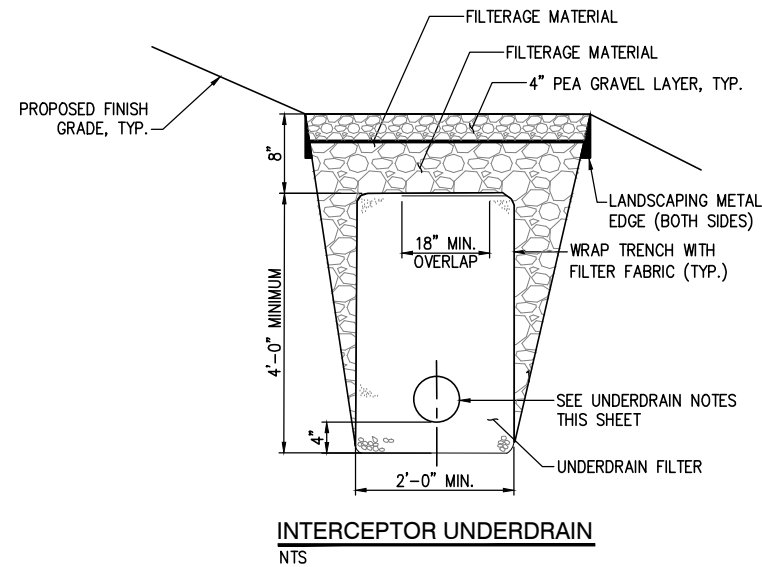
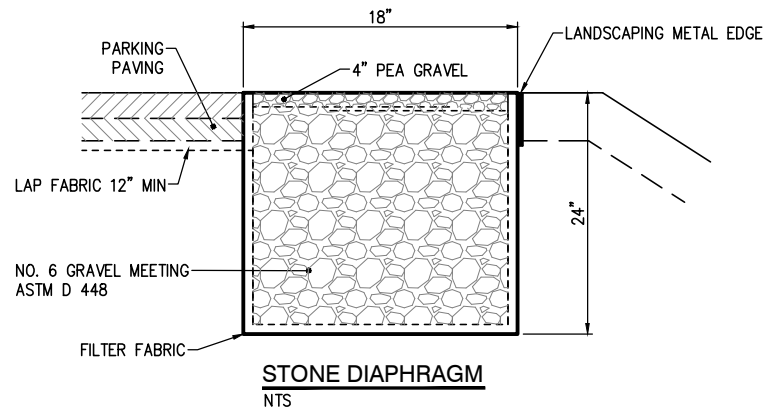
ACCESSIBLE RAMP DETAIL
NTS

HALF SCALE

ATTACHMENT 4 - DETAIL 4

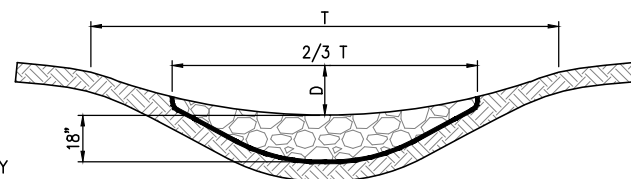
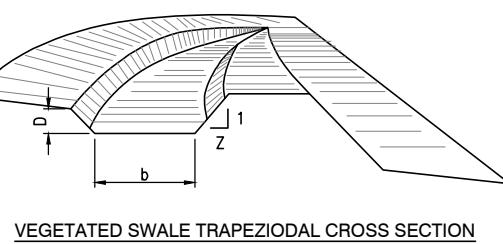
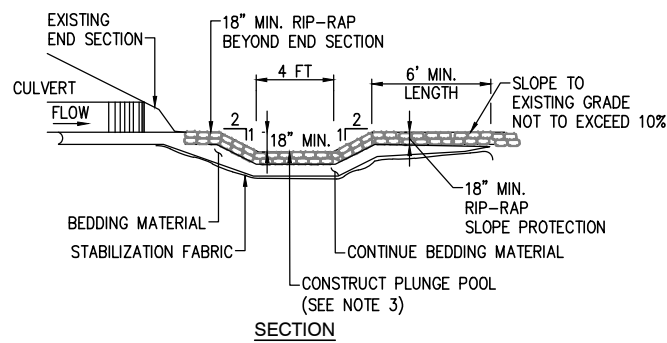
CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
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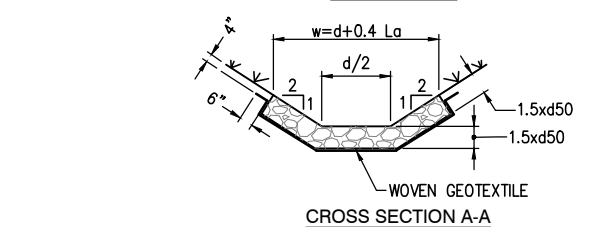
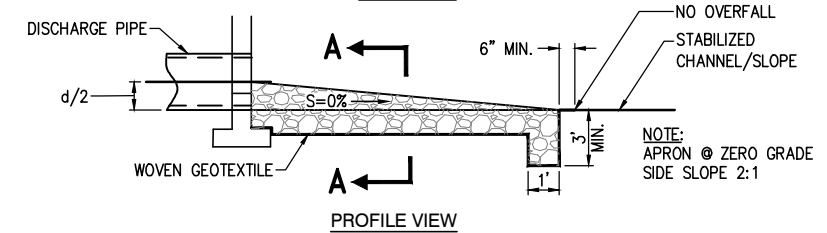
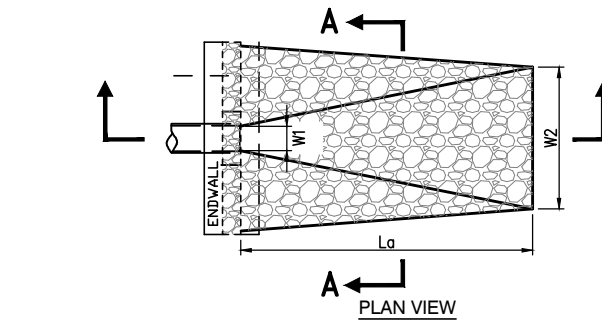
VEGETATED SWALE NOTES:

1. TRAPEZOIDAL OR PARABOLIC SHAPE WITH BOTTOM WIDTH 2-FT. MINIMUM AND NO GREATER THAN 6-FT.
2. SIDE SLOPES NO STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL.
3. SLOPE BETWEEN 0.5% AND 4.0%.
4. DESIGNED IN ACCORDANCE WITH §188-49 AND NYS STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL.
5. STONE CHECK DAMS AS REQUIRED BY DESIGN AND PER TOWN ENGINEER UPON OBSERVATION.
6. IF A BASE FLOW IS APPARENT, A STONE CENTER SECTION SHALL BE REQUIRED BASED MINIMALLY UPON ACTUAL MEASUREMENT OF MAXIMUM BASE FLOW.
7. ALL TREES, BRUSH, STUMPS, OBSTRUCTIONS AND OTHER OBJECTIONABLE MATERIAL SHALL BE REMOVED PRIOR TO FORMING SWALE.



LINED WATERWAY NOTES:

1. SHALL NOT BE USED IF IT IS TO A C(T) OR HIGHER STREAM CLASSIFICATION PER NYSDEC CLASSIFICATION SYSTEM.
2. RIPRAP GRADATION AND FILTER SHALL BE DESIGNED IN ACCORDANCE WITH THE NYS STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL FOR LINED WATERWAYS.
3. THE LINED WATERWAY SHALL END WITH THE USE OF A PLUNGE POOL / MAJOR DRAINAGE OUTFALL.



PIPE DIAMETER (d)	La. FT.	W1=d/2 (MIN.)	W2 (FT.)	RIPRAP (NYS DOT 733-21 STONE FILLING) TYPE
4", 6", 8"	4	1	4	FINE
12"	6	2	4	LIGHT

NOTES:

1. ACCEPTABLE FOR FLOWS LESS THAN 5 FPS.
2. DISCHARGE MUST BE TO A STABILIZED CHANNEL OR SLOPE WITH UNIFORM SLOPE OF 10% OR LESS AND RUNOFF WILL NOT RE-CONCENTRATE.
3. TOWN ENGINEER MAY REQUIRE THE USE OF A DESIGNED MAJOR DRAINAGE OUTFALL.

RIPRAP OUTLET PROTECTION / MINOR DRAINAGE OUTFALL
NTS

FLARED END SECTION NOTES:

1. ALL CULVERT PIPES AND END SECTIONS SHALL BE HDPE
2. LENGTH SHOWN AND PLUNGE DEPTH SHOWN ARE MINIMUMS ONLY AND MUST BE BASED UPON AN ACCEPTABLE DESIGN.
3. CONSTRUCT PLUNGE 12" MIN. BELOW CULVERT OUTLET AT 2:1 SLOPE TO CENTER OF APRON.
4. ANCHOR STABILIZATION FABRIC 18" MINIMUM.
5. MACHINED RIP-RAP, TYP., SIZE BASED UPON REQUIRED DESIGN.

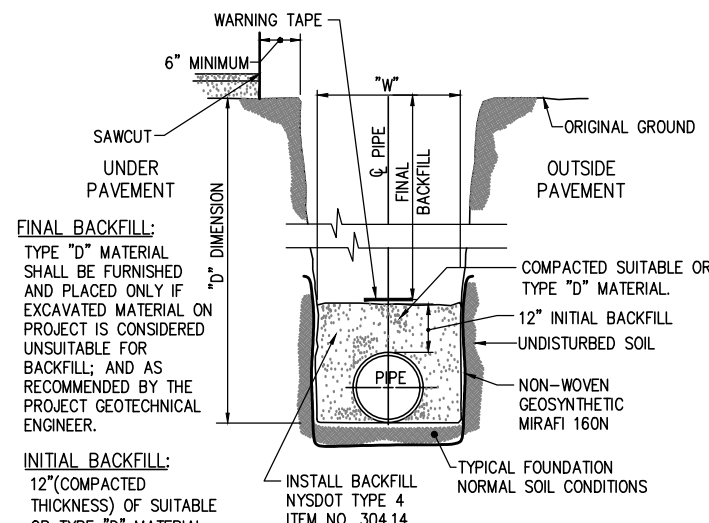
PLUNGE POOL / MAJOR DRAINAGE OUTFALL
NTS

DRAINAGE SWALES
NTS

HALF SCALE

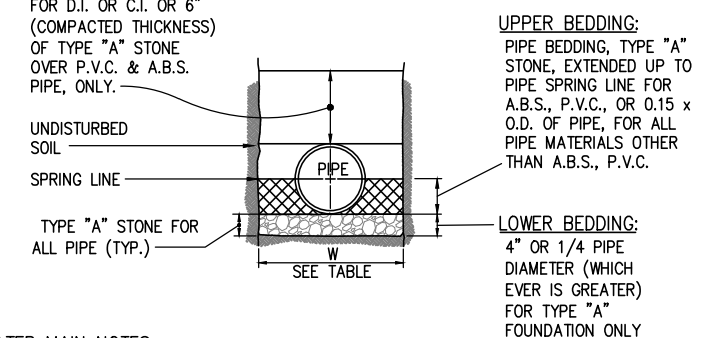
ATTACHMENT 5 - DETAIL 5

CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
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Laberge ENGINEERING ARCHITECTURE		Group SURVEYING PLANNING	
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INSIDE DIAMETER OF PIPE	"W" WIDTH OF TRENCH	
	MAX.	MIN.
4"-6"	3'-2"	2'-0"
8"	3'-4"	2'-2"
10"	3'-6"	2'-4"
12"	3'-9"	2'-7"
14" & 15"	4'-1"	2'-11"
16"	4'-2"	3'-0"
18"	4'-4"	3'-2"

"W" - TRENCH WIDTH AT TOP OF PIPE
 "D" - DEPTH OF PIPE ORIGINAL GROUND TO INVERT OF PIPE PER PLAN AND PROFILE



WATER MAIN NOTES:

1. WATER PIPE SHALL GENERALLY BE INSTALLED PER AWWA C600, EXCEPT AS MODIFIED TO BE MORE STRINGENT BY DRAWINGS AND SPECIFICATIONS AS APPROVED BY THE TOWN ENGINEER.
2. REFER TO LOCAL LAW §188-38 FOR DETAILED REQUIREMENTS.
3. MINIMUM COVER 5 FOOT 6 INCHES.
4. 6" MAXIMUM LIFTS CONNECTED TO 100% OF STANDARD PROCTOR MAXIMUM DENSITY AT OPTIMAL MOISTURE CONTENT.

NOTES:

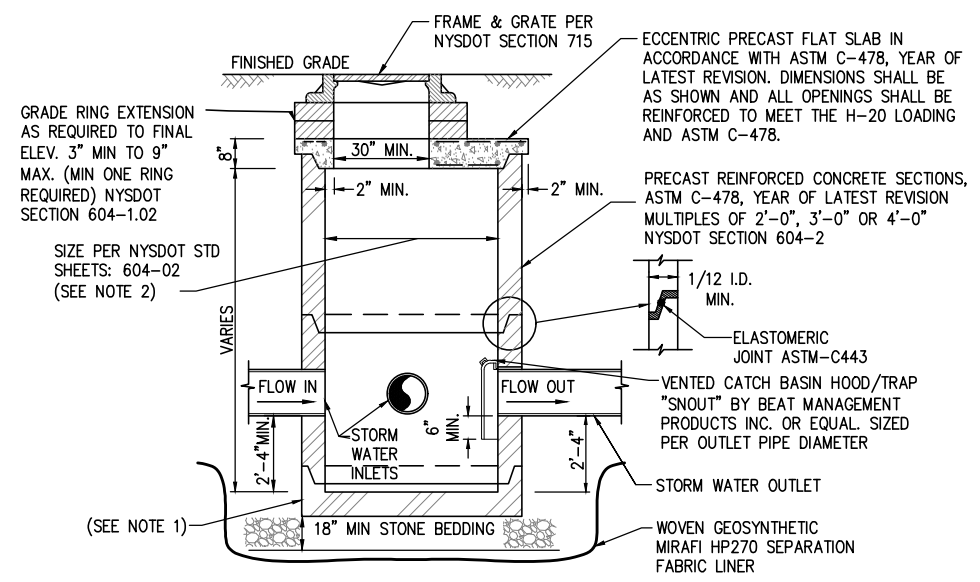
1. SEE FOUNDATION TYPE NOTES DETAIL.
2. STORM DRAINAGE PIPE SHALL BE ADS, N-12 WITH WATERTIGHT JOINTS OR EQUAL JOINTS SHALL MEET OR EXCEED ASTM 3212 AND ASTM C969 FACTORY INSTALLED GASKET AND INTERGAL BUILT IN BELL.

TYPICAL WATER UTILITY, STORM SEWER OR SANITARY TRENCH SECTION
 NTS

1. TYPE "A" CRUSHED STONE BACKFILL SHALL CONFORM TO THE NYS DOT "STANDARD SPECIFICATIONS" 703-02 "COARSE AGGREGATES - CRUSHED STONE SCREENINGS".
2. TYPE "B" BACKFILL SHALL CONFORM TO THE NYS DOT "STANDARD SPECIFICATIONS" 703-02 "COARSE AGGREGATES" - SIZE 2 STONE.
3. TYPE "C" BACKFILL SHALL CONFORM TO THE NYS DOT "STANDARD SPECIFICATIONS" 703-02 "COARSE AGGREGATES" - SIZE 3 STONE.
4. TYPE "D" BACKFILL, CLEAN WASHED SAND OR WASHED STONE BEDDING SHALL CONFORM TO THE FOLLOWING GRADATION (ASTM D422):

SIEVE	% PASSING
4"	100
1/2"	30-65
200	< 10

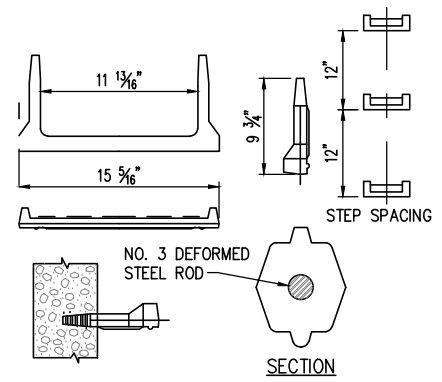
FOUNDATION TYPE NOTES DETAIL
 NTS



NOTES:

1. THE BASE OF THE CATCH BASIN SHALL BEAR ON LEVEL, UNDISTURBED EARTH, SO AS TO SUPPORT THE STRUCTURE ON AN ADEQUATE FOUNDATION. SHOULD THE UNDERLYING BASE MATERIAL BE INADEQUATE THE CONTRACTOR SHALL PLACE 2" WASHED CRUSHED STONE FOUNDATION TO THE DEPTH AND THICKNESS, AS REQUIRED, TO PROVIDE NECESSARY SUPPORT.
2. ALL CATCH BASINS TO BE SIZE "TYPE F" (4- FEET SQUARE) OR ROUND EQUIVALENT PER NYS DOT STD SHEET 604-02.
3. DRY SWALE INLETS OF BIORETENTIONS USE. EAST JORDAN IRON WORKS BECHIVE GRATE PRODUCT NO. 45C07, FRAME AND COVER. (CAT. # 1050Z1)
4. PAVED AREAS (NON-ADA AREA): USE EAST JORDAN IRON WORKS PRODUCT NO. 457-32031A01.
5. COORDINATE CATCH BASIN SIZES (OPENINGS) WITH SPECIFIED FRAMES AND GRATES, TYP..

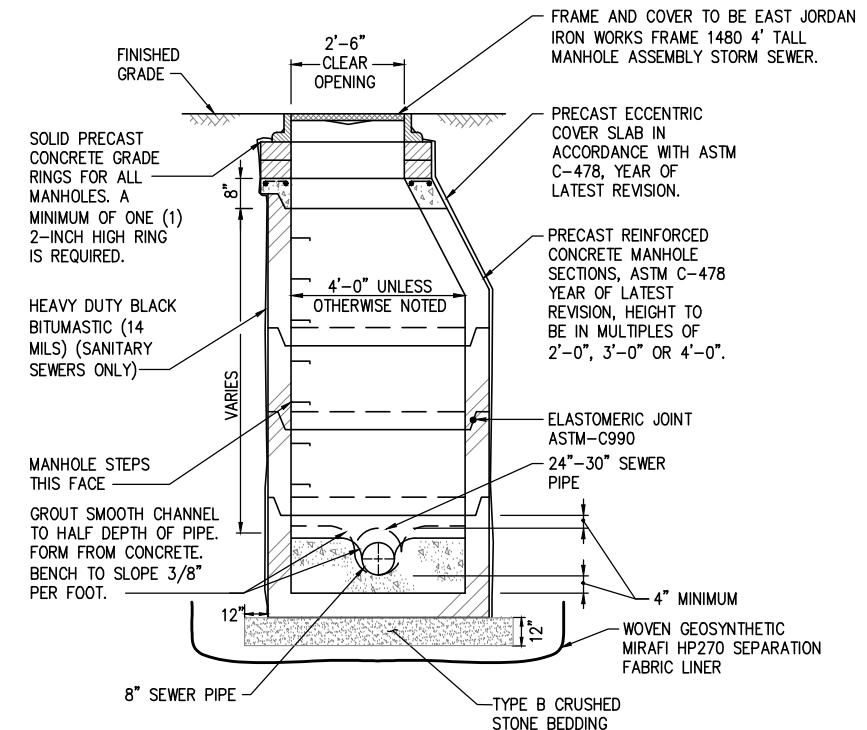
TYPICAL CATCH BASIN
 NTS



NOTE:

1. MANHOLE STEPS SHALL BE ORIENTED TO BE PARALLEL TO THE MAIN CHANNEL OVER THE WIDEST PART OF THE BENCH WALL.

COPOLYMER POLYPROPYLENE MANHOLE STEPS
 NTS



NOTES:

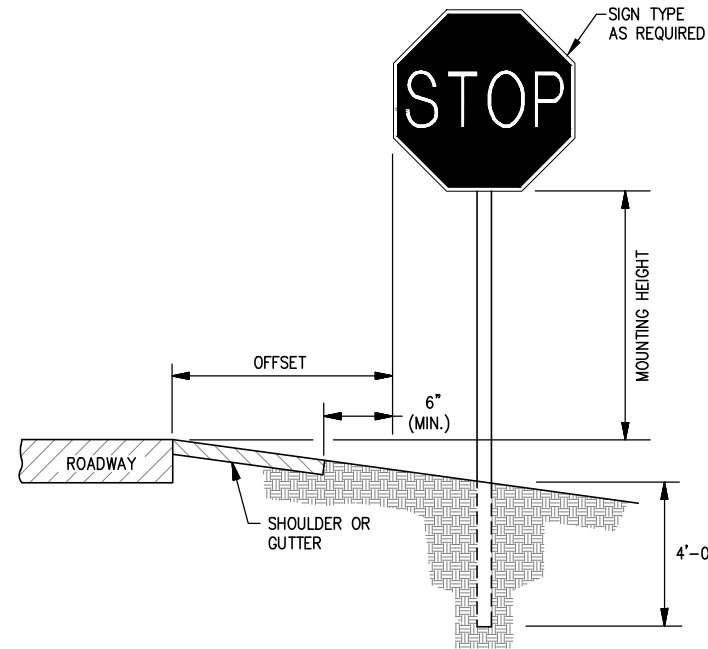
1. SEWER STUBS SHALL BE INSTALLED FLUSH TO THE INSIDE WALL.
2. FOR SEWERS 36" TO 48", 5'-0" I.D. MANHOLES SHALL BE USED.
3. BOLD LETTERING ON COVERS SHALL MATCH UTILITY CONNECTED "STORM SEWER".
4. SEE MANHOLE STEPS DETAIL ADDITIONAL REQUIREMENTS.

TYPICAL STORM SEWER MANHOLE
 NTS

HALF SCALE

ATTACHMENT 6 - DETAIL 6			
CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024	TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET		
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Laberge ENGINEERING ARCHITECTURE		Group SURVEYING PLANNING	
4 Computer Drive West Albany, New York 12205 (518) 458-7112 www.labergegroup.com			

Laberge Group - d:\2024001\Cadd\T of S Chapter 188\Cadd\Attachment 6.dwg [DETAIL 6] September 10, 2024 - 8:08am W.B.

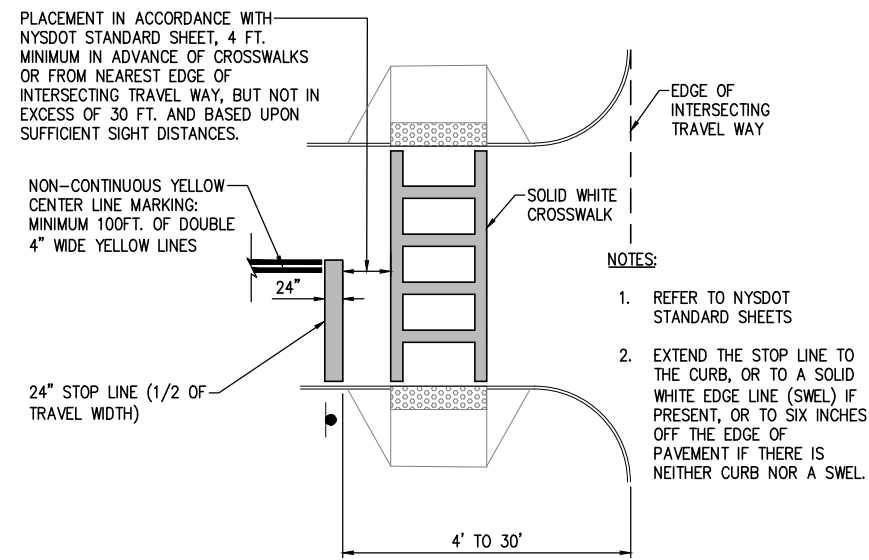


SIGN NOTES:

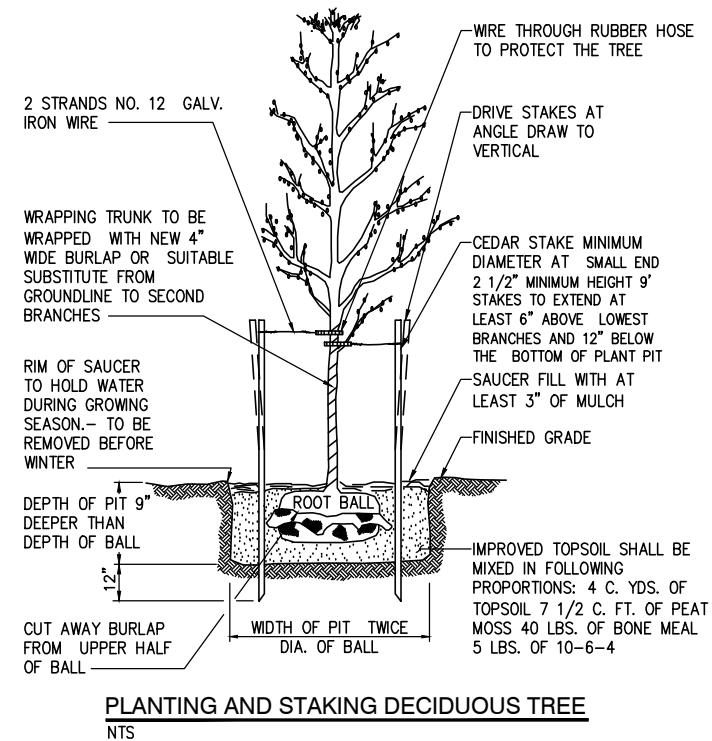
1. FOR SIGNS WITHIN ACCESSIBLE AREAS, MOUNTING HEIGHTS AND SIGN LOCATIONS SHALL ALSO COMPLY WITH THE ADDITIONAL REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT AND SUPPLEMENTAL GUIDANCE.
2. 7 FT. MOUNTING HEIGHT FOR SIGNS ABOVE THE EDGE OF WALKS OR CURBS WHERE PARKING OR PEDESTRIAN MOVEMENTS OCCUR.
3. INSTALLATION OF SIGNS SHALL CONFORM TO N.Y.S.D.O.T. STANDARD 645-7
4. SIGN POSTS SHALL BE ALUMINUM CONFORMING TO N.Y.S.D.O.T. STANDARD 645-7
5. STOP SIGNS SHALL BE R1-1A.
6. SIGN POSTS FOR REGULATORY AND WARNING SIGNS SHALL BE EQUIPPED WITH REFLECTIVE POST PANELS, 2" WIDE FULL LENGTH OF SUPPORT FROM SIGN TO WITHIN 24" ABOVE GRADE. COLOR TO MATCH BACKGROUND OF SIGN.

SIGN MOUNTING TABLE			
ROADSIDE LOCATION	PRIMARY SIGN		SECONDARY SIGN
	SIGN OFFSET DISTANCE (FEET)	SIGN MOUNTING HEIGHT (FEET)	SECONDARY SIGN MOUNTING HEIGHT, BELOW PRIMARY SIGN (FEET)
RURAL AREA (NO CURBS)	12	5	4
BUSINESS, COMMERCIAL OR RESIDENTIAL (CURBS)	2	7	6

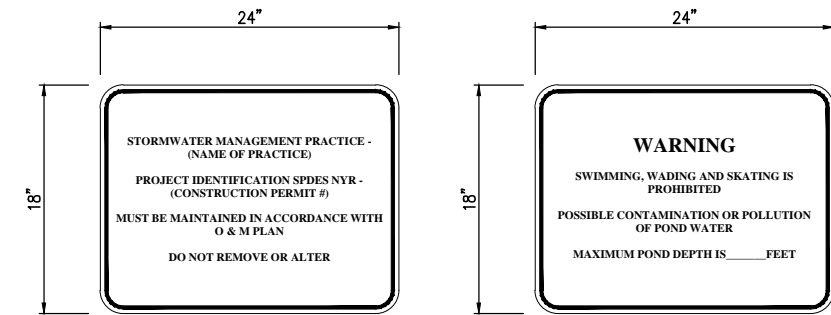
TYPICAL SIGN MOUNTING DETAIL
NTS



STOP SIGN AND STOPBAR PLAN VIEW DETAIL
NTS



PLANTING AND STAKING DECIDUOUS TREE
NTS



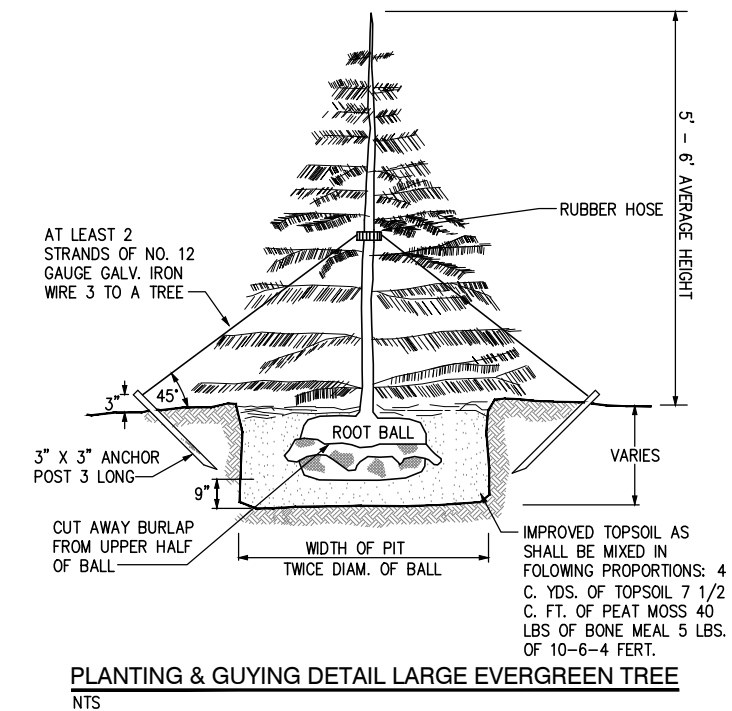
SIGN NO. 1

SIGN NO. 2

NOTES:

1. SIGN SIZE 18" X 24" TO BE PLACED ON POST IN IMMEDIATE VICINITY OF STORMWATER MANAGEMENT PRACTICES (SMP).
2. SIGN MUST BE LEGIBLE.
3. 10" X 12" SIZE MAY BE USED FOR SMP'S WITH A FOOTPRINT UNDER 400 SQ. FT.
4. NAME OF PRACTICE, CONSTRUCTION PERMIT NYSDEC NYR# AND MAXIMUM POND DEPTH ARE PROJECT/SITE SPECIFIC AND AS SUCH SHALL BE DETERMINED ON A PROJECT BY PROJECT BASIS.

SMP SIGN DETAILS
NTS

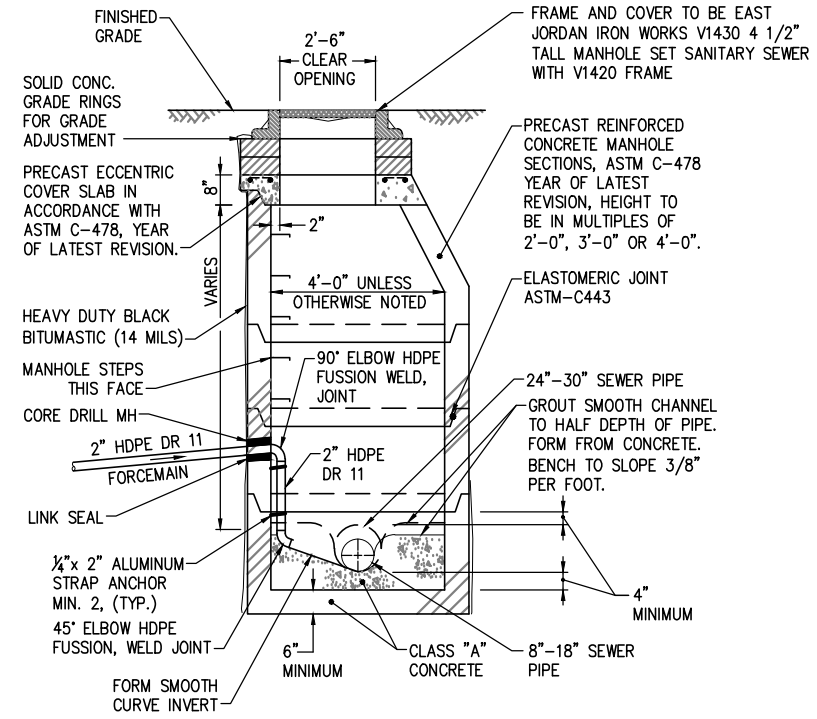


PLANTING & GUYING DETAIL LARGE EVERGREEN TREE
NTS

HALF SCALE

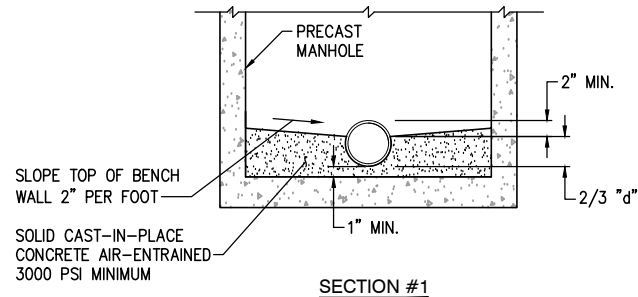
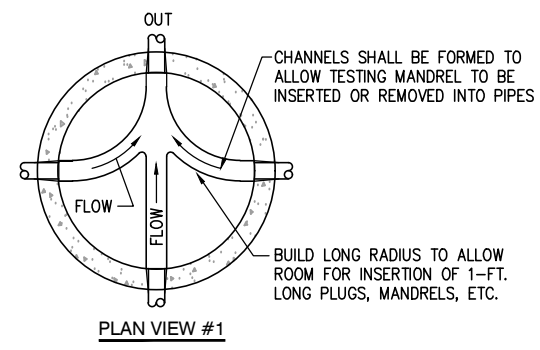
ATTACHMENT 7 - DETAIL 7			
CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
REVISIONS			
NO.	DATE	DESCRIPTION	BY





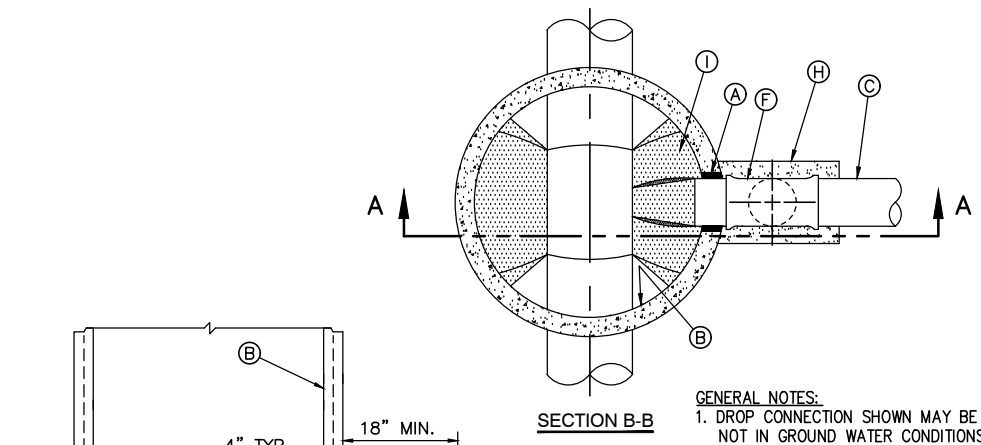
- NOTES:**
- SEWER STUBS SHALL BE INSTALLED FLUSH TO THE INSIDE WALL.
 - FOR SEWERS 36" TO 48", 5'-0" I.D. MANHOLES SHALL BE USED.
 - BOLD LETTERING ON COVERS SHALL MATCH UTILITY CONNECTED "SANITARY SEWER".
 - SEE MANHOLE STEPS DETAIL FOR ADDITIONAL REQUIREMENTS.

SANITARY SEWER MANHOLE
NTS



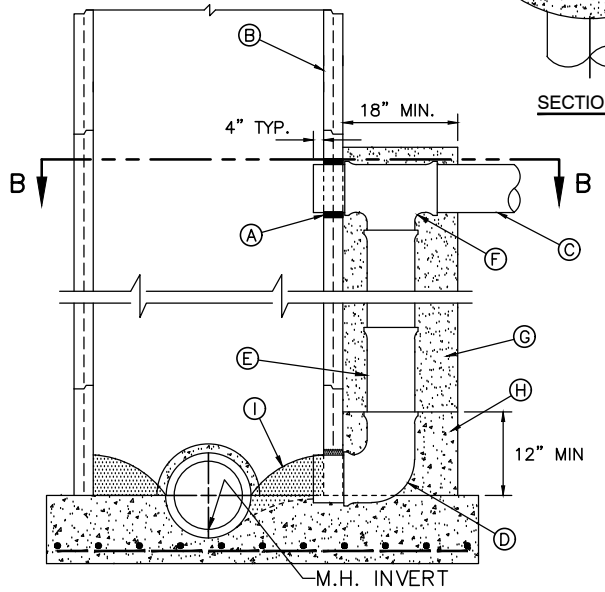
- NOTES:**
- SERVICE PIPES SHALL PROJECT INTO MANHOLE, 2-INCHES.
 - MANHOLE STEPS SHALL BE ORIENTATED TO BE PARALLEL TO THE MAIN CHANNEL OVER THE WIDEST PART OF THE BENCHWALL.
 - END OF LINE MANHOLES:**
 - SHALL HAVE A CHANNEL THAT EXTENDS A LENGTH EQUAL TO 0.75- FEET X (TIMES) THE MANHOLE DIAMETER.
 - AN INTERNALLY HALF PIPE MAY BE USED IN END OF LINE MANHOLE.
 - DROP ACROSS MANHOLE:**
 - THE MINIMUM DROP ACROSS STANDARD INVERTS SHALL BE 0.1- FEET.
 - MAXIMUM DROP SHALL BE 1.5- FEET.
 - CHANNEL AND BENCHWALL SURFACES SHALL BE STEEL TROWEL SMOOTH FINISHED.

STANDARD MANHOLE INVERT CHANNEL AND BENCHWALL DETAIL
NTS



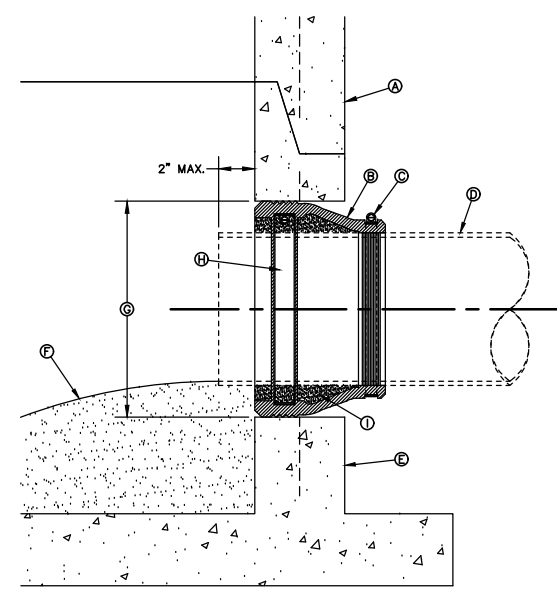
- GENERAL NOTES:**
- DROP CONNECTION SHOWN MAY BE USED ON ALL MANHOLE TYPES NOT IN GROUND WATER CONDITIONS.
 - DROP CONNECTION TO BE CONSTRUCTED WHEN INVERT ELEVATION OF INFLUENT PIPE IS 2 FEET (OR GREATER) ABOVE THE MANHOLE INVERT.
 - ALL MANHOLE CONNECTIONS SHALL BE CORED WITH A CONCRETE CORING MACHINE AND PROVIDED WITH WATERTIGHT BOOT CONNECTIONS.
 - CROWN OF THE IN-COMING (DROP) PIPE SHALL BE AT OR ABOVE THE CROWN OF THE OUTLET PIPE.
 - SEE SANITARY SEWER MANHOLE DETAIL FOR MORE REQUIREMENTS.

- CONSTRUCTION KEY NOTES:**
- PIPE OPENINGS IN MANHOLE RISERS SHALL HAVE COMPRESSION TYPE FLEXIBLE PIPE TO MANHOLE CONNECTORS (A.S.T.M.-C923) "KOR-N-SEAL" OR APPROVED EQUAL.
 - MANHOLE WALL
 - INFLUENT SEWER PIPE.
 - 90° BEND (P.V.C.)
 - P.V.C. PIPE (SDR. 35)
 - P.V.C. TEE
 - CONCRETE FLOWABLE FILL
 - 2500 psi CONCRETE
 - USE GROUT TO FORM A SMOOTH CHANNEL TO MANHOLE INVERT



- GENERAL NOTES:**
- MANHOLE CONNECTOR SHALL BE KOR-N-SEAL OR EQUAL MEETING THE REQUIREMENTS OF ASTM C-923. CONNECTOR SHALL BE FURNISHED BY CONTRACTOR.

- CONSTRUCTION KEY NOTES:**
- PRECAST MANHOLE BARREL.
 - FLEXIBLE CONNECTOR.
 - PIPE CLAMP SS 316.
 - APPROVED PIPE.
 - PRECAST MANHOLE BASE.
 - GROUT AS REQUIRED TO FORM SMOOTH CHANNEL TO MANHOLE INVERT.
 - PIPE OPENINGS/KNOCKOUTS AS REQUIRED TO FIT PIPE SIZE.
 - EXPANSION BAND SS 316.
 - FILL SPACE WITH GROUT.



STANDARD OUTSIDE SEWER MANHOLE DROP
NTS

PIPE DIAMETER (INCHES)	MINIMUM TIME (MINUTES:SECONDS)	LENGTH FOR MINIMUM TIME (FEET)	TIME FOR LONGER LENGTH (SECONDS)	SPECIFICATION TIME FOR LENGTH (L) SHOWN (MINUTES:SECONDS)	REQUIRED TEST TIME [SPECIFICATION TIME REQUIRED FOR A 0.5 PSIG PRESSURE DROP FOR SIZE AND LENGTH OF PIPE INDICATED FOR Q=0.0015]							
					LENGTH OF PIPE BEING TESTED							
					100 FEET	150 FT.	200 FT.	250 FT.	300 FT.	350 FT.	400 FT.	450 FT.
4	1:53	597	.190 L	1:53	1:53	1:53	1:53	1:53	1:53	1:53	1:53	1:53
6	2:50	398	.427 L	2:50	2:50	2:50	2:50	2:50	2:50	2:50	2:51	3:12
8	3:47	298	.760 L	3:47	3:47	3:47	3:47	3:48	4:26	5:04	5:42	
10	4:43	239	1.187 L	4:43	4:43	4:43	4:57	5:56	6:55	7:54	8:54	
12	5:40	199	1.709 L	5:40	5:40	5:42	7:08	8:33	9:58	11:24	12:50	
15	7:05	159	2.671 L	7:05	7:05	8:54	11:08	13:21	15:35	17:48	20:02	
18	8:30	133	3.846 L	8:30	9:37	12:49	16:01	19:14	22:26	25:38	28:51	
21	9:55	114	5.235 L	9:55	13:05	17:27	21:49	26:11	30:32	34:54	39:16	
24	11:20	99	6.837 L	11:24	17:57	22:48	28:30	34:11	39:53	45:36	51:17	
27	12:46	88	8.663 L	14:26	21:38	28:61	36:04	43:16	50:30	67:42	84:54	
30	14:10	80	10.683 L	17:48	26:43	35:37	44:31	53:25	62:19	71:18	80:07	
33	15:35	72	12.926 L	21:33	32:19	43:56	53:52	64:38	75:24	86:10	96:57	
36	17:00	66	15.384 L	25:39	38:28	51:17	64:06	76:55	89:44	102:34	115:23	

- NOTES:**
- REFERENCE LOCAL LAW §188-55.C.1.e.1.
 - TABLE BASED UPON UNIBELL UNI-8-6-98.
 - MINIMUM SPECIFIED TIME REQUIRED FOR A 0.5 PSIG PRESSURE DROP FOR SIZE AND LENGTH OF PIPE INDICATED FOR Q=0.015 CU. FT./MIN./SQ. FT. OF INTERNAL SURFACE.
 - STARTING PRESSURE SHALL BE AT LEAST 3.5 PSIG GREATER THAN THE AVERAGE BACK PRESSURE OF ANY GROUND WATER ABOVE THE PIPES INVERT.
 - IF THERE HAS BEEN NO LEAKAGE (ZERO PSIG DROP) AFTER ONE HOUR OF TESTING, THE LAST SECTION SHALL BE ACCEPTED AND THE TEST COMPLETE. IF THERE HAS BEEN ANY PRESSURE DROP THE TEST SHALL CONTINUE FOR THE PRESCRIBED TIME.
 - TESTING RECORD AND RESULTS SHALL BE REPORTED TO THE TOWN ENGINEER USING UNI-B-6-98, APPENDIX 2 AIR TEST DATA SHEET.

LOW PRESSURE AIR TEST

HALF SCALE

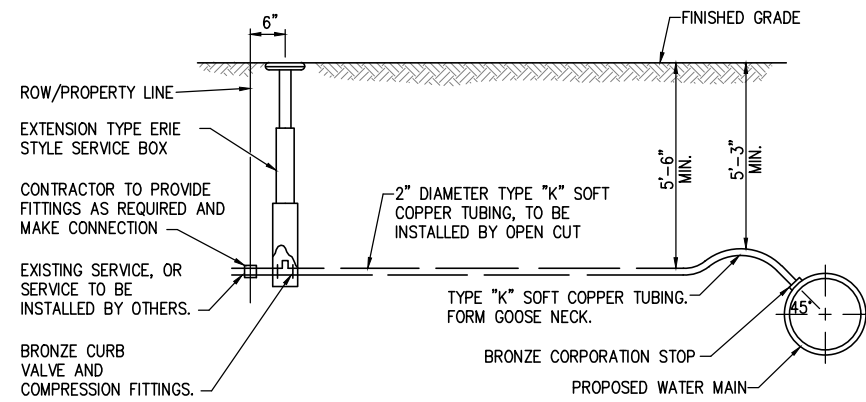
ATTACHMENT 8 - DETAIL 8

CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
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Laberge Group
ENGINEERING ARCHITECTURE SURVEYING PLANNING
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(518) 458-7112 www.labergegroup.com

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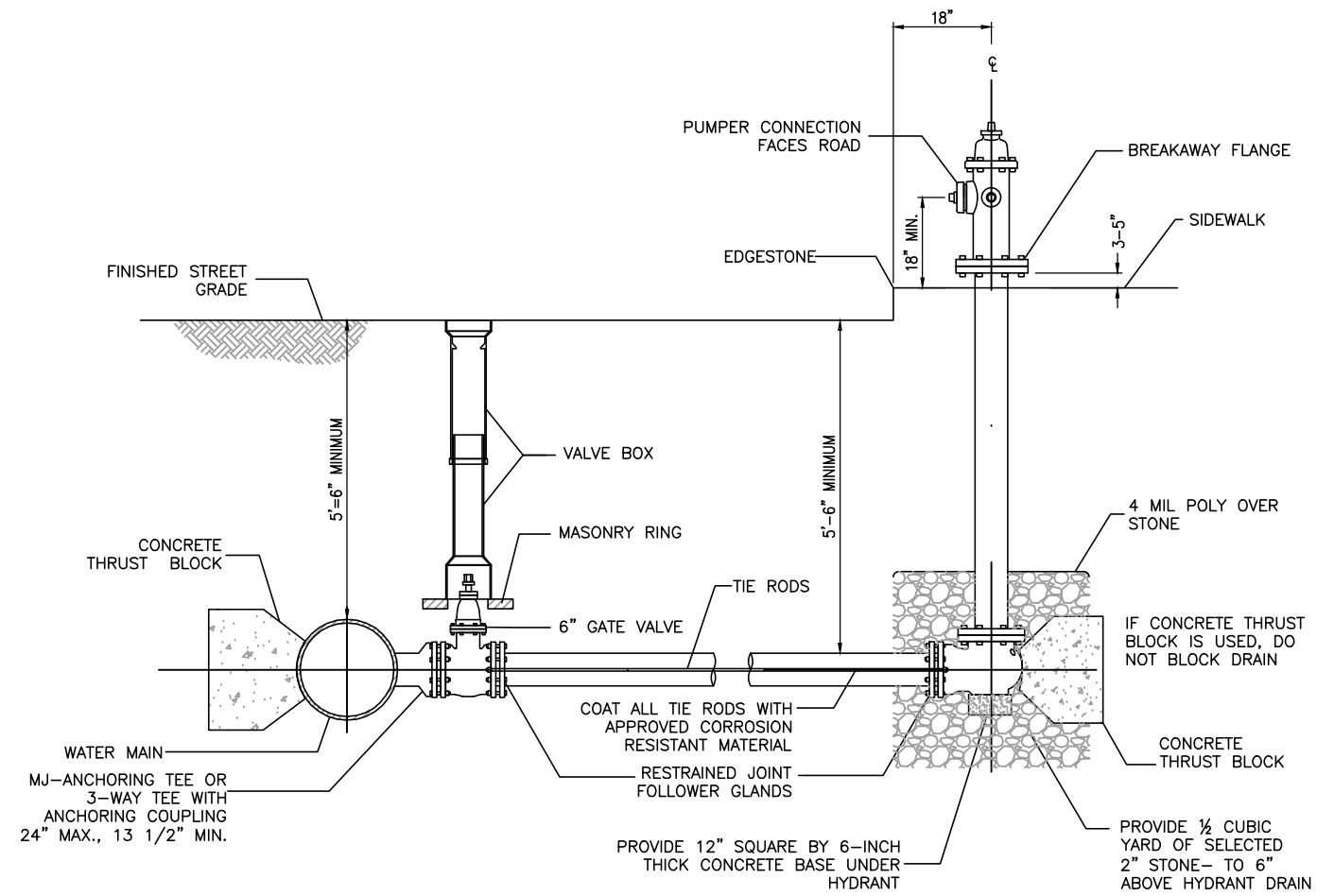
NOTES:

1. SET TOP OF CURB BOX FLUSH WITH PAVEMENT OR WHEN IN GRASSED AREAS 4" ABOVE GRADE.
2. USE MUELLER OR EQUAL PAVEMENT/SIDEWALK SLEEVES IN PAVED AREAS.
3. RESIDENTIAL SERVICES SHALL BE 3/4-INCH MINIMUM AND COMMERCIAL SERVICES SHALL BE 1-INCH MINIMUM, AND IN NO CASE SMALLER THAN THE SERVICE TO WHICH THE NEW COPPER IS BEING CONNECTED. WHERE EXISTING SERVICES EXCEED THESE MINIMUMS OR AS OTHERWISE SHOWN, THE NEW SERVICE SHALL MATCH THE EXISTING DIAMETER.
4. CURB VALVES SHALL BE MUELLER ORISEAL III CURB VALVE WITH COPPER FLARE NUT - BOTH ENDS QUARTER TURN CHECK. (H-1502-2N) OR EQUIVALENT FORD.
5. COPPER TUBE SIZING (CTS) CHLORINATED POLY VINYL CHLORIDE (CPVC) PIPE:
 - a. MAY BE USED IN PLACE OF TYPE "K" SOFT COPPER TUBING UPON APPROVAL OF THE TOWN ENGINEER.
 - b. WHEN USED, SHALL INCLUDE STAINLESS STEEL TRACER WIRE IN ACCORDANCE WITH LOCAL LAW §188-59 CONSTRUCTION METHODS.
6. PROVIDE SAND BEDDING 12" BELOW, TOP AND SIDES OF SERVICE CONNECTION WORK/MATERIALS WITH SAND BACKFILL GRADATION IN CONFORMANCE WITH NYS DOT TABLE 733-15A.

NYS DOT TABLE 733-15A.	
SIEVE SIZE	% PASSING BY WEIGHT
1/2"	100
3/4"	90-100
NO. 200	0-5
5 ≤ PH < 10	

TYPICAL WATER SERVICE DETAIL

NTS



TYPICAL HYDRANT INSTALLATION DETAIL

NTS

NOTES:

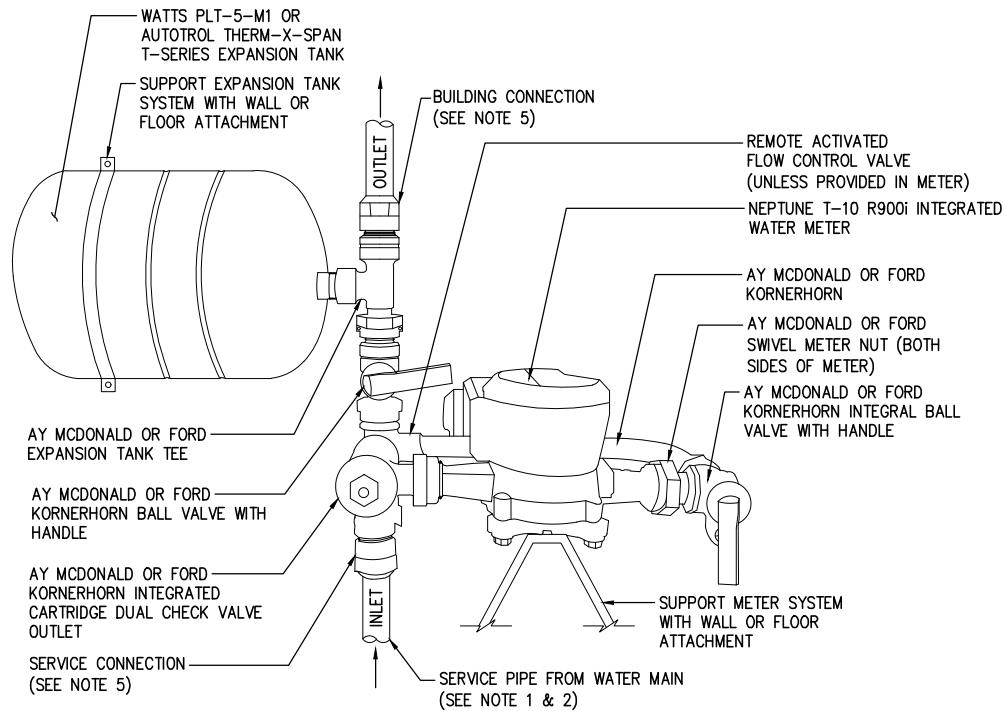
1. HYDRANTS SHALL BE KENNEDY OR MUELLER, HYDRANTS TO BE SET PLUMB.
2. HYDRANT SHALL NOT BE SET/LOCATED WITHIN 10' OF SEWERS.
3. ANY DEVIATIONS OF THIS TYPICAL CONNECTION TO MEET FIELD CONDITIONS SHALL BE APPROVED BY THE TOWN ENGINEER.
4. USE RESTRAINED JOINT FOLLOWER GLANDS, OR TIE RODS WHERE CONCRETE THRUST BLOCK IS UNACCEPTABLE TO THE TOWN ENGINEER.
5. CONCRETE THRUST BLOCK TO BE USED ONLY WHERE IT WILL BEAR ON UNDISTURBED EARTH AND WHERE APPROVED BY THE TOWN ENGINEER.
6. SIZE OF BLOCK OR FITTING TO BE DESIGNED FOR SPECIFIC CONDITIONS, OR ANY NECESSARY BENDS.
7. HYDRANTS WITH PLUGGED WEEP HOLES SHALL BE FLAGGED TO INDICATE THAT BARRELS NEED TO BE PUMPED DRY AFTER USE.
8. EQUIP HYDRANTS WITH HYDRANT SPRING FLAG WITH REFLECTIVE BANDS.

HALF SCALE

ATTACHMENT 9 - DETAIL 9

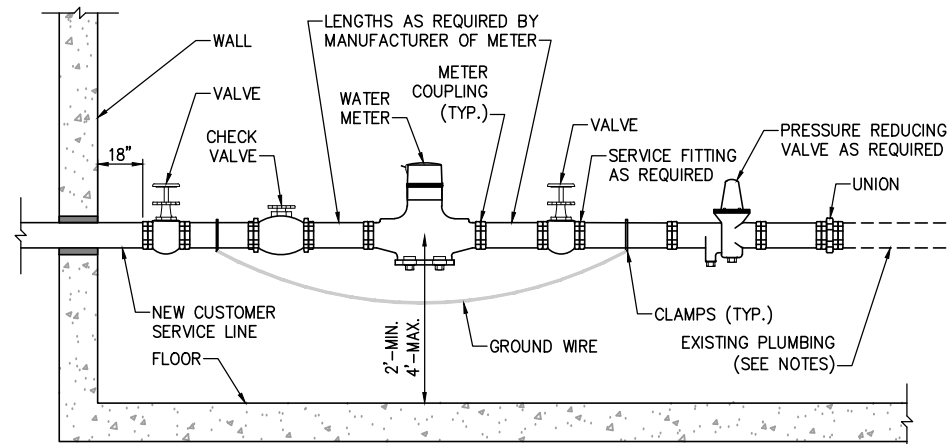
CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
REVISIONS			
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TYPICAL 5/8" x 3/4" METER INSTALLATION DETAIL (RESIDENTIAL INSTALLATIONS)

NTS

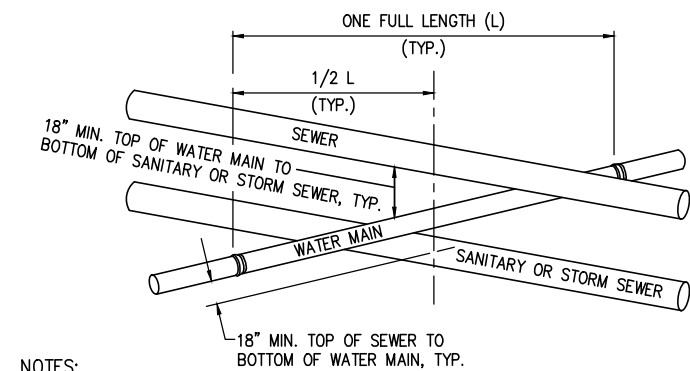


NEPTUNE T10 WATER METER INSTALLATION DETAIL (COMMERCIAL INSTALLATIONS)

NTS

METER INSTALLATION NOTES:

- SERVICE CONNECTION AND METER ASSEMBLY SHALL BE LOCATED AS CLOSE AS POSSIBLE TO THE BUILDING ENTRY.
- METER ASSEMBLY SHALL BE INSTALLED BEFORE ANY PRESSURE REDUCING VALVES OR HOSE BIBS.
- METERS SHALL BE INSTALLED HORIZONTALLY. VERTICAL INSTALLATIONS ARE NOT ALLOWED.
- UNLESS OTHERWISE CALLED FOR, ALL FITTINGS AND METER BODY SHALL BE NO LEAD BRASS.
- CONNECT TO SERVICE PIPE AND BUILDING SUPPLY PIPE WITH QUICK JOINT OR PACK JOINT COUPLING BY FORD METER BOX COMPANY OR EQUAL. STAINLESS STEEL INSERTS REQUIRED FOR CONNECTION TO PLASTIC PIPING.
- BALL VALVE CONNECTION MAY BE EITHER STRAIGHT OR 90° AS REQUIRED TO PROPERLY TRANSITION TO BUILDING PLUMBING.
- ADDITIONAL FITTINGS AND PIPING MAY BE REQUIRED FOR PROPER INSTALLATION.
- PIPE AND APPURTENANCES ARE TO BE ADEQUATELY RESTRAINED, BRACED AND SUPPORTED. ALL WORK AND MATERIALS SHALL BE IN CONFORMANCE WITH APPLICABLE FEDERAL, STATE AND LOCAL PLUMBING CODES.
- METERS MUST BE SET IN A HEATED LOCATION THAT IS READILY ACCESSIBLE FOR REPAIR, READING AND REPLACEMENT. METERS CAN NOT BE LOCATED IN UNCONDITIONED OR UNCONFINED SPACES. ACCESSIBILITY TO BE MAINTAINED BY THE PROPERTY OWNER.
- AN INNERTITE STAINLESS STEEL WIRE METER SEAL SHALL BE INSTALLED BETWEEN THE INLET AND OUTLET SIDE METER NUT.
- THERE SHALL BE NO CONNECTION BETWEEN THE PIPING CONNECTED TO THE DISTRIBUTION SYSTEM AND ANY PIPES CONNECTED TO ANY OTHER WATER SUPPLY SUCH AS AN EXISTING WELL, ETC.
- INSTALL TYPE K COPPER TUBING FROM CORPORATION STOP TO BUILDING, FIVE FOOT SIX INCHES COVER.
- METER TO READ IN GALLONS.
- MINIMUM 4 INCHES BETWEEN THE WALL AND THE METER.
- METERS SHALL BE NEPTUNE T-10 R9001.

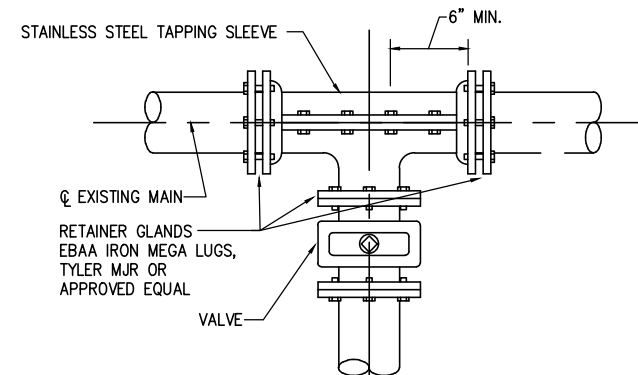


NOTES:

- HORIZONTAL SEPARATION OF SEWERS AND WATER MAINS:**
 - SEWERS SHALL BE AT LEAST 10 FEET FROM ANY EXISTING OR PROPOSED WATER MAIN.
 - IF CONDITIONS PREVENT A LATERAL SEPARATION OF 10 FEET, THE TOWN ENGINEER MAY ALLOW THE SEWER TO BE INSTALLED IN A SEPARATE TRENCH CLOSER THAN 10 FEET PROVIDED THE TOP OF THE SEWER IS AT LEAST 18 INCHES BELOW THE BOTTOM OF THE WATER MAIN.
- VERTICAL SEPARATION OF SEWERS AND WATER MAINS:**
 - WHENEVER SEWERS MUST CROSS WATER MAINS:
 - THE TOP OF THE SEWER SHALL BE IS AT LEAST 18 INCHES BELOW THE BOTTOM OF THE WATER MAIN.
 - THE SEWER JOINTS SHALL BE EQUIDISTANT AND LOCATED AS FAR AWAY AS POSSIBLE FROM THE WATER MAIN JOINTS.
 - WHEN THE SEWER CANNOT MEET THE ABOVE REQUIREMENTS:
 - THE WATER MAIN SHALL BE RELOCATED TO PROVIDE THE REQUIRED SEPARATION AND CONSTRUCTED WITH MECHANICAL-JOINT CEMENT-LINED DUCTILE IRON PIPE OR ANOTHER EQUIVALENT THAT IS WATERTIGHT AND STRUCTURALLY SOUND FOR A DISTANCE OF 10 FEET ON EACH SIDE OF THE SEWER;
 - ONE FULL-LENGTH WATER MAIN SHALL BE CENTERED OVER THE SEWER CROSSING SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE;
 - THE SEWER SHALL BE CONSTRUCTED WITH MECHANICAL-JOINT CEMENT-LINED DUCTILE IRON PIPE OR ANOTHER EQUIVALENT THAT IS WATERTIGHT AND STRUCTURALLY SOUND FOR A DISTANCE OF 10 FEET ON EACH SIDE OF THE WATER MAIN; AND
 - BOTH THE SEWER AND THE WATER MAIN SHALL BE TESTED TO ENSURE THAT THEY ARE WATERTIGHT.
 - THE TOWN ENGINEER MAY CONSIDER AS AN ALLOWABLE ALTERNATIVE THE USE OF CONCRETE ENCASEMENT OF BOTH THE SEWER AND WATER MAIN.

TYPICAL SECTION WATER/SEWER CROSSING

NTS



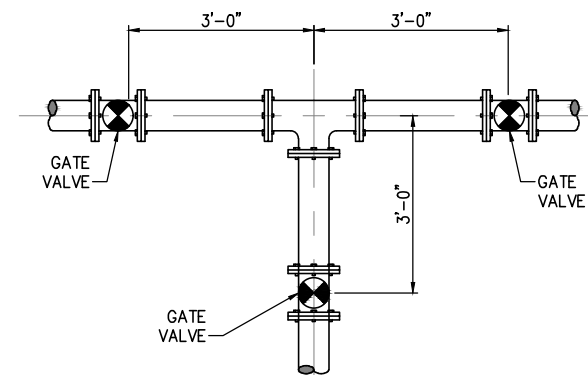
PIPE SIZE	RESTRAINED JOINT SCHEDULE			
	90°	45°	22 1/2°	11 1/4°
	D. I.	D. I.	D. I.	D. I.
12"	92'	38'	18'	9'
10"	78'	32'	16'	8'
8"	66'	27'	13'	7'
6"	51'	21'	10'	5'
4"	38'	16'	8'	4'

NOTES:

- RESTRAINED LENGTH FOR TEES, CROSSES, VALVES AND PLUGS SHALL EQUAL RESTRAINED LENGTH FOR 90° BENDS.
- THE SCHEDULE SHOWN IS FOR 150 PSIG INTERNAL PRESSURE; SOIL TYPE: SAND-SILT; 36 INCHES OF COVER AND TYPE 2 LAYING CONDITIONS.
- RESTRAINED LENGTHS SHOWN IN TABLE ARE MINIMUM LENGTHS (IN FEET) AND ARE REQUIRED IN EACH DIRECTION FROM FITTINGS OR VALVES.
- TAPPING SLEEVE/SADDLES SHALL BE STAINLESS STEEL.

TYPICAL TAPPING SLEEVE AND VALVE DETAIL

NTS

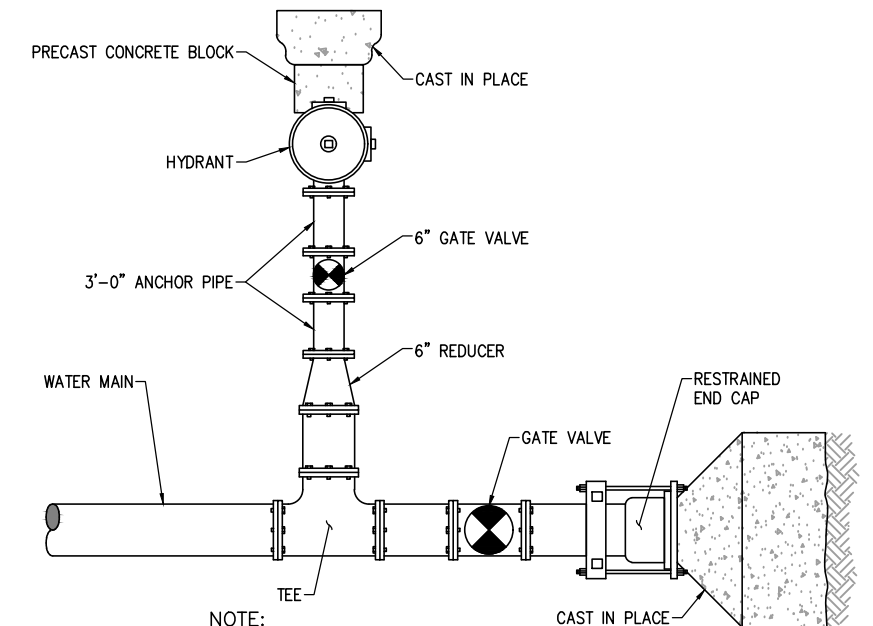


NOTES:

- GATE VALVES SHALL BE BRONZE-MOUNTED RESILIENT WEDGE, AWWA, C509.
- JOINTS SHALL BE CAST IRON MECHANICAL OR PUSH ON PER AWWA, C111.
- RESTRAINED JOINTS SHALL BE AS APPROVED BY THE TOWN ENGINEER UPON THE REVIEW OF SUBMISSION OF DESIGNED RESTRAIN SYSTEMS.

WATER MAIN VALE CLUSTER TYPICAL SPACING

NTS



NOTE:

- SEE DETAIL, SHEET 11 FOR ADDITIONAL NOTES AND REQUIREMENTS.

TYPICAL END OF MAIN HYDRANT

NTS

HALF SCALE

ATTACHMENT 10 - DETAIL 10			
CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
REVISIONS			
NO.	DATE	DESCRIPTION	BY
Lalberge ENGINEERING ARCHITECTURE		Group SURVEYING PLANNING	
4 Computer Drive West Albany, New York 12205 (518) 458-7112 • www.lalbergegroup.com			

TABLE II - "a" DIMENSION - FEET

PIPE DIAMETER - INCHES	90° FITTING	OTHERS
6, 8, 10 & 12	1 - 6	1 - 0
16 & 20	2 - 0	1 - 6
24" - 30"	3 - 0	2 - 0

TABLE I - THRUST - KIPS (WATER PRESSURE = 200 P.S.I.)

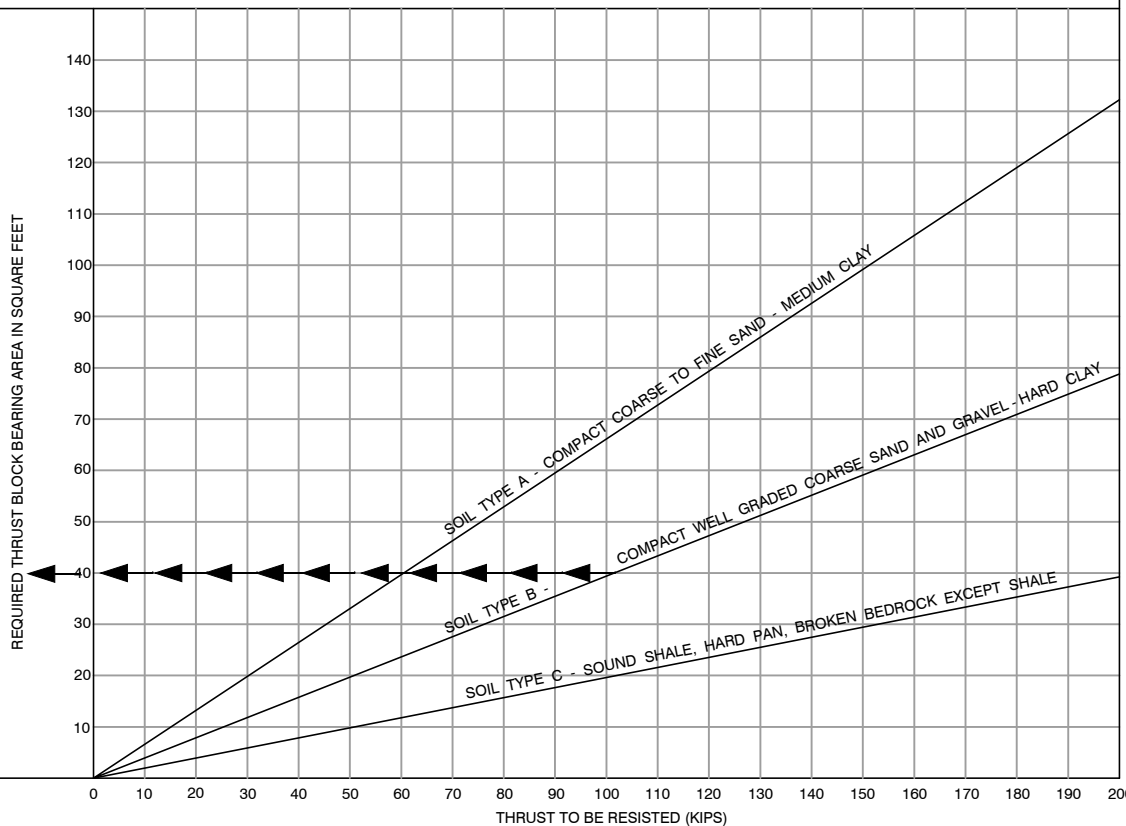
WATER PRESSURE IN TABLE 1 INCLUDES WATER HAMMER ALLOWANCE

PIPE DIAMETER INCHES	6	8	10	12	16	20	24	30	36	42
DEAD ENDS AND TEES	5.6	10	15.8	22.6	40.2	62.8	90.4	141.0	203.6	277.0
ANGLE FITTINGS	90°	7.9	14.2	22.4	32.0	56.8	88.8	127.7	199.0	288.0
	67 1/2°	-	11.1	17.6	25.1	44.7	70.0	100.2	157.0	226.0
	56 1/4°	-	-	14.9	21.2	37.9	59.2	85.1	133.0	192.0
	45°	-	-	-	17.3	30.8	48.1	69.0	108.0	156.0
	33 3/4°	-	-	-	13.1	23.3	36.5	52.5	82.0	118.0
22 1/2°	-	-	-	8.8	15.7	24.5	35.2	55.0	79.5	108.0

DESIGN THRUST BLOCKS OR OTHER SUITABLE ANCHORAGE TO SUIT ACTUAL CONDITIONS

REINFORCING STEEL EACH WAY						THRUST BLOCK DIMENSIONS	
TYPE I THRUST BLOCK			TYPE II THRUST BLOCK			b = WIDTH	d = DEPTH
SOIL TYPE			SOIL TYPE			18 - 0	8 - 0
A	B	C	A	B	C		
#8 a 8	#8 a 11	#8 a 12	#7 a 9	#7 a 12	#7 a 12	16 - 0	8 - 0
#6 a 12	#6 a 12	#6 a 12	#5 a 12	#5 a 12	#5 a 12	14 - 0	8 - 0
#5 a 12	#5 a 12	#5 a 12	#4 a 12	#4 a 12	#4 a 12	12 - 0	8 - 0
#4 a 12	#4 a 12	#4 a 12	#3 a 12	#3 a 12	#3 a 12	10 - 0	8 - 0
#3 a 12	#3 a 12	#3 a 12	#2 a 12	#2 a 12	#2 a 12	8 - 0	8 - 0
#2 a 12	#2 a 12	#2 a 12	#1 a 12	#1 a 12	#1 a 12	7 - 0	7 - 0
#1 a 12	#1 a 12	#1 a 12	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	6 - 0	6 - 0
NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	5 - 0	5 - 0
NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	4 - 0	4 - 0
NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	3 - 0	3 - 0
NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	NO REINFORCEMENT REQUIRED	2 - 0	2 - 0

CHART FOR DETERMINING REQUIRED CONCRETE THRUST BLOCK DIMENSIONS AND REINFORCING



DO NOT PROJECT BEYOND CHART LIMITS SHOWN AS REINFORCEMENT WILL NOT BE ADEQUATE

ILLUSTRATIVE PROBLEM:

REQUIRED:

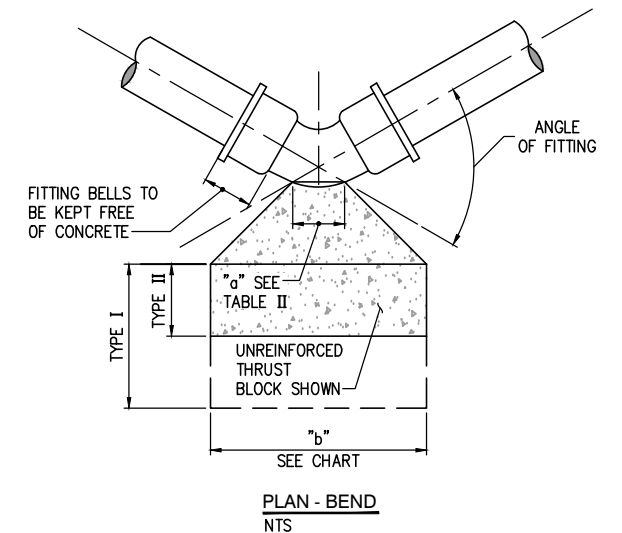
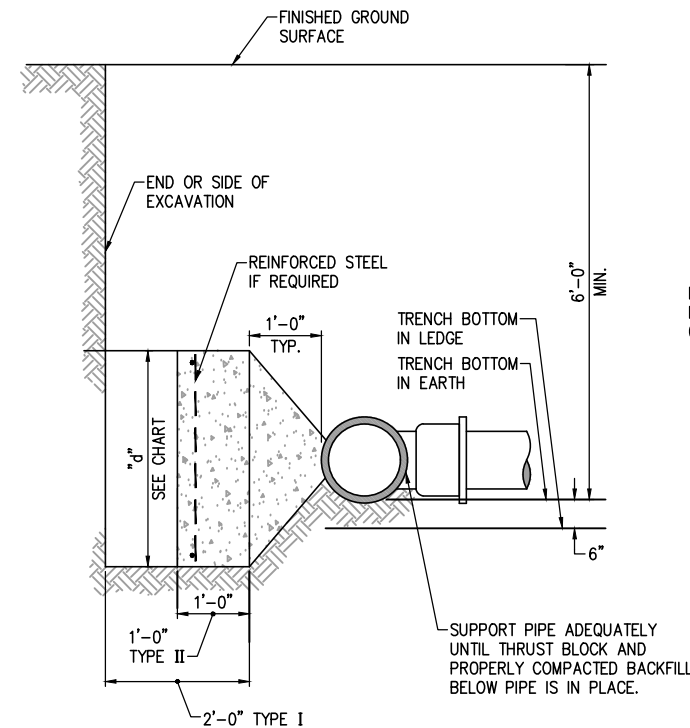
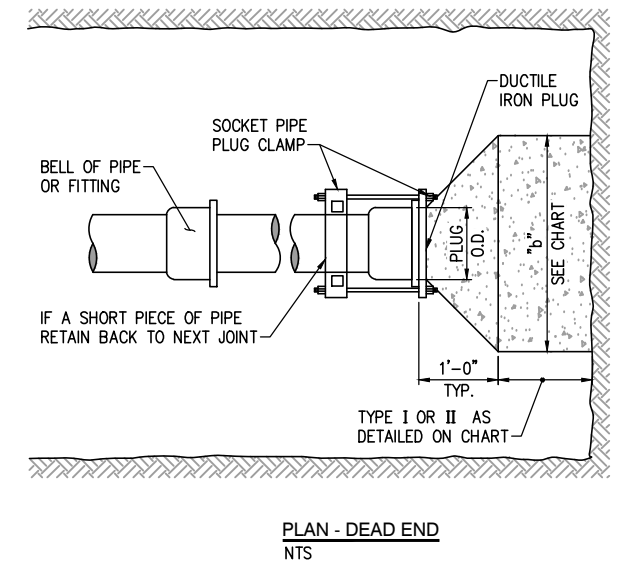
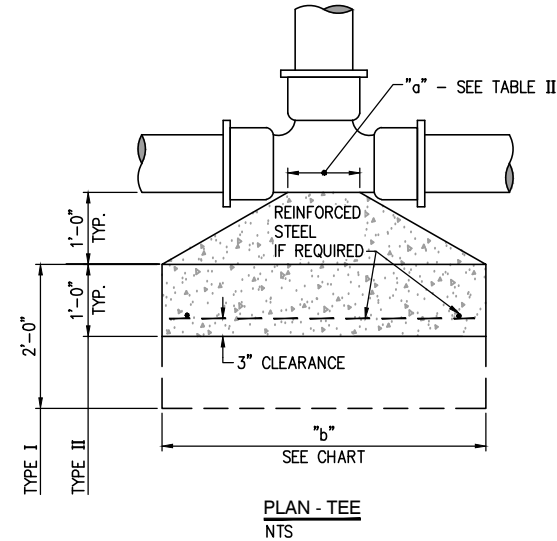
THRUST BLOCK FOR A 67-1/2° BEND, FOR A 24-INCH DIAMETER WATER MAIN, CARRYING A MAXIMUM PRESSURE OF 200 P.S.I. SOIL CLASSIFIED, WELL GRADED COMPACT COARSE SAND AND GRAVEL.

SOLUTION:

- ENTER TABLE I AT 24-INCH PIPE DIAMETER - GO VERTICALLY DOWN COLUMN UNTIL OPPOSITE 67-1/2° ANGLE FITTING. READ THRUST = 100.2 KIPS.
- SEE CHART IMMEDIATELY BELOW TABLE I - SELECT SOIL TYPE CURVE REFLECTING ACTUAL SOIL CLASSIFICATION. TYPE B FOR THIS PROBLEM.
- ENTER CHART AT THRUST TO BE RESISTED AND GO VERTICALLY TO SOIL TYPE CURVE SELECTED IN 2 ABOVE - SEE CHART AND FOLLOW ILLUSTRATIVE PROBLEM ARROW LINE FROM 100.2 KIP THRUST TO SOIL TYPE B CURVE.
- FROM THIS INTERSECTION GO HORIZONTALLY FOLLOWING ARROW LINE TO INTERSECTION WITH REQUIRED THRUST BLOCK BEARING AREA IN SQUARE FEET - 40 SQUARE FEET MINIMUM IS REQUIRED TO RESIST THRUST.
- CONTINUE HORIZONTALLY TO "THRUST BLOCK DIMENSIONS" COLUMN AND SELECT DIMENSIONS "b" AND "d" IMMEDIATELY ABOVE HORIZONTAL ARROW LINE PROJECTION. 7' - 0" SQUARE THRUST BLOCK REQUIRED FOR THIS PROBLEM.
- CONTINUE HORIZONTALLY TO "REINFORCING STEEL - EACH WAY" COLUMN, NOTING COLUMNS FURTHER CLASSIFICATION BY SOIL TYPE AND FOOTING TYPE. (SEE "THRUST BLOCK DETAIL", FOR TYPE I AND TYPE II REQUIREMENTS.) TWO SOLUTIONS TO ILLUSTRATIVE PROBLEM ARE ACCEPTABLE:
 - SOLUTION 1 - TYPE I THRUST BLOCK AND SOIL TYPE B INDICATE NO REINFORCEMENT REQUIRED.
 - SOLUTION 2 - TYPE II THRUST BLOCK AND SOIL TYPE B INDICATE #5 A 12 EACH WAY REQUIRED.

NOTES:

- ALL FITTINGS SHALL BE ANCHORED BY MECHANICAL MEANS OR BY CONCRETE THRUST BLOCKS, OR BOTH, IF REQUIRED BY THE TOWN ENGINEER.
- ALL EXPOSED METAL SHALL BE PAINTED OR COATED. CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRESS OF 3,000 P.S.I. AT 28 DAYS. REINFORCING STEEL SHALL BE A.S.T.M. A615 GRADE 40.
- THE ACTUAL METHOD OF RESTRAINT MUST BE DETERMINED BY ACTUAL FIELD CONDITIONS. THESE ARE TYPICAL INSTALLATIONS TO BE USED AS A GUIDE TO THE DESIGNER. FINAL DESIGNS ARE SUBJECT TO REVIEW BY THE TOWN ENGINEER.



HALF SCALE

ATTACHMENT 11 - DETAIL 11

CHAPTER 188 SUBDIVISION OF LAND AND DESIGN AND CONSTRUCTION STANDARDS DATE: SEPTEMBER, 2024		TOWN OF SCHODACK RENSSELAER COUNTY NEW YORK STANDARD DETAIL SHEET	
REVISIONS			
NO.	DATE	DESCRIPTION	BY
Laberge ENGINEERING ARCHITECTURE		Group SURVEYING PLANNING	
4 Computer Drive West Albany, New York 12205 (518) 458-7112 www.labergegroup.com			

Town of Schodack

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Zoning Map

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- Attachment 2: Schedule of Area and Bulk Regulations
- Attachment 3: Stormwater Pollution Prevention Plan Contents (on file with Town)
- Attachment 4: Sample Stormwater Control Facility Maintenance Agreement (on file with Town)

Article I. General Provisions

§ 219-1. Title.

This Chapter shall be known and may be cited as the "Zoning Law of the Town of Schodack, New York."

§ 219-2. Scope.

This Chapter regulates and restricts the location, construction, alteration, occupancy and use of buildings and structures and the use of land in the Town of Schodack and, for said purposes, divides the Town into zoning districts.

§ 219-3. Statutory Authority; Purpose.

This Chapter is enacted pursuant to the Town Law of the State of New York, Chapter 62, Article 16, of the Consolidated Laws, and may be reviewed and amended, as may be necessary, at any time to protect and promote the public health, safety and general welfare, specifically including the following additional purposes:

- A. The facilitation of the efficient, economical and adequate provision of public utilities and services.
- B. The assurance of adequate sites for residential, agricultural, industrial and commercial uses.
- C. The provision of privacy for families and the maximum protection of residential areas.
- D. The prevention and reduction of traffic congestion, so as to promote efficient and safe circulation of vehicles and pedestrians.
- E. The gradual elimination of nonconforming uses.
- F. The conservation of the taxable value of land and buildings throughout the Town, while enhancing the appearance of the Town of Schodack as a whole.
- G. The encouragement of flexibility in the design and development of land.
- H. The protection of the general environment in compliance with the objectives of applicable State and Federal regulatory programs.
- I. The protection of the natural resources of the community, including but not limited to the protection of the water resources of the Town.
- J. The development of land and the use thereof to enable businesses and land developers to take the greatest opportunity to properly utilize solar energy provided that such uses comply with provisions contained herein.
- K. The development of land and the use thereof for the protection and enhancement of agricultural lands as part of any agricultural district, as established in accordance with the New York State Agriculture and Markets Law.

§ 219-4. Jurisdiction.

These regulations govern the use, development, and protection of all land and structures within the unincorporated areas of the Town of Schodack, New York, said territory being indicated on the Zoning Map on file at the Schodack Town Hall. The map and its boundaries shall be incorporated and made part of this Chapter.

§ 219-5. Existing Violations.

No subdivision, site plan or special use permit shall be approved, no Building and Zoning Permit, certificate of use, or certificate of occupancy issued, or variance granted under this Chapter for any premises upon which there is an existing violation of this Chapter or any related Town, County or State regulation governing either building construction, development

or the use of land, buildings and structures within the Town of Schodack. This limitation does not, however, prohibit such an approval, issuance, or grant with respect to a legal nonconforming use or legal nonconforming structure.

§ 219-6. Severability.

If any part of this Chapter is declared to be invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of said Chapter as a whole, or any other part of said Chapter. The Town Board hereby declares that it would have adopted this Chapter and each part thereof irrespective of the fact that any one (1) or more of the parts may be declared invalid.

§ 219-7. Supersession of Inconsistent Laws.

The Town Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation or provision of the Town Law inconsistent with this Chapter. The Town Law provisions intended to be superseded include all of Article 16 of Town Law, §§ 261 to 285 inclusive, and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and apply it in the event the Town has failed to specify any provision of law that may require supersession. The Town Board hereby declares that it would have enacted this Chapter and superseded such inconsistent provision had it been apparent.

§ 219-8. Interpretation; Conflict with Other Laws.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Chapter are inconsistent with the requirement of any other lawfully adopted rules, regulations, zoning laws or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

§219-9. Fees.

The Town Board reserves the right to impose such fees and expenses as may be determined to be appropriate and necessary for the administration and enforcement of this Zoning Law. The amount of such fees which shall be due and owing as set forth in this Zoning Law, including but not limited to Building Department fees, Town Board fees, Planning Board fees, and Zoning Board of Appeals fees, shall be determined by separate local law or resolution, and as may be amended from time to time by the Town Board.

§ 219-10. Effective Date.

The Town of Schodack Zoning Law, and its Zoning Map and attachments, shall become effective immediately upon its filing in the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, specifically § 27 of the Municipal Home Rule Law.

Article II. Definitions

§ 219-11. Definitions and Word Usage.

- A. Words used in the present tense include the future; the singular number includes the plural, and the plural number includes the singular; the word "lot" includes the word "plot," and the word "structure" includes the word "building." The term "occupied" or "used," as applied to any building or land, shall be construed to include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used or occupied." The word "shall" be mandatory and not optional.
- B. Unless otherwise expressly stated, the following terms shall, for the purposes of this Chapter, have the meanings herein indicated:

ABANDONMENT

To cease from actively using land or any premises for its intended use for a period greater than one (1) year.

ACCESSORY APARTMENT

A self-contained dwelling unit, having its own exterior or interior entrance, which is subordinate to the principal use but on the same lot.

ACCESSORY STRUCTURE

A structure or use customarily incidental and subordinate to the principal building or use and located on the same lot with such principal building or use. A supplemental freestanding building or structure, the use and the size is incidental and subordinate to that of a principal building and located on the same lot therewith and is without living quarters or cooking facilities. Accessory structures shall not include accessory apartments.

ACCESSORY USE

See also "Use, Accessory".

ADULT BUSINESS

See Chapter 74 of the Town of Schodack Town Code.

AGRICULTURE

The use of land for sound agricultural purposes, including farming, dairy, horse boarding, pasturing, grazing, horticulture, floriculture, viticulture, timber harvesting, animal and poultry husbandry, and those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities including animals or crops raised for personal consumption or recreational purposes. Agriculture does not include dude ranches or similar operations. Agriculture shall include the following:

AGRICULTURAL ACTIVITY

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

AGRICULTURAL USE, ANIMALS

The use of land, for raising, harvesting, selling, or feeding, including but not limited to, grazing, breeding, managing, selling or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, or by any combination thereof. It also includes the use of land for stabling or training equines, including but not limited to providing riding lessons, training clinics and schooling shows, including other on-farm niche marketing promotions. Kennels shall not be considered an animal agricultural use. Operations which utilize animals in research shall not be considered an animal agricultural use.

AGRICULTURAL USE, CROPS

The use of land, for raising, harvesting, and selling crops by horticulture, floriculture or viticulture, aquaculture, hydroponics, Silva-culture or by any combination thereof. A garden accessory to a residential use shall not be deemed an agricultural use.

AGRIBUSINESS

Agribusiness uses shall be accessory and subordinate to an active farm operation as defined herein and by New York State Agriculture and Markets Law Agribusiness accessory uses include products or services which may be sold or rendered, and are limited to topsoil, mulch, compost, sand, gravel, feed, blacksmithing, processing and sales of farm products, butchering or slaughtering, and wood crafts; provided that such farm operation consists of at least seven (7) acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such accessory agribusiness does not exceed 50% of the annual gross sales value of such crops, livestock or livestock products. Such agribusiness accessory uses shall support, promote, or sustain the active farm operation as defined herein.

AGRITOURISM

Activities conducted on a farm and offered to the public, to facilitate education, recreation, or active involvement in the farm operation and the sale of agricultural commodities. Agritourism activities may be conducted in an accessory building or structure. Examples of agritourism may include, but are not limited to farm-stay programs, u-pick operations, restaurants, farm stores, pumpkin patches, hay mazes, hay rides, corn mazes, petting zoos (farm animals only), living historical farms, farm tours (for profit), and agricultural festivals. The agritourism 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 agritourism as long as they are considered a single farm entity. The agritourism enterprise shall only be permitted in conjunction with agriculture support and services directly associated with on-going agricultural activity onsite.

ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts of a building or an enlargement, whether by extending on the front, rear, or on a side, or by increasing the height, or the moving of such structure from one (1) location or position to another.

ANTIQUE SHOP

A commercial enterprise that provides the sale and/or repair of antique goods, of which 80% or more are over 50 years old or have collectible value, directly to the consumer. Antique Shop does not include stores selling used goods not fitting the aforementioned criterion.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land development activity.

APPURTENANCES

Porches, balconies, patios, seating areas, canopies, awnings, etc., which extend outward from the facade of a building which do not count as an extension of the facade itself for the purposes of measuring setbacks and build-to locations.

AREA AND BULK REGULATIONS

The combination of controls which establish the minimum size of a lot and the maximum size of a building and its location on such lot.

BANK OR FINANCIAL INSTITUTION

An establishment where the principal businesses is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, credit unions, and automatic teller machines (ATMs); the institution may also provide related financial services to consumers. Drive-through services shall only be considered a permitted accessory use or a special use permit in designated districts.

BAR OR TAVERN

An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

BASEMENT

A story in a building, the structural ceiling level of which is four feet or more above the average finished grade and the floor level of which is below finished grade at any point on the periphery of the building. A basement shall be counted as a story and for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM

An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time for the use of emergency replacement electrical needs or work in tandem with the electrical supply of buildings or structures, or for the purposes of feeding or capturing energy to create efficiencies in an electrical grid network, whether or not it is part of a localized or regionally managed system. For the purposes of this regulation, batteries in car vehicles or electrical vehicles not intended to provide sources of energy to buildings or structures are excluded, however, portable battery storage systems are included in this definition. A Battery Energy Storage System is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600-Kilowatt hour (kWh) and, if in a room or enclosed area, consist of only a single energy storage system technology.

Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area or whether or not they are considered portable units.

In addition, the following definitions shall apply:

ANSI

American National Standards Institute

BATTERY(IES)

A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this Chapter, batteries utilized in consumer products are excluded from these requirements.

BATTERY CELL

The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

BATTERY ENERGY STORAGE SYSTEM COMMISSIONING

A systematic process that provides documented confirmation that a Battery Energy Storage System functions according to the intended design criteria and complies with applicable code requirements.

BATTERY STORAGE BUILDING

A building that is built for the primary intention of housing Battery Energy Storage System equipment for use in energy storage, energy generation and other electrical grid related operations.

BATTERY ENERGY STORAGE SYSTEM HOST PROPERTY

Any real property or portion thereof that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the Battery Energy Storage System owner (or affiliate) for the placement or protection of the general public or to meet distance requirements imposed on the owner or affiliate of the Battery Energy Storage System regardless of whether any part of a Battery Energy Storage System is constructed on the property.

ENERGY CODE

The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE

The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):

A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC

National Electric Code.

NFPA

National Fire Protection Association.

UNIFORM CODE:

The New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

BED-AND-BREAKFAST (B&B)

An owner-occupied residence that offers sleeping accommodations to lodgers in six (6) or fewer rooms for rent and serves breakfast to its lodgers. In commercial districts where permitted, a bed-and-breakfast is not required to be an owner occupied residence.

BEST MANAGEMENT PRACTICES (BMPS)

Are recognized as an important part of the permitting process to prevent the release of toxic and hazardous chemicals / pollutants to receiving waters. Used with pollution prevention practices they reduce potential pollutant releases and reduce costs as well as pollution risks.

BOARD OF APPEALS

The Zoning Board of Appeals of the Town of Schodack as provided herein.

BOAT

A vehicle designed for operation as a watercraft propelled by oars or paddles or by sail or power.

BOAT LAUNCH

A facility to launch and retrieve motorized and non-motorized boats from a trailer or by hand.

BOAT SALES AND REPAIR

A marine retail sales, service, and repair use in which boats are sold or repaired.

BOAT STORAGE

A premise or site for the provision of storing boats, enclosed or outdoors, and may include lifting or launching services.

BOAT YARD

A premise or site for the provision of all such facilities customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including but not limited to rental of covered or uncovered boat slips, dock space, enclosed dry storage space, lifting or launching services.

BUFFER ZONE

A strip of land established to protect one (1) type of land use from another with which it is incompatible.

BUILD-TO LOCATION

The specific location or flexible area where the façade of a building must be located, measured as both a minimum and maximum setback distance from the Frontage Line.

BUILDABLE AREA

The space remaining on a lot after the minimum open space requirements (coverage, yards and setbacks) have been met.

BUILDING

Any structure of more or less permanent construction which is permanently affixed to the land, wholly or partially enclosed within exterior walls and a roof affording shelter to persons, animals, property or business activity.

BUILDING COVERAGE

The amount of land covered or permitted to be covered by a building or buildings, measured in terms of a percentage of the total lot area. Such coverage shall be measured on a horizontal plane at mean grade level and excludes uncovered porches, terraces and steps.

BUILDING, FRONT LINE OF

The base line of the vertical plane, beyond which no portion of a building shall extend.

BUILDING, HEIGHT OF

See "Height, Building".

BUILDING AND ZONING PERMIT

A permit issued by the Code Enforcement Officer authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof. Such a permit shall not be issued without the signature of the Code Enforcement Officer, certifying compliance with this law.

BUILDING, PRINCIPAL

A building used for the main or principal use of the lot.

BUILDING SUPPLY FACILITY

Establishments or places of business primarily engaged in retail or wholesale sale, from the premises both indoor and outdoor, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Includes storage areas associated with a primary business.

CAMP, DAY

A tract of land, including accessory structures, devoted to primarily outdoor recreation uses but shall not include overnight accommodations for users.

CARPORT

A roofed accessory structure, which may be permanent or temporary, providing space for the parking of motor vehicles and enclosed on not more than three (3) sides, and shall not include a private garage.

CAR WASH

A building, the use of which is devoted to the washing of and cleaning of the interior and exterior of motor vehicles, and may be accessory to a motor vehicle service station, including but not limited to one (1) of the following types:

CAR WASH – CONVEYOR

A car wash facility where motor vehicles progress through the washing process pulled by a conveyor or by some alternate means other than power supplied from the motor vehicle.

CAR WASH – DRIVE-THROUGH

A car wash facility where motor vehicles are driven into and out of the washing process under their own power.

CAR WASH – SELF-SERVICE

A car wash facility where automobiles are washed by the driver of the motor vehicle using machinery provided by the management of the facility.

CELLAR

Any space in a building, the structural ceiling of which is less than four (4) feet above the average finished grade.

CERTIFICATE OF OCCUPANCY

Official certification that a premises conforms to the provisions of this Chapter, the building code and other applicable regulations and may be used or occupied.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC)

A person who has received training and is certified by CPESC to review, inspect and/or maintain erosion and sediment control practices.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CHANGE OF USE OR TENANCY

The replacement of an existing use by a new use, or a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially changed and a Building and Zoning Permit, certificate of occupancy, or a certificate of compliance is required.

CHICKENS AND/OR FOWL

The term chicken shall also include fowl and other domesticated birds commonly associated with farms such as ducks, geese, turkeys, guinea hens, and pheasants raised in confinement. Such domesticated birds are commonly associated with farms and used for eggs or meat. This definition shall not include exotic birds, such as but not limited to, emus and peacocks.

CIVIC CENTER

A facility designed to accommodate a large number of persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premise consumption, and may include accommodations for facility attendees. The accommodations can include sleeping, eating, and recreation.

CIVIC SPACE

A natural or landscaped outdoor area provided for the purpose of active or passive public recreation. May include publicly accessible outdoor amenities such as a playground, seating area, picnic area, multi-use path and temporary or permanent small outdoor performance space or religious facility.

CLEARING

Any activity that removes the vegetative surface cover.

CLOTHING/MATERIAL DONATIONS BIN

Any enclosed receptacle or container made of metal, steel, or a similar product and designed or intended for the donation and temporary storage of clothing or other materials for charitable purposes.

CLUB, MEMBERSHIP

Membership Clubs shall include the following unless exclusively listed in Attachment 1 Schedule of Use Regulations found at the end of this Chapter:

CLUB, CIVIC & SOCIAL/FRATERNAL

Buildings and facilities, owned or operated by a corporation, non-for-profit, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and may or may not be primarily operated for profit.

CLUB, COUNTRY

A membership or public club customarily having golf course facilities.

CLUB, SPORTSMAN

Areas reserved for public or private hunting of wildlife, fishing, and accessory structures in support of those activities.

CLUB, YACHT

Buildings and facilities for the promotion of the common interests of aquatic recreation, owned or operated by a corporation, non-for-profit, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and may or may not be primarily operated for profit.

CLUSTER DEVELOPMENT

A development pattern in which uses are grouped or clustered, rather than spread evenly throughout a parcel as in conventional lot-by-lot development.

CODE ENFORCEMENT OFFICER

A Town employee appointed by the Town Board and charged with the responsibility of administering and enforcing this Chapter, as well as the New York State Uniform Fire Prevention and Building Code, as amended, and related regulations. Reference to Code Enforcement Officer may be construed to include Building Inspector, Fire Inspector and the like where applicable.

COGENERATION PLANT

A nonutility, privately owned installation that produces useful energy, but not limited to electricity, water, thermal, and gas; or produces a service as waste disposal to create or convert to a useable energy; that is intended for sale to the public by use of a distribution system or connection to an existing system, such as a utility, which is owned by an agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, or water.

COMMENCEMENT OF CONSTRUCTION

The initial disturbance of soils associated with clearing, grading, or excavating activities, or other construction activities.

COMMUNITY AND GOVERNMENT USES

Any building, structure, premises or part thereof that is designed, constructed, or used for community or governmental or municipal purposes, which may also include such uses as any library, museum, post office, police, rescue and/or fire stations that serve the public; such facilities may incidentally offer recreational, social, educational, and/or cultural activities but shall exclude all buildings and structures belonging to a religious organization or social and/or fraternal organization or membership clubs.

COMPREHENSIVE PLAN

A document or series of documents prepared by the Planning Board setting forth policies for the future growth and development of the Town. Such plan may be officially adopted by the Town Board.

COMPRESSOR STATION

A facility that is used to compress natural gas in order to create additional pressure to increase the amount of gas a pipeline can hold, help move it through a pipeline, or to move it into or from storage.

CONSTRAINED LAND

A parcel's acreage that includes existing buildings (unless said buildings are proposed to be removed), surface waterbodies, NYSDEC-regulated freshwater wetlands, federally-regulated wetlands, 50% of acreage covered by one-hundred-year floodplains, entire floodways, and lands with slopes of 15% or greater (measured over a fifty-foot horizontal distance), in accordance with this Chapter.

CONSTRUCTION, LANDSCAPING SERVICES & STORAGE - MAJOR

A service provided by contractor(s) administered out of a permanent business office; such services shall typically occur off-site away from the business office but may include the parking and storing of vehicles, landscaping equipment, construction related equipment, and other machinery essential to the provision of services.

CONSTRUCTION ,LANDSCAPING SERVICES & STORAGE - MINOR

A service provided by a contractor(s) administered out of a single-family dwelling as part of a permitted home occupation use; such services shall typically occur off-site away from the dwelling but may include the parking and storing of vehicles, landscaping equipment, construction related equipment, and other machinery essential to the provision of these services.

CONVERSION

A change in use or occupancy of a building, by alteration, update, or other reorganization, to increase the number of families or dwelling units in a structure.

CORPORATE CENTER

See Offices, Corporate Centers and Parks.

DAY CARE HOME, CHILD AND ADULT

Shall mean care for a child or adult on a regular basis provided in a residence that is not the child's or adult's residence for less than 24 hours per day by someone other than the parent, step- parent, guardian, or relative within the third degree of consanguinity of the parents or step-parents of such child. For purposes of the Town of Schodack Zoning Law, the following uses shall be considered a day care

DAY CARE HOME, CHILD

Shall mean a program caring for children for more than three (3) hours per day per child in which child day care is provided in a residence for three (3) to six (6) children.

DAY CARE HOME, ADULT

Shall mean a program caring for elderly and/or functionally impaired adults for more than three (3) hours per day for less than six adults in a protective setting in a residence.

DAY CARE CENTER, CHILD AND ADULT

A place, other than an occupied residence, providing or designed to provide child day care or adult day care on a regular basis away from the child's or adult's residence for less than 24 hours per day by someone other than the parent, step- parent, guardian or relative within the third degree of consanguinity of the parents or step-parents of such child or adult. For purposes of the Town of Schodack Zoning Law, the following uses shall be considered a day care center:

CHILD DAY CARE CENTER

Means a program or facility which is not a residence in which child day care is provided on a regular basis to more than six (6) children for more than three (3) hours per day per child, except those programs providing care as a school-age child care program.

SMALL DAY CARE CENTER

Means a program or facility which is not a residence in which child day care is provided to three (3) through six (6) children for more than three (3) hours per day per child.

ADULT DAY CARE FACILITY

A facility providing care for the elderly and/or functionally impaired adults for more than three (3) hours per day for six (6) or more adults in a protective setting outside a residence.

DEDICATION

The deliberate appropriation of property by its owner for general public use and/or public benefit.

DENSITY FACTOR

The maximum allowable number of residential units that may be permitted on one lot or the maximum allowable number of lots that may be created through a subdivision, in accordance with this Chapter.

DEVELOPER

An individual who undertakes land development activities.

DEVELOPMENT

The establishment of a use on a lot or in relation to a structure, or the erecting or structural alteration of a structure.

DIRECTOR OF PLANNING AND ZONING

A Town employee appointed by the Town Board and charged with the responsibility of serving the Town of Schodack Planning Board and the Town of Schodack Zoning Board of Appeals in assisting with development applications and other powers as may be designated herein.

DISTRIBUTION CENTER

An establishment engaged in the receipt, storage, warehousing, and distribution of goods, products, cargo, and materials. See also "Warehouse".

DISTRICT

An area, section or zone of the Town within which uniform requirements regulate the use of land and the height, bulk, density and setback of structures.

DRIVE-THROUGH SERVICES

An accessory use to an establishment that dispenses products or services to patrons who remain in vehicles; drive-through services shall be only permitted in designated districts pursuant to the procedures and requirements set forth in Article X and any other supplementary requirements for specific uses set forth in Article V of this Chapter.

DRIVEWAY

A private access route directly serving a parking area or parking spaces and such driveway does not provide a route for through traffic. A residential driveway may not serve more than two (2) dwelling units.

DRY CLEANING AND LAUNDRY SERVICE

An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

DUMP

A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

DWELLING

Any building or portion thereof designed or used primarily as the residence or sleeping place of one (1) or more persons. A dwelling shall include group homes but not a hotel, motel, extended stay hotel, hospital, nursing home, dormitory, fraternity or sorority house, or other similar structure under the terms of this Law.

DWELLING, MULTIFAMILY

A detached, semidetached or attached building(s) or portion thereof containing separate living units for three (3) or more families having separate or joint entrances and shall include apartments, group homes, townhouses, , and condominiums.

DWELLING, ONE-FAMILY

A detached building designed for or occupied by one family and containing not more than one dwelling unit.

DWELLING, SENIOR

A dwelling unit as defined herein designated for older persons, as defined in the Federal Fair Housing Act.

DWELLING, SENIOR CONGREGATE

A senior dwelling as defined herein, where residents share common facilities which include a common kitchen, dining room and living room with one (1) or more units and offers central food services. In congregate housing developments, services provided may include, but not be limited to, social service and referral consultation, medical, housekeeping assistance and central laundry.

DWELLING, TOWNHOUSE

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. For the purposes of this Zoning Law, except where specifically stated otherwise herein, a townhouse dwelling shall be construed as a form of multifamily dwelling.

DWELLING, TWO-FAMILY

A detached or semidetached building where not more than two (2) individual family or dwelling units are entirely separated by vertical walls or horizontal floors that are unpierced except for access to the outside or to a common cellar. Such use shall not include accessory apartments.

DWELLING UNIT

Any single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation designed or used primarily as the residence or sleeping place of one (1) or more persons and a minimum of 600 square feet.

EQUIPMENT FACILITY, SALES & SERVICE, HEAVY

A facility for the repair, maintenance, and sale of heavy equipment or trucks.

EQUIPMENT FACILITY, SALES & SERVICE, LIGHT

A facility for the repair, maintenance, and/or sale of small engine, small motorized equipment and appliances, and all-terrain-vehicles (ATV).

EXCAVATION

Any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits.

EROSION

The wearing away of the land surface by action of wind, water, gravity, or other natural forces.

EROSION AND SEDIMENT CONTROL PLAN

A set of plans prepared by or under the direction of a licensed/certified professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction. [Added 8-23-2007 by L.L. No. 4-2007]

EROSION CONTROL MANUAL

The most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

FAÇADE TRANSPARENCY

The amount of transparent window glass or other openings in the facade of a building, relative to the overall surface area of the facade. Facade transparency is measured separately for the ground floor levels and upper floor levels. The ground floor area is measured between 2 feet above the ground to 12 feet above the ground. Facade transparency for upper floors is measured from second finished floor level to the ceiling of the topmost floor.

FAMILY

- A. Family shall be considered one (1) of the following:
 - (1) One (1), two (2) or three (3) persons occupying a dwelling unit; or
 - (2) Four or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
- B. It shall be presumptive evidence that four (4) or more persons living in a single dwelling unit who are all not related by blood, marriage, or legal adoption do not constitute the functional equivalent of a traditional family.
- C. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:
 - (1) The group is one (1) which in theory, size, appearance, structure, and function resembles a traditional family unit;
 - (2) The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
 - (3) The group shares expenses for food, rent, or ownership costs, utilities and other household expenses;
 - (4) The group is permanent and stable. Evidence of such permanency and stability may include:
 - (a) The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - (b) Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration, and filing of taxes;
 - (c) Members of the household are employed in the area;
 - (d) The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
 - (e) There is common ownership of furniture and appliances among the members of the household; and
 - (f) The group is not transient or temporary in nature;
 - (5) Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FARM

Any parcel of land which is used for gain in raising of agricultural products, horticultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used

FARM LABOR HOUSING

On-farm structures occupied by farm laborers employed or used more than 51% of the year by the farm operation where the structures are located and nonworking family members of such laborers; provided that the number of persons residing in said structures shall not exceed the number permitted by the State of New York for such sized units as are utilized. Farm worker housing shall not include housing for any owners, lessees, or operators of the farm, or any officers, partners, or members thereof, and further provided that the laborers may work inside and/or outside the Town of Schodack during the period they are not working on the Town farm.

FARM MARKET

A permanent year-round structure for the purpose of the sale of farm produce and agricultural products grown or processed primarily on the farm.

FENCE

An unroofed, enclosing structure erected for the purpose of preventing passage or view.

FINISHED GRADE

The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the "finished grade," in computing height of buildings and other structures or for other purposes, shall be the average elevation around the periphery of the building, except that this average shall not exceed 1/2 of the floor-to-ceiling height.

FISHING DOCK

A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

FLAG LOT

See "Lot, Flag".

FLOOD, ONE-HUNDRED-YEAR

The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year).

FLOODPLAIN AREA WITH SPECIAL FLOOD HAZARDS

The maximum area of the floodplain that, on the average, is likely to be flooded once every 100 years [i.e., that has a one percent (1%) chance of being flooded every year] and which is designated as an area of special flood hazard in accordance with Chapter 118, Flood Damage Prevention.

FLOODPLAIN OR FLOOD-PRONE AREAS

A land area adjoining a river, stream, watercourse or lake, which is likely to be flooded and which is designated as an area of special flood hazard in accordance with Chapter 118, Flood Damage Prevention.

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, flood control works and land use and control measures.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

FLOOD PROTECTION ELEVATION

The 100-year flood elevation plus two (2) feet above mean high water.

FLOOR AREA

The sum of the gross horizontal area of the floor or floors of a building as measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. Floor space shared in common with other dwelling units or used for storage purposes or the operation and maintenance of the building shall not be included in computing "floor area."

FLOOR AREA, LIVABLE

The sum of the gross horizontal area of a dwelling unit measured from the exterior walls or from the center of a party wall, excluding roof, cellar, and garage. "Livable floor area" shall include spaces such as utility rooms, bathrooms, basements, closets, hallways and attic space having a clear height of at least six (6) feet from the finished floor level to the pitch of the roof rafter, with a clear height of seven (7) feet - six (6) inches from the finished floor level to the ceiling level over 50% of the area of such attic space.

FOOD TRUCK

A large vehicle equipped with facilities for cooking and selling food, and which may be located at a permanent or semi-permanent location or may be completely mobile from site to site.

FRACKING

The process of injecting liquid at high pressure into subterranean rocks, boreholes, etc., so as to force open existing fissures and extract oil or gas. Fracking is prohibited in the Town of Schodack.

FRONTAGE BUILDOUT

The percentage of the lot width which must be occupied by building facade along the Build-To Location. For example, a property which is 100 feet wide with a frontage width percentage of 60% would require that at least 60 feet of facade length be maintained in the build-to location. Any additional length of front facade would be allowed to step back further from the frontage line, if desired. The intent of this requirement is to encourage development to maximize the front facade exposure along the street or public space.

FRONTAGE LINE

The front of a presumed property where a development parcel or property meets with either a public or private right-of way, street, or public space and is where the front of a building is to be located.

FRONTAGE, LOT

See "Lot Frontage".

FRONT FACE OF BUILDING

The outer surface of the principal (main) building, measured linearly from corner to corner, which is visible from the main public street or highway. A secondary street, highway or drive shall not be considered frontage if the building is located on a corner property.

FUEL SALES

The sale of gasoline, diesel, propane, kerosene, or any other fuel in bulk and oil and other lubricating substances, including the sale of motor vehicle accessories.

FUNERAL HOME

A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation.

GARAGE, COMMERCIAL

Any building or portion thereof, or accessory structure, other than a private garage, operated for gain and which is used for storage of motor vehicles, boats, recreational vehicle, travel trailer, and similar vehicles.

GARAGE, PRIVATE

An enclosed space for the storage of one (1) or more vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car is leased to a nonresident of the premises.

GENERAL PERMIT

See SPDES General Permit.

GOLF COURSE

A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restaurant, bar, tavern, pro-shop, restrooms, driving range, and shelters as accessory uses.

GRADE, FINISHED SURFACE

The finished surface of the ground on a lot, including but not limited to lawns, landscaped areas, walks, driveways, and ground surface abutting buildings or structures at exterior walls, brought to finished grade as shown on a grading plan approved by the Town of Schodack.

GRADING

Excavation of fill, rock, gravel, sand, soil or other natural material, including the resulting conditions thereof.

GROSS BUILDABLE ACREAGE

The gross buildable acreage is the land calculated by subtracting the constrained land acreage from the total acreage of the parcel.

GROUP HOME

A residential structure, in which at least two (2) but not more than six (6) rooms, that is licensed to provide room, board, and supervised care, but not continuous nursing care, for unrelated adult individuals. Shall include unlicensed and licensed homes for: recovering substance abusers; the mentally and physically disabled; special needs populations such as pregnant/parenting teens and victims of domestic violence; and supervised foster homes. Such homes shall share a common kitchen, sanitary facilities and other common living facilities. Group homes, as defined herein, will not include institutional type facilities such as shelters, transitional housing, single room occupancy hotels, or facilities that include more than 14 residents. The term “group home” will also include other non-traditional households such as shared housing arrangements for the elderly and other unrelated populations simply seeking to create a more affordable housing alternative through home sharing.

HEIGHT, BUILDING

The vertical distance measured from the mean elevation of the finished grade along the side of the building with the lowest finished grade to the highest point on the coping of a flat roof, to the deck line of mansard roofs and the average height between eaves and ridge for gable, hip and gambrel roofs, but not including chimneys, spires, towers, elevators, penthouses, tanks and similar projections.

HOME OCCUPATION

Any personal, professional or trade services that is accessory to a one-family dwelling, the principal use of the lot, and does not change the residential character.

HOME OCCUPATION 1

Includes all home occupations conducted and fully contained within a principal or accessory residential structure which use is clearly incidental and secondary to the use of the property for dwelling purposes.

HOME OCCUPATION 2

Includes all home occupations conducted within a principal or accessory residential structure or on the premises which use is clearly incidental and secondary to the use of the property for dwelling purposes.

HOMEOWNERS' ASSOCIATION

An organization of homeowners residing within a particular development whose major purpose is to preserve, maintain and provide community area facilities and services for the common enjoyment of the residents.

HOTEL/MOTEL

A commercial establishment in which lodging is regularly provided and offered to the public for compensation for a maximum of 14 days, and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. A hotel/motel unit may not contain a kitchen. Outdoor athletic courts and facilities are permitted accessory uses.

HOTEL/MOTEL, EXTENDED STAY

A commercial establishment in which lodging is regularly provided and offered to the public for compensation for greater than 14 days, but shall not be permitted to stay on premise for more than 28 consecutive days, and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. A hotel/motel extended stay unit must contain appropriate refrigeration and food preparation appliances in accordance with this Chapter. Outdoor athletic courts and facilities are permitted accessory uses.

IMPERVIOUS SURFACE

Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, and other surfaces.

INDUSTRIAL STORMWATER PERMIT

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION

The process of percolating stormwater into the subsoil.

JUNKYARD

Any place of storage or deposit, whether in connection with another business or not, of equipment, building materials, junk, vehicles, vehicle parts or any other material whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials therein. A junkyard shall include where two (2) or more unregistered motor vehicles or motor vehicles no longer in condition for legal use on public highways or in agricultural activities are held, whether for the purpose of resale of used parts, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise. Such term shall include any place of storage or deposit for such purposes of used parts and waste materials from the vehicle which taken together equal two (2) or more such vehicles, provided that the term "junkyard" shall not be construed to mean an establishment having facilities for processing or crushing iron, steel or scrap. The term "junkyard" shall also include the use "motor vehicle junkyard". Junkyards shall be a prohibited use under this law.

JURISDICTIONAL WETLAND

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

KENNEL

Any place at which there are kept four (4) or more dogs more than four (4) months of age or any number of dogs that are kept for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

LAND DEVELOPMENT ACTIVITY

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one (1) acre, or activities disturbing less than one (1) acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDING AREAS

Cleared areas to which trees are hauled for their storage before being transferred off site.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights to the land.

LICENSED/CERTIFIED PROFESSIONAL

A person currently licensed to practice engineering or landscape architecture in New York State or is a certified professional in erosion and sediment control (CPESC).

LIVESTOCK

Animals, including but not limited to domestic animals such as sheep, horses, cattle, swine and goats.

LOT

A parcel of land having defined boundaries and considered as a unit, devoted to a specific use or occupied by a structure or group of structures that are united by a common interest, use or ownership, and including customary accessory structures, uses, open spaces and yards.

LOT AREA

The total area of a lot computed by multiplying the average distance between side lot lines measured along the street line and the rear lot line by the average distance between the street line and the rear lot line measured along the side lot lines.

LOT, CORNER

A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street right-of-way lines is the "corner."

LOT COVERAGE

That percentage of the plot or lot area covered by all structures, buildings, accessory structures.

LOT DEPTH

The horizontal distance from the street line of a lot to the rear lot line of such lot, measured in the general direction of the side lot lines.

LOT, FLAG

A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

LOT FRONTAGE

That portion of a lot which directly abuts the right-of-way line of a dedicated Town, County or New York State highway. A corner lot shall be considered to have two (2) such "frontages."

LOT OF RECORD

A legally existing lot at the time of initial adoption of this Chapter, duly filed and recorded in the Rensselaer County Clerk's office as either an individual parcel of land or part of an approved subdivision.

LOT WIDTH

The distance between the side lot lines at the required minimum front yard depth measured along a line parallel to a line connecting the end points of the front lot line.

MAINTENANCE AGREEMENT

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MANUFACTURING

Any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled or packaged in quantity. For purposes of the Town of Schodack Zoning Law, the following distinctions define Heavy and Light manufacturing uses:

MANUFACTURING, HEAVY

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials; may include the bulk storage and handling of such products and materials; includes manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that may potentially involve hazardous conditions.

MANUFACTURING, LIGHT

A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging, of finished products, predominantly from previously prepared or refined materials, or from raw materials that do not need refining and are conducted wholly within an enclosed building. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

MARINA OR BOAT BASIN

Any premises containing one (1) or more piers, wharves, docks, moorings, bulkheads, buildings, pumping facilities, slips, basins or land under water designed, used or intended to be used primarily for the docking or mooring of boats for compensation.

MEDICAL FACILITY

MEDICAL FACILITY, LARGE

An institution licensed by the New York State Department of Health providing health services primarily for inpatients, and medical or surgical care to persons, primarily inpatient suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. It does not include a sanitarium, clinic, rest home, nursing home, or convalescent home.

MEDICAL FACILITY, LIMITED

A building, other than a hospital, operated under the supervision of one (1) or more licensed physicians or medical or allied health practitioners for the purpose of receiving and treating patients, and used exclusively on an out-patient basis. This may include immediate and urgent care facilities that are used for the delivery of ambulatory medical care outside of a hospital emergency department licensed by New York State Department of Health (NYSDOH) with only out-patient services.

MEMBERSHIP CLUB

See Club, Membership.

MINE

A lot or lots, or part thereof, used for the purpose of extracting a mineral or minerals for sale or exchange, or for commercial, industrial, or municipal use; including the preparation and processing of minerals, and any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, municipal, or construction use. A mine shall not include the excavation, removal and disposition of minerals from construction projects.

MINING AND EXCAVATION

Any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits. Such use may be subject to permitting requirements of the State Department of Environmental Conservation under the Mined Land Reclamation Law (Environmental Conservation Law, Article 23, Title 27).

MIXED-USE

See Use, Mixed-Use.

MIXED-USE DEVELOPMENT

A tract of land with buildings or structures planned as a whole and intended for more than one (1) principal use. A mixed-use development may include mixed-use structures; permitted uses shall be limited to the uses identified in the Schedule of Use Regulations for the Zoning District in which the mixed-use development is located.

MIXED-USE DEVELOPMENT, NON-RESIDENTIAL

A mixed-use development consisting of a mix of non-residential uses; permitted non-residential uses shall be limited to the non-residential uses identified in the Schedule of Use Regulations for the Zoning District in which the non-residential mixed-use development is located; residential dwelling units shall be prohibited.

MIXED-USE DEVELOPMENT, RESIDENTIAL

A mixed-use development that requires a mix of non-residential uses and residential uses; permitted uses shall be limited to the uses identified in the Schedule of Use Regulations for the Zoning District in which the residential mixed-use development is located.

MOBILE HOME

A dwelling unit also known as a manufactured home, built to U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, which has the following characteristics:

- A. Manufactured as a movable or portable dwelling unit for year-round occupancy and for installation on a masonry or concrete foundation or a mobile home stand, or piers, with or without a basement or cellar.
- B. Designed to be transported on its own chassis and wheels and connected to utilities after placement on a stand, foundation, or piers.
- C. A modular home, as defined herein, is not considered a mobile home.

MOBILE HOME, DOUBLE-WIDE

A mobile home constructed on two separate chassis designed to be joined together at the point of use to form a single dwelling.

MOBILE HOME LOT

An area of land within a mobile home neighborhood designed and designated for the siting of one (1) mobile home.

MOBILE HOME LICENSEE

Any person, firm, trust, partnership, association or corporation licensed to operate and maintain a mobile home neighborhood under the provisions of this Chapter.

MOBILE HOME NEIGHBORHOOD

A residential development intended to accommodate mobile homes, as defined herein, and including various facilities for the service of the residents.

MODULAR HOME

A dwelling unit constructed off-site consisting of more than one (1) segment designed to be permanently anchored to a foundation, to become a fixed part of the real estate, and which meets all of the standards of the New York State Building Code. A single modular housing unit is considered to be a one-family dwelling for purposes of this law.

MOTOR VEHICLE AUTOBODY SHOP

An area of land, including structures thereon, intended, or designed for making repairs to motor vehicles, their mechanical systems and their body structure, including painting, but excluding the retail sale of gasoline or any other motor vehicle fuel.

MOTOR VEHICLE SALES ESTABLISHMENT

An area of land, including structures thereon, intended or designed to be used for the rental, lease, sale and/or resale of motor vehicles, new or used; service and repair of motor vehicles are allowed as an accessory use to motor vehicle sales.

MOTOR VEHICLE SERVICE STATION

An area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle minor accessories, and which may or may not include facilities for lubricating or otherwise servicing motor vehicles, but not including the painting thereof by any means.

MULTIFAMILY DWELLING

See “Dwelling, Multifamily.”

NONCONFORMANCE

A condition that occurs when, on the effective date of adoption of this code or a previous local law or on the effective date of a local law text amendment or rezoning, an existing lot, structure, building, sign, development, or use of an existing lot or structure does not conform to one (1) or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

NONCONFORMING LOT

Any lot, which lawfully existed on the effective date of this Chapter and fails to meet the area, shape, frontage or other applicable requirements of this Chapter, shall be considered a legal nonconforming lot.

NONCONFORMING STRUCTURE

A structure that does not satisfy the dimensional or use requirements of this Law for the area in which it is located, but which was not in violation of applicable requirements when constructed and was lawfully erected pursuant to applicable permits and approvals.

NONCONFORMING USE

Any use lawfully existing prior to and at the time of the adoption or amendment of this Law, which use is not permitted by or does not conform to the permitted, permitted accessory, or special use permit provisions of this Law for the area in which it is located.

NONPOINT SOURCE POLLUTION

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NOTICE OF INTENT (NOI)

A permit application prepared and filed by an owner or operator with the Department of Environmental Conservation as an affirmation that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and will be implemented in compliance with the State Pollution Discharge Elimination System General Permit for Stormwater Runoff for Construction Activity (GP-02-01). [Added 8-23-2007 by L.L. No. 4-2007]

OCCUPANCY

The use of land, buildings or structures.

OFFICE, BUSINESS AND PROFESSIONAL

Any building or part of a building in which one (1) or more persons are employed in the management or direction of an agency, business or organization, but excludes such uses as retail sale; manufacture, assembly or storage of goods; or place of assembly or amusement.

OFFICES, CORPORATE CENTER AND PARK

A tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings or supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

OPEN SPACE

That area of a lot which shall be properly maintained with a combination of natural, not artificial, lawn, trees, shrubs and other plant material.

OUTDOOR SALES

The placement of goods for sale or for advertisement, outside of the building or structure; shall be a permitted as an accessory use in designated districts.

OUTDOOR STORAGE YARDS

An enclosed or unenclosed portion of a lot or parcel used primarily for the storage of equipment, vehicles, machinery (new or used), and/or building materials, paints, pipe, or electrical components that are for sale.

OWNER / OPERATOR

Shall mean the person(s) or legal entity which owns or leases the property on which the construction activity is occurring; and/or an entity that has operational control over the construction plans and specifications, including the ability to make modifications to the plans and specifications per the General Permit for Construction Activities GP-0-15-002.

PARKING LOT

Land which is open or semi-enclosed by structures and which is used to provide four (4) or more off-street parking spaces.

PARKING SPACE, OFF-STREET

A space which is out of the public right-of-way and is available and adequate for the parking of one (1) motor vehicle.

PERIMETER CONTROL

A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PERSONAL SERVICE SHOPS

See "Retail and Service Establishments."

PERVIOUS SURFACE

Area maintained in its natural condition, or that is covered by a material that permits infiltration or percolation of water into the ground, including but not limited to gravel, surfaces and grass pavers. Solar panels or arrays on posts shall be included in the pervious calculation of lot coverage.

PHASING

Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

PLANNED DEVELOPMENT

A tract of land which is planned and developed as a unit with a grouping(s) of residential, office, or commercial uses together with their accessory structures, and all appurtenant roadways, parking areas, loading areas, open spaces and other necessary facilities.

PLANNED DEVELOPMENT DISTRICT (PDD)

A floating zoning district applicable throughout all districts in the Town pursuant to the review and approval procedures set forth in this Chapter. Such district and the attendant review procedures allows for flexible, well-planned developments that are intended to incorporate a mixture of compatible uses that are beneficial to community needs and goals. A Planned Development District or PDD is considered a floating district in that the potential for one (1) or more Planned Development Districts exists throughout the Town of Schodack.

PLANNING BOARD

The Planning Board of the Town of Schodack, appointed by the Town Board pursuant to the NYS Town Law, having such powers and duties as are set out in the NYS Town Law, in this law and as lawfully may be further provided by the Town Board.

PLAT

A map showing a subdivision of land legally approved and recorded.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PORTABLE STORAGE CONTAINERS AND/OR DUMPSTERS

Transportable units (with or without wheels) used primarily for temporary storage of building materials, household goods, personal items, business goods and/or products including inventory and other materials for use on a limited basis. The minimum size of such storage containers or dumpsters subject to this Chapter shall be 640 cubic feet, or any such storage container or dumpster that has a length, width or height of 10 feet or more. Portable storage containers and/or dumpsters are prohibited for use as a temporary or permanent dwelling unit.

PREMISES

A lot, together with all the structures and uses thereon.

PRINCIPAL USE

See Use, Principal.

PROHIBITED USE

Any use which is not specifically provided for in this Law as a permitted, special use permit, or permitted accessory use shall be considered a prohibited use under this Law.

PROJECT

Land development activity.

PROJECT (MAJOR)

Any land development activity that disturbs one (1) acre or more, including all commercial, industrial, or mixed-use development, as well as any residential development consisting of buildings that contain two (2) or more dwelling units, or any land development activity not classified as a minor project. (The operator of a major project must submit a SWPPP that addresses water quality and quantity controls in addition to erosion and sedimentation controls.)

PROJECT (MINOR)

Any land development activity associated with a permitted agricultural use or single-family residential construction/subdivision that disturbs between one (1) and five (5) acres and is not discharging stormwater directly to a water body listed on New York State 2002 Section 303(d) list of impaired water bodies. (The operator of a minor project must submit a SWPPP that addresses erosion and sedimentation controls.)

PUBLIC ENVIRONMENTAL BENEFIT

An investment, improvement, program, contribution, project, or other action taken by a Utility-Scale solar development that contributes to greenhouse gas reduction, energy efficiency, multimodal transportation, ecological diversity, or habitat preservation as determined by the Town Board.

PUBLIC WATER AND PUBLIC SEWER

Central sewage disposal and water supply systems approved by the Town Board for either public or private operation.

QUALIFIED INSPECTOR/PROFESSIONAL

A person as defined in the General Permit for Construction Activities GP-0-15-002.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL FACILITY

An indoor or outdoor area or facility designed and equipped for the conduct of sports and leisure-time activities. A commercial recreational facility operated as a business and open to the public for a fee, and may include recreational facilities such as golf courses, playgrounds, swimming pools, ice rink, tennis courts, waterpark, driving ranges, basketball courts, handball and racquets courts, baseball and softball fields, football fields, polo fields, running tracks, and riding rinks. Such uses may be accompanied by customary accessory uses, which may include food service facilities, meeting rooms, serving of alcoholic beverages, video or computer game facilities, video theater facilities, sales of sport or exercise-related equipment or clothing and other customary accessory uses.

RECREATIONAL VEHICLE

A vehicle which is designed to be self-propelled or permanently towable and not to exceed 45 feet in length; and not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATIONAL VEHICLE PARK

Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy for a fee by the owner of such premise recreational vehicles of the general public, are considered as temporary living quarters for recreation or vacation purposes.

REGULATING PLAN.

A map or set of maps that shows the physical locations and boundaries of regulatory items such as Zone Districts, Future Streets, and Civic Spaces subject to regulation by this Code.

RELIGIOUS USE OR ASSEMBLY

Any structure or place of assembly used for worship or religious instruction by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purposes, including but not limited to social, dormitory and administrative rooms accessory thereto.

RENTING OF ROOMS

A separate room or rooms for sleeping accommodations let, rented, or leased as a unit by the room or suite; renting of rooms shall be limited to a maximum of 2 rooms. Renting of rooms shall not mean a Hotel/Motel or a Hotel/Motel, Extended Stay.

RESEARCH AND DEVELOPMENT FACILITY

Research, development, and/or testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

RESTAURANT

Any structure having as a principal use the preparation and dispensing of foods and beverages for consumption either on or off premise; drive-through services shall be a permitted accessory use in designated districts.

RESTAURANT – ACCESSORY

An ancillary restaurant establishment that provides food and beverages within a larger facility that serves as the principal use.

RETAIL AND/OR SERVICE ESTABLISHMENT

A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETAIL AND/OR SERVICE ESTABLISHMENT, LARGE

A retail establishment that is greater than 10,000 square feet; fuel sales may be permitted as an accessory use.

RETAIL AND/OR SERVICE ESTABLISHMENT, LIMITED

An establishment that shall be less than 10,000 square feet; fuel sales may be permitted as a special use permit.

RETAIL AND/OR SERVICE ESTABLISHMENT, ACCESSORY

An ancillary commercial establishment that provides goods and/or services within a larger facility that serves as the principal use, and such ancillary service is not visible from public streets.

ROADSIDE STANDS

A commercial establishment operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features on-farm produced as well as locally produced agricultural products, enhanced agricultural products and handmade crafts, and not to exceed 500 square feet in area total.

SCHEDULE OF USE REGULATIONS

The controls which enumerate the permitted principal uses, special uses, and any permitted accessory uses within each of the districts established by this Chapter. *[Editor's Note: The Schedule of Use Regulations is included at the end of this Chapter.]*

SCHOOL, PUBLIC AND PRIVATE

An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools and similar facilities, as licensed by the New York State Department of Education

SEDIMENT

Solid material, both mineral and organic, which is in suspension and is being transported by wind or water and has been removed and deposited to a site other than its site of origin.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site. Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SELECTIVE CUTTING

The cutting of more than one-half of the existing living trees measuring six (6) inch diameter at breast height (DBH) in an area of one (1) acre or more, over a period of two (2) consecutive years.

SELECTIVE TIMBER HARVESTING

A method of harvesting where trees to be cut are selected and marked via some specified criteria before the harvesting begins.

SENIOR CONGREGATE, DWELLING

See "Dwelling, Senior Congregate."

SETBACK

The minimum horizontal distance from the property line to any structure, roadway, parking area, accessory building or other such improvement, except necessary driveways.

SHOPPING CENTER

A tract of land 80,000 square feet or more, with buildings or structures planned as a whole and intended for one (1) or more establishments for retail, office or allied purposes.

SIGHT DISTANCE TRIANGLE

A sight distance triangle is the area at the intersection of two (2) streets, the intersection of a driveway and a street, or the intersection of an alley and a street. In this triangular area, a clear zone must be maintained to minimize obstructions to view. This can affect the permitted height and location for improvements such as fences, buildings, landscaping, or signs.

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter displaying an advertisement, announcement, notice or name, and including any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of business or cause when such is placed in view of the general public.

ABANDONED SIGN

A sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, or which promotes a dated event, the date of which has passed. A sign shall be considered abandoned if the business it advertises has not been in operation for 30 days.

ACCESSORY SIGN

A sign communicating information incidental to the conduct of business, such as "Open" and hours of operation.

AWNING

Any nonrigid material that is supported by a frame that is attached to an exterior wall.

AWNING SIGN

A sign or graphic printed on or in some fashion attached directly to the awning.

BILLBOARD

See "off-premises sign."

BUILDING FACE

The facade of the building used by the applicant to determine sign size by measuring the length. The location of each sign shall be located on the same facade used for its measurement.

BULLETIN BOARD

A sign that may be double-faced and freestanding or single-faced and attached to a structure for the purpose of displaying notices, calendar events, and other public messages.

DOUBLE-FACED SIGNS

Signs designed to be viewed from two (2) directions and which at no point are thicker than 24 inches measured from the exterior surface of each face, and the two faces of the sign are either parallel or the angle between them is 30° or less.

FEATHER FLAG SIGN

A free standing temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

FREESTANDING SIGN

Any sign not attached to or part of any building but permanently affixed, by any other means, to the ground. This definition shall not include portable signs.

FRONT OR FACE

The outer surface of a building, which is visible from any private or public street or highway.

HEIGHT

The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign, to the highest point of the sign, including support structures and ornamentation.

INTERNALLY ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent matter including TVs/computer screens/CRTs or any flat-screen device.

MONUMENT SIGN

A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign.

MULTI-TENANT SIGN

A freestanding sign used to advertise businesses that occupy a use with multiple tenants. All multi-tenant signs shall be monument style signs.

NEON SIGN

A sign that uses a lighting device consisting of a transparent container within which a gas is energized by an applied voltage and thereby made to glow. Neon rope lighting shall be included in this definition.

OFF-PREMISES SIGN

A sign which promotes products, services or activities conducted, sold or offered somewhere other than upon the same premises where the sign is located.

PORTABLE SIGN

A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not permanently affixed to the ground, a building, structure or another sign. Included are signs displayed on a parked or moving vehicle or trailer or other vehicle where the primary purpose of the vehicle is to promote a product, service business, or other activity. This definition includes a vehicle hanging or displaying a banner sign whose primary purpose is for advertising. It does not apply to sidewalk signs or signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

POSTER

A sign affixed to trees, other natural vegetation, rocks, or utility poles.

PROJECT SIGNS

A sign denoting the developer, architect, engineer, contractor or subcontractors on the premises where construction, repair, or renovation is in progress or will occur in the near future.

PROJECTING SIGNS

A sign other than a wall sign which projects from and is supported by a wall of a building or structure.

ROOF SIGN

A sign erected on a roof or extending in height above the main roofline of the building on which the sign is erected.

TEMPORARY SIGN

Any sign that is displayed only for a specified period of time that is not permanently mounted.

WALL SIGN

A sign that is painted on or attached directly to the outside wall of a building, with the face of the sign parallel to the wall and having a visible edge or border extending not more than four (4) inches from the face of the wall.

WINDOW SIGN

A sign visible from a sidewalk, street or other public place, affixed or painted on glass or other window material, or located inside within four (4) feet of the window, but not including graphics in connection with customary window display of products.

SITE

A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT PERMIT

A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

SITE PLAN

That map or drawing and related information submitted for review by the Planning Board in accordance with the requirements and procedure specified in Article XI of this Chapter.

SLOPES (STEEP)

Ground areas with a slope greater than 15% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of ten (10) feet.

SLOPES (SEVERE)

Ground areas with a slope greater than 25% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of ten (10) feet.

SOLAR ENERGY EQUIPMENT AND SYSTEMS

Solar collectors, controls, energy storage devices, and any other materials, hardware or equipment necessary to the process by which solar radiation is collected and converted into another form of energy and is stored, protected from unnecessary dissipation and distributed. Solar energy systems include solar thermal, photovoltaic and concentrated solar.

ENERGY STORAGE DEVICE

A device that stores energy from the sun or another source and makes it available for use.

FREESTANDING OR GROUND-MOUNTED SOLAR COLLECTOR SYSTEM

A solar collector system that is directly installed on the ground and is not attached or affixed to an existing structure and used for the direct conversion of solar energy into electricity.

FLUSH-MOUNTED SOLAR PANEL

Solar collector systems, panels, and tiles that are installed flush to the surface of a roof or wall of a principal and/or an accessory structure and which cannot be angled or raised for the direct conversion of solar energy into electricity.

ROOFTOP MOUNTED SOLAR COLLECTOR SYSTEM

A solar collector in which solar panels are mounted on top of a roof of a principal and/or an accessory structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle for the direct purpose of converting solar energy into electricity.

SMALL-SCALE SOLAR COLLECTOR SYSTEM

A solar energy system, which may be roof, flush or ground mounted, that is designed and/or built to provide power for the primary use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, and the sale of any excess power through an arrangement in accordance with New York Public Service Law 66-j or similar State or Federal law or regulation shall be secondary.

UTILITY-SCALE SOLAR COLLECTOR SYSTEM

A solar energy system that may be rooftop mounted, flush with a building, free-standing, or ground-mounted, that is designed and/or built to provide energy as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers or co-owners for use off 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.

SPDES

New York State Pollutant Discharge Eliminate System.

SPDES GENERAL PERMIT (AS AMENDED OR REVISED):

CONSTRUCTION ACTIVITIES

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one (1) or more acres of land. Also known as the Construction General Permit.

STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

SPECIAL USE

See also "Use, Special".

SPECIAL USE PERMIT

The approval for a special use granted pursuant to the procedures and requirements set forth in Article X and any other supplementary requirements for specific uses set forth in Article V of this Chapter.

STABILIZATION

Means the covering or maintaining an existing cover or soil. Cover can be vegetative (e.g., grass, trees, seed and mulch, shrubs, or turf) or non-vegetative (e.g., geotextiles, riprap, or gabions).

STABILIZATION (FINAL)

Means that all soil-disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling.

STOP WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORAGE OF CONSTRUCTION VEHICLES AND RELATED EQUIPMENT

The storage of construction vehicles and related equipment on a site for purposes related to use with construction, or for retail sale, lease, or rental related to a permitted commercial use with the exception of the Residential Agricultural District (RA) which may be permitted in accordance with this Chapter.

STORMWATER

Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies and as further defined by the Stormwater Management Design Manual.

STORMWATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT DESIGN MANUAL

The New York State Stormwater Management Design Manual, of which the most recent version includes applicable updates, and serves as the official guide for stormwater management principles, methods and practices.

STORMWATER MANAGEMENT FACILITY

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER (SMO)

An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPS)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities, also referred herein as SWPPP.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STORMWATER QUALIFIED INSPECTOR

A person who is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed professional engineer, certified professional in erosion and sediment control (CPESC), licensed landscape architect, or other individual(s) endorsed by the New York State Department of Environmental Conservation (DEC). It also means someone working under the direct supervision of the licensed professional engineer or licensed landscape architect, provided that person has training in the principles and practices of erosion and sediment control. "Training in the principles and practices of erosion and sediment control" means that an individual performing a site inspection has received four (4) hours of training endorsed by the DEC from a Soil and Water Conservation District, CPESC, Inc. or other Department-endorsed entity in proper erosion and sediment control principles. Note: Inspections of any post-construction stormwater management practices that include structural components, such as a dam for an impoundment, shall be performed by a licensed professional engineer.

STORY

That portion of a building included between the finished floor of one (1) floor and the finished floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STREET

A public or private way which affords principal means of access to abutting properties.

STREET LINE

The dividing line between a lot and a street right-of-way.

STRUCTURE

A combination of materials assembled or constructed, for permanent or temporary purposes, in a manner that is safe and stable and shall include, but is not limited to, buildings, barns, car ports, towers, stadiums, platforms, trailers, radio towers, sheds, storage bins, fences, signs, and swimming pools.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the State or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the State. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the State (such as a disposal area in wetlands) nor resulted from impoundment of waters of the State.

SWIMMING POOL

Any outdoor pool, tank, depression or excavation for the specific purpose of swimming that causes the retaining of water to a greater depth than 18 inches and having a surface of water greater than 100 square feet.

TELECOMMUNICATIONS SERVICES

Commercial mobile services, unlicensed wireless services and common carrier exchange access services.

TELECOMMUNICATIONS SERVICE FACILITY

All equipment, apparatus, facilities and devices used in the supplying of telecommunications service.

TELECOMMUNICATIONS TOWER

A tower greater than 35 feet in height and which does not exceed 195 feet in height (including antenna) and which supports communication (transmission or receiving) equipment. The term "telecommunications tower" shall not include amateur radio operators' equipment as licensed by the FCC. Design examples of telecommunications towers are described as follows: (1) Self-supporting lattice; (2) guyed; or (3) monopole.

TELECOMMUNICATIONS ACCESSORY STRUCTURE

Accessory buildings and structures, including base stations, designed and used to shelter telecommunications equipment and/or to support telecommunications facilities.

TELECOMMUNICATIONS ANTENNA

An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC). Design examples of telecommunications antennae are described as follows: (1) Whip; (2) Panel; or (3) Dish.

TELECOMMUNICATIONS FACILITIES, MAJOR MODIFICATION OF

A modification of the height, silhouette and/or ground area of any telecommunications tower or telecommunications accessory structure, and/or the addition of telecommunications antennas of a new provider to an existing tower.

TERMINAL BUS OR RAIL

A facility for loading and unloading of passengers and/or freight between buses, railcars and other modes of transportation.

TERMINAL, TRUCK, TRAVEL PLAZA OR TRUCK STOP

A facility primarily engaged in the maintenance, servicing, storage, parking or repair of commercial vehicles, including the sale of motor fuels or other petroleum products, and the sale of accessories or equipment for over-the-road trucks and similar commercial vehicles. A travel plaza or truck stop may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by truck drivers and interregional travelers.

THEATER

A structure, or part of a building, or an open-air venue that may contain audience seating, one (1) or more screens, stages, or auditoriums, devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances. Such establishments may include related services such as food and beverage sales and other concessions.

TIMBER HARVESTING AND FORESTRY

Any logging activity that fells trees, including the clearing of lands for agricultural or building purposes or utility line rights-of-way, and which may or may not require a permit from New York State Department of Environmental Conservation Timber Harvesting Guidelines for New York.

BOARD FOOT

A measure of lumber 12 inches by 12 inches by one (1) inch thick. For purposes of this law, 500 board feet shall be equivalent to one (1) standard cord.

CLEARCUTTING

A method of harvesting where virtually all trees on a site are removed.

COMMERCIAL TIMBER HARVESTING

Timber harvest activity that fells trees for profit whose volume in any year is greater than 20 standard cords of wood or 1,600 cubic feet of wood or 10,000 board feet of timber as measured by the International Log Rule. In addition to normal harvesting activities, the clearing of lands for agricultural or building purposes or utility line rights-of-way which shall fell trees greater than the aforesaid volumes shall specifically be included within this definition.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter of a tree as measured at 4 ½ feet above the ground.

HAUL ROADS

A constructed road of dirt and/or gravel utilized for moving cut trees from the point where they were loaded on a truck to an exit from the site.

LANDINGS

An open or cleared area used for loading logs onto trucks or used for any general purpose such as for storing logs or for servicing equipment.

LOGGING SLASH AND DEBRIS

Any residue of trees or of the associated cutting left on the site after harvesting operation, including but not limited to undesirable tree trunks, tree tops and litter.

PROFESSIONAL FORESTER

A graduate forester from an accredited forestry college who has at least two (2) years of experience in the field of forest management or timber product harvesting.

SELECTION CUTTING

A method of harvesting where trees to be cut are selected and marked via some specified criteria before the harvesting begins.

SKID TRAIL

A trail or rough road used to move a tree from the place where it was cut to a pile or landing where it is loaded onto a truck.

STANDARD CORD

A cut pile of wood measuring four (4) feet by four (4) feet by eight (8) feet. For purposes of this law, one (1) standard cord shall be equivalent to 500 board feet.

STREAM

A body of running water flowing continuously or intermittently in a channel on the surface of the ground.

THINNING

A selective cutting or deadening of trees in an immature stand of trees for the purpose of upgrading the quality and/or growth of the trees left.

WATERBARS

Small humps or diversions for the purpose of erosion and sediment control built up across roads and landings which catch and divert runoff into adjacent vegetated areas and release the runoff in a non-erosive manner.

TINY HOME

A dwelling unit that is characterized by its size and may be built as a permanent or mobile structure. For purposes of this Chapter, a tiny home shall be considered a mobile home and shall meet all standards applicable to a mobile home. A tiny home less than 600 square feet shall be prohibited.

TOWER

Includes any tower, pole, wind energy conversion system, antenna or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of any device for the transmission and/or reception of radio frequency signals, including but not limited to broadcast, shortwave, "amateur" citizen's band, FM, television or microwave, or any wind-driven devices, whether used for energy conversion or creation or not.

TRAINED CONTRACTOR

Means an employee of a contracting (construction) company as defined in the General Permit for Construction Activities GP-0-15-002.

TRAILER, TRAVEL

See also “Recreational Vehicle”.

TRAINED INDIVIDUAL

An employee from a contracting (construction) firm that has received four (4) hours of training which has been endorsed by the DEC, from a Soil and Water Conservation District, CPESC, Inc. or other DEC-endorsed entity in proper erosion and sediment control principles. After receiving the initial training, the trained individual shall receive four (4) hours of training every three (3) years. This individual will be responsible for implementation of the SWPPP.

USE

The specific purpose for which land or a building is designed, arranged, intended, or for which it may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.

USE, ACCESSORY

A use customarily incidental and subordinate to the main or principal use and located on the same lot with such principal use.

USE, MIXED-USE

A building or structure in part for one (1) use and in part for some other use or uses not accessory thereto, where all uses may be considered principal uses.

USE, PRINCIPAL

The main or primary use of the lot. Except for designated mixed use structures and planned development districts, only one (1) principal use shall be permitted on a single lot.

USE, SPECIAL

A specified use of property that is deemed appropriate to a given district if certain conditions are satisfied, including compatibility with adjacent uses, but which may be incompatible within the district if conditions are not considered and/or satisfied. The use shall be therefore subject to approval by the Planning Board and to conditions set.

UTILITY STATION OR SUBSTATION

Water, gas or an electric utility that shall include the utility lines, stations, or substations with the following limitations: 1) water, propane or natural gas tanks up to 50,000 gallons; 2) new electrical substations with ten (10) or less megawatt capacity; and 3) transmission towers of 35 feet or less in height. Utility stations or substations in excess of these thresholds shall be prohibited. Utility station or substation shall not be interpreted to include a compressor station.

VARIANCE

Permission by the Zoning Board of Appeals to use land for a use, or in a configuration, which is not in accordance with, or is prohibited by the applicable zoning regulations.

VARIANCE, AREA

A variance from the area and bulk requirements or supplementary regulations of a related character (such as amount, size, location of design or access, off-street parking, landscaping or signs) to authorize on a specific lot a permitted use which could not feasibly be established without relief from one (1) or more of the dimensional requirements pertaining to the district.

VARIANCE, USE

A variance from the use regulations to allow the establishment of a specific use otherwise prohibited in the district.

VETERINARIAN FACILITY

Any structure where animals or pets are given medical or surgical treatment. Short-time boarding of animals shall be permitted as an accessory use and shall be only incidental to such treatment use.

WAREHOUSE

An establishment engaged in the receipt, storage, warehousing, and distribution of goods, products, cargo, and materials. See "Distribution Center."

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERCOURSE BUFFER

A horizontal distance 50 feet away from and parallel to the high water level of a watercourse.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLANDS

Those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include those areas determined to be wetlands by the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation.

WIND ENERGY CONVERSION SYSTEM (WECS)

Any device such as a turbine, wind energy conversion system or charger that converts wind energy to a usable form of energy.

AMBIENT NOISE

Amount of noise in the natural background at any given time.

FLICKER OR SHADOW FLICKER

The motion of the shadow of wind turbine blades as they rotate.

WECS, HEIGHT

The total height of a structure from natural grade to the tip of the blade at extreme vertical position.

YARD

An open, unoccupied space on the same lot with a building(s) or structure(s), except as otherwise provided by the specific provisions of this Chapter.

YARD, FRONT

A yard extending across the principal street side of a lot measured between the side yard lines, the depth of which yard is the minimum horizontal distance between the street line and the principal building.

YARD, REAR

A yard extending across the full width of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the setback of the principal building.

YARD, SIDE

A yard extending across the full depth of a lot measured between the front lot line and the rear lot line, and being the minimum horizontal distance between the side lot line and the setback of the principal building.

ZONING MAP

The map delineating the boundaries of the zoning districts which, along with the zoning text, comprises this Chapter. *[Editor's Note: The Zoning Map is on file in the Office of the Town Clerk.]*

Article III. Zoning Districts

§ 219-12. Enumeration of Districts.

A. The Town of Schodack is hereby divided into the following zoning districts:

RA	Residential Agricultural District
R	Residential District
HM	Hamlet Mixed Use District
TC	Town Center District
CM	Commercial Mixed Use
C	Commercial District
RC	Regional Commercial
MC	Marine Commercial
PW	Planned Waterfront
M	Manufacturing
PDD	Planned Development District

B. The following overlay districts are also hereby created:

FF-O	500-year Flood-Fringe Overlay District
MHO	Mobile Home Overlay District
ME-O	Mining and Extraction Overlay District
SU-O	Solar Utility Overlay District

§ 219-13. Purposes of Districts.

The following statements of purpose define the spirit and intent of each land use district not otherwise stated in this Chapter and are to be used as guides in the interpretation and application of these regulations:

- A. Residential Agricultural (RA) District. The RA District is a low-density agricultural and residentially zoned district. The land included in this district is considered to be well suited for agriculture and may have environmental constraints, including steep slopes, erodible soils, water quality, and ecologically sensitive areas that affect the development potential and development pattern of the land. Such lands are typically not served by municipal water or sewer. Development within this district should seek to protect the Town’s rural character and agricultural resources in accordance with the Town’s Comprehensive Plan.
- B. Residential (R) District. The purpose of the Residential (R) District is to maintain and protect residential and neighborhood qualities while recognizing the importance of meeting the changing housing needs of Town residents; to provide for and encourage a mixture of housing types and opportunities; to provide for and encourage open spaces; to provide for the protection of the Town’s natural resources, such as the Schodack Terrace Aquifer, by encouraging residential development with sanitary sewer and water systems; to encourage the planting of shade trees and gardens; to foster safe pedestrian and traffic circulation; and to recognize the existence of nonconforming uses and to maintain their operation in an unobtrusive fashion.
- C. Hamlet Mixed Use District. The purpose of the Hamlet Mixed Use (HM) District is to encourage mixed-use development that balances residential and compatible, low-impact commercial/retail, professional offices, schools, community services, civic uses, and parks to promote attractive and architecturally compatible development. This District encourages lots to be used for both a business and a private residence to promote economic development in the Town while balancing the housing needs of its residents.

- D. Town Center Districts. The purpose of the Town Center (TC) Districts are to promote a mix of land uses that foster a live, work, shop, play environment that is designed to make walking, bicycling, and public transportation viable, safe, and attractive alternatives to driving.
- E. Commercial Mixed-Use District. The purpose of this Commercial Mixed Use (CM) District is a transition district between the Town Center Districts and the Commercial (C) District. This district promotes a mix of uses that may include a combination of residential, commercial, and/or office uses that are well thought out and planned as a single development.
- F. Commercial District. The purpose of the Commercial (C) District is to provide areas of the Town for retail and nonresidential development of a variety of scales which are primarily vehicular oriented; to provide a variety of retail uses and services to meet the needs of the community; and to add to the economic base of the community.
- G. Regional Commercial District. This purpose of this Regional Commercial (RC) District is to promote and attract larger commercial uses that would benefit from the interstate access.
- H. Marine Commercial (MC) District. The purposes of the Marine Commercial (MC) District is to support the historic role played by the Town's waterfront in the development of the Town; to encourage river-oriented commercial and recreational activities consistent with sound environmental practices; and to enhance public access to the Hudson River.
- I. Planned Waterfront District. The purpose of the Planned Waterfront (PW) District is to encourage river-oriented commercial, residential, and recreational activities consistent the adopted Local Waterfront Revitalization Plan (LWRP).
- J. Manufacturing District. The purpose of the Manufacturing (M) District is to provide for the special needs of industry for relatively flat land with access to transportation networks and utilities, while protecting the integrity of residential neighborhoods and commercial activity.
- K. Planned Development District. The purpose of the Planned Development (PDD) District is intended to provide for flexible land development and/or flexible mix of land uses in accordance of the regulations of this Chapter and in accordance with the Town's Comprehensive Plan.
- L. Flood-Fringe Overlay District. The purpose of the Flood-Fringe (FF-O) Overlay District is to protect the public health and safety by prohibiting development in the overlay area unless the flood proofing requirements of the Flood Insurance Program and the Town, and any amendments or revisions as may be adopted, are met. *[Editor's Note: See Ch. 118, Flood Damage Prevention.]*
- M. Mobile Home Neighborhood Overlay District. It is the purpose of the Mobile Home Neighborhood (MHO) Overlay District to provide for planned mobile home residential developments, including related recreational and other service facilities. It is further the purpose to establish sites at appropriate locations within the Town in relation to existing and potential development areas and in relation to other uses and community facilities.
- N. Mining and Extraction Overlay District. It is the purpose of the Mining and Extraction Overlay (ME-O) District to recognize that earth, sand, gravel, rock, peat and mineral resources within the Town are necessary and beneficial to the economy of the community and welfare of its citizens.
- O. Solar Utility Overlay District. The purpose of these the Solar Utility (SU-O) Overlay District is to provide utility-scale solar collector systems through performance criteria that balance the unique characteristics of each site.

§ 219-14. Zoning Map.

The location and boundaries of said districts are shown on the Zoning Map of the Town of Schodack. Said map, together with all explanatory matter thereon and all amendments thereto, is hereby adopted and is declared to be an appurtenant part of this Chapter. Said map shall be kept up-to-date and be located in the Town Hall for the use and benefit of the public.

§ 219-15. Interpretation of Boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid zoning districts as shown on the Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways and railroads, public utility easements or watercourses, said boundaries shall be construed to be coincident with

such lines. Such boundaries shall be deemed to be automatically adjusted if a center line or right-of-way line of such street, highway, railroad, public utility or watercourse is moved a maximum distance of 50 feet.

- B. Where district boundaries are indicated as approximately following the Town or Village boundary lines, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
- C. Where district boundaries are so indicated that they are approximately parallel to the Town or Village boundary line, property lines, lot lines, right-of-way lines or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by use of the scale shown on the Zoning Map.
- D. Where a zoning district boundary line divides a single lot at the time such line is established, the following shall apply:
 - (1) In the Commercial Mixed Use (CM), Commercial (C), and Regional Commercial (RC) Districts:
 - (a) If a property is partially zoned for commercial, manufacturing, or warehouse use and the zoning line crosses into a residential zone, the applicant may extend the district boundary for the commercial, manufacturing, or warehouse use to the entirety of the lot provided that access shall be from the portion of the lot that is located in the CM, C, or RC zoned portion of the lot to a public right of way. No access shall be permitted from the residentially zoned portion of the lot. Extending the commercial, manufacturing, or warehouse use to portions of the residentially zoned lot shall not prohibit the Planning Board from making reasonable requests of buffering or screening from adjacent residential uses when deemed necessary.
 - (b) Uses allowed in the Residential Agricultural (RA) and the Residential (R) District may not extend into the CM, C, or RC District.
 - (c) Such district extensions shall not be permitted into the flood overlay district.
 - (2) For all other split zoned lots:
 - (a) The district boundary may be extended not more than 30 feet into the more restricted portion of the lot, provided that the lot has street or highway frontage in the less restricted district.
 - (b) Such district extensions shall not be permitted into the flood overlay district.
- E. In all other cases, where dimensions are not shown on the Zoning Map, the location of the boundaries shown on the map shall be determined by the use of the scale appearing thereon.

§ 219-16. Delineation of Flood Hazard Areas.

- A. *[Editor's Note: See also Ch. 118, Flood Damage Prevention.]* The boundaries of the Flood-Fringe Overlay District (FF-O) are established herein as delineated on the most current edition of the appropriate Federal Insurance Administration Flood Hazard Boundary Map as issued for the Town of Schodack by the United States Department of Housing and Urban Development. Any revisions, amendments or successors thereto, with all explanatory matter thereon, are hereby adopted and made a part of this Chapter. The latest edition of said map shall be kept on file in the offices of the Town Clerk and the Town Planning Board for the use and benefit of the public.

§ 219-17. Annexations.

Any land hereafter annexed to or consolidated with the Town of Schodack shall be deemed to be zoned RA until such land is reclassified by specific amendment to this Chapter.

§ 219-18. General Applicability of Regulations.

Except as hereinafter and otherwise provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, moved, altered, reconstructed or enlarged except in conformance with the regulations herein specified for the district in which it is located.
- B. No part of a yard or other open space required in connection with any building or use shall be included as part of a yard or other open space similarly required for another building.
- C. No yard or lot existing at the time of passage of this Chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet the minimum requirements established by this Chapter.
- D. No off-street parking or loading space required for one (1) building or use shall be included as meeting, in whole or part, the off-street parking or loading space required for another building or use except as otherwise provided for this Chapter.
- E. No off-street parking or loading space shall be so reduced in area that it does not meet the requirements of this Chapter.
- F. Within each district, the regulations set forth by this Chapter shall be considered minimum regulations and shall apply uniformly to each kind of building, structure or land.
- G. No vehicle or boat or other similar structure shall be used for storage except as allowed herein.

§ 219-19. Flood-Fringe Overlay District.

- A. All development within the Flood-Fringe Overlay District, as mapped by the Federal Emergency Management Agency (FEMA), shall be subject to the special use permit review procedure as provided by Article X of this Chapter, including those special design requirements stated in herein. *[Editor's Note: See also Ch. 118, Flood Damage Prevention.]*
- B. All uses proposed within the Flood-Fringe Overlay District (FF-O) shall be considered special use permit uses, subject to review by the Planning Board for compliance with Chapter 118, Flood Damage Prevention, as certified to by a registered architect or licensed professional engineer.

§ 219-20. Planned Waterfront District.

- A. Purpose. The purpose of this district is to permit riverfront land to be used for certain activities which depend on or are enhanced by access to the water while protecting the unique and fragile natural resources of the waterfront area. Approval of development proposals will be based on the demonstration of need for a waterfront location and evaluation of the measures proposed to protect natural resources.
- B. Permitted uses.
 - (1) One-family dwellings.
 - (2) Agricultural uses, subject to the conditions set forth in the Residential Agriculture District.
 - (3) Customary accessory uses to the above.
 - (4) Sewage treatment facility.
- C. Special uses. The following uses may be approved in accord with the procedures and criteria set forth in Subsection D below and subject to the development standards set forth in Subsection E below.
 - (1) Marinas, boat yards, boat sale and repair, shipbuilding and similar uses.
 - (2) Recreation facilities requiring waterfront access such as boat launches, fishing piers, swimming facilities, etc.
 - (3) Conference centers, camps, retreats and similar facilities which require large sites and utilize the waterfront for recreational or educational purposes.
 - (4) Cultural, educational, or scientific uses which utilize the coastal resources.

- (5) Uses which require water transportation for transfer of:
 - (a) Goods produced on the site;
 - (b) Natural materials found on the site; or
 - (c) Products requiring such transportation.
- (6) Residential uses, including seasonal or second homes, which by site design, supporting facilities or other means utilize the particular advantage of a waterfront site.
- (7) Facilities which support or are accessory to one (1) of the above uses, including retail uses or restaurants occupying less than ten percent (10%) of total floor area in the completed development.

D. Submission requirements and approval criteria.

- (1) Submission requirements.
 - (a) No Building and Zoning Permit shall be issued for any use listed in Subsection C above unless the Planning Board has issued a special use permit and approved a site development plan in accord with the provisions hereof.
 - (b) In addition, all applications for uses listed in Subsection C above shall be accompanied by an Environmental Assessment Form (EAF) which shall provide sufficient data to determine if the proposed action is consistent with the coastal policies set forth in the Local Waterfront Revitalization Program and its impact upon natural resources in the coastal area.
- (2) Approval criteria. In addition to the determinations that the Planning Board must make in accord with the provisions hereof, prior to issuance of a conditional use permit, it shall also make the following determination for any use requiring such a permit in the Planned Waterfront District.
 - (a) The proposed use requires or substantially benefits from its location on a site with direct access to the coastal water.
 - (b) The site development plan provides maximum opportunities for the recreational use of the waterfront.
 - (c) The greatest extent of public access to the waterfront is provided given the nature of the proposed use.
 - (d) Maximum protection is provided to natural resources: wetlands, fish and wildlife habitats and significant vegetation and other site features.
 - (e) The visual impact of development is minimized in terms of views from the river and the opposite shore by use of appropriate building massing and materials, use of landscaping and natural growth and other site planning techniques.
 - (f) All development criteria set forth in Subsection E below have been satisfied in addition to all other standards required by this section.

E. Development standards.

- (1) Permitted uses. Permitted uses shall conform to the standards of the Residential Agricultural (RA) District.
- (2) Special uses.
 - (a) Special uses shall conform to the standard of the Residential Agricultural (RA) District.
 - (b) It is the intent of these standards to provide maximum flexibility in site design within the parameters of the approval criteria set forth in Subsection D(2) above and the basic standards set forth below. In its review, the Planning Board shall be guided by standards used elsewhere in this Chapter and established site development practice.
 - (c) Uses requiring a special use permit shall conform to the following standards:
 - [1] No structure shall be located within 200 feet of the mean high-water line of the Hudson River or Papscaanee Creek, except for those structures or uses defined as "water-dependent" in the Local Waterfront Revitalization Program.

- [2] Total horizontal coverage by roads, rooftops, parking lots and other impermeable surfaces shall not exceed 1/3 of the total site area. No such surfaces shall be located within 100 feet of the mean high-water line of the Hudson River or Papscaenee Creek, except for essential access roads to water-dependent uses.
- [3] All sewage disposal, water supply and other utility systems shall be approved by the appropriate agency prior to issuance of any conditional use permit.
- [4] Development plans shall indicate how site design and construction management employ best management practices to prevent adverse effects from erosion and siltation.

§ 219-21. Reserved.

§ 219-22. Reserved.

§ 219-23. Reserved.

Article IV. Use, Area & Bulk Regulations

§ 219-24. Schedule of Use Regulations.

- A. The general use regulations in each zoning district are set forth in the attached Schedule of Use Regulations. This schedule is supplemented, as appropriate, by other provisions of this Chapter. *[Editor's Note: The Schedule of Use Regulations is included at the end of this Chapter.]*
- B. Any use not listed specifically within the Schedule of Use Regulations or as allowed herein this Chapter shall be considered a prohibited use in all districts under this Chapter. Where permitted or special use permits are identified by generic words or descriptions, the Zoning Board of Appeals shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Zoning Board of Appeals shall consider to what extent the proposed use is similar to the class of use indicated in the Schedule of Use Regulations. If a use is specifically listed elsewhere in the Schedule of Use Regulations, it is excluded from a generic classification.
- C. Symbols used on the Schedule of Use Regulations shall be interpreted as follows:
 - P** Permitted principal use in specified district. Permitted principal uses usually require a Building and Zoning Permit, certificate of use and/or certificate of occupancy from the Code Enforcement Officer in accordance with this Chapter. Such uses shall also require site plan review and approval by the Planning Board unless exempt under this Chapter.
 - A** Permitted accessory uses in the specified district. All permitted accessory uses noted on the Schedule of Use Regulations shall meet any additional requirements for accessory uses in accordance with this Chapter.
 - SP** Special Use Permit is an authorization for a use which is permitted, subject to adherence to the general standards enumerated in this Chapter, as long as such use is in harmony with the Zoning Law, will not adversely affect the neighborhood if such standards are met, and has been approved in a manner required by this Chapter for the specified district.

§ 219-25. Schedule of Area and Bulk Requirements.

- A. The general area and bulk requirements in each zoning district are set forth in the attached Schedule of Area and Bulk Requirements. *[Editor's Note: The Schedule of Area and Bulk Requirements is included at the end of this Chapter.]* This schedule is supplemented, as appropriate, by other provisions of this Chapter.
- B. All land uses within the Town of Schodack shall conform to the District Schedule of Area and Bulk Regulations.
- C. Density Calculation. Unless otherwise indicated, the following process shall be used to calculate the number of two-family and multifamily dwelling units that may be built on a parcel and to determine the maximum number of new parcels that may be created through subdivision.
 - (1) Base density is the measurement of the capacity of a parcel or parcels to support development sites expressed as a number of dwelling units or lots.
 - (2) Calculating base density. Base density shall be calculated by the following procedure:
 - (a) Step 1: Determine the acreage of constrained land, which is the combined on a parcel covered by existing buildings (unless said buildings are proposed to be removed), surface water bodies, NYSDEC-regulated freshwater wetlands, federally regulated wetlands, 50% of acreage covered by one-hundred-year floodplains, entire floodways, and lands with slopes of 15% or greater (measured over a 50-foot horizontal distance).
 - (b) Step 2: Calculate the gross buildable acreage by subtracting the constrained acreage from the total acreage of the parcel.

- (c) Step 3: Calculate the base density by dividing the gross building acreage by the Density Factor for the involved Zoning District as set forth in the attached Schedule of Area and Bulk Regulations.
- (d) Step 4: Base density having fractional units equal to or greater than 0.5 may be rounded up.

§ 219-26. Exceptions to Height Limitations.

The height limitations of these regulations shall not be applicable to renewable energy resources, barns and silos, grain elevators, private home antennas and the following, provided that such areas, not including solar energy devices, do not exceed ten percent (10%) of the roof area to which they are a part: flagpoles, spires, belfries, chimneys, skylights, water or cooling towers and elevator or stair bulkheads. No such tower or other exception shall be used as a place for habitation or for advertising unless otherwise authorized by this Chapter.

§ 219-27. Modifications to Lots and Setbacks.

- A. Lot depth. The required depth may be decreased by 25% at any point, provided that the average lot depth conforms to the minimum required.
- B. Required yards.
 - (1) No variance shall be required if two (2) or more existing dwellings are located within 200 feet on each side of a proposed dwelling and on the same side of the street within the same block and zoning districts said proposed dwelling need not have a greater front yard than the average setback of all existing dwellings so located.
 - (2) On streets where the property boundary is less than 25 feet or at the centerline of the roadway, the front yard setback shall be measured from the center line of the existing right-of-way, and 25 feet shall be added to the required front yard setback.
- C. Any lot located in any district abutting the Residential Agriculture (RA) District or the Residential (R) District, excluding the Town Center (TC) District, shall be required to use the minimum setbacks of the more restrictive district for the portion of the shared lot line.

§ 219-28. Corner Lots.

On a corner lot, each street frontage shall be deemed a front street line, and the required yard along each such lot line shall be the required front yard. The owner shall decide which of the remaining yards shall be the required side yard and the required rear yard.

§ 219-29. Sight Lines at Intersections.

At all street intersections, including driveways, no obstructions to vision, such as a fence, wall, hedge, structure, or planting over four (4) feet in height, shall be erected on any lot within the sight triangle formed as follows:

- A. Intersecting streets shall have a sight triangle at every corner. Each sight triangle shall be bounded by the pavement edges and a diagonal line joining points on the pavement edges which are located 20 feet from the point of the actual or projected intersection of the pavement edges.
- B. Driveways (except one- and two-family driveways) intersecting with streets shall have two (2) sight triangles as described in Subsection A, except that the driveway legs of the sight triangles shall be 20 feet.
- C. One and two-family driveways intersecting with streets shall have two (2) sight triangles as described in Subsection A, except that the street legs of the triangles shall be 20 feet and the driveway legs of the triangles shall be 15 feet.
- D. A required sight triangle may be increased by the Planning Board or the Code Enforcement Officer where a determination is made that the required sight triangle at an intersection of two (2) streets or a driveway is insufficient to abate a traffic hazard.

§ 219-30. Structures in Required Yards.

- A. The following may be located in any required yard:
 - (1) Chimneys or pilasters.
 - (2) Open arbors or trellises.
 - (3) Unroofed steps, patios or terraces not less than 20 feet from the highway right-of-way or ten (10) feet from any side or rear lot line, provided that the building complies with the yard requirements of this Chapter.
 - (4) Awnings or movable canopies not to exceed ten (10) feet in height.
 - (5) Retaining walls, fences or masonry walls, except as limited herein.
 - (6) Overhanging roof not in excess of ten percent (10%) of the required yard depth.
- B. The following accessory structures may be located in any side or rear yard, subject to the limitations contained herein:
 - (1) Private in-ground or above-ground swimming pools designed to be at least 24 inches deep at any point shall not be less than five (5) feet from the side or rear lot line.
 - (2) Permitted accessory buildings, provided that:
 - (a) No such building shall exceed 25 feet in height.
 - (b) No such building shall be set back less than five (5) feet from any lot line nor ten (10) feet from the principal building.
 - (c) All such structures in the aggregate shall not exceed the maximum structure coverage and shall be set back behind the minimum front yard requirement as listed in the area and bulk requirements of this Code. Driveways shall be allowed in required yards. *[Editor's Note: The Schedule of Area and Bulk Requirements is included at the end of this Chapter.]*
 - (d) Not more than three (3) such accessory structures shall be allowed on an individual lot less than five (5) acres unless the owner obtains a special use permit which may consider up to two (2) additional accessory structure if all standards of this Chapter are met.

§ 219-31. Flag Lots.

It is recognized that property owners and land developers should have full opportunity for subdivision of land, and at the same time avoid certain restrictions such as frontage schedules that mitigate against legitimate use of rear developable acreage.

- A. A flag lot as defined in Article II, Definitions, shall have a minimum lot area equal to that of the zone within which it is located, not including the flag access strip.
- B. The flag access strip shall have a minimum width of 50 feet throughout its length.
- C. The maximum number on lots that may be served by a flag access private drive shall be one (1), excepting below conditions.
- D. Flag lots shall not be permitted within a new proposed major subdivision.
- E. No flag lot access strip shall be more than 600 feet long as measured from the center line of its connection to a public highway and the point/line where the flag lot is contiguous to the access strip.
- F. In the event that a variance is granted allowing more than one (1) flag lot with a shared private drive, no certificate of occupancy shall be issued until the private drive is constructed in accordance with the following specifications. The owner shall cause to be recorded in the Rensselaer County Clerk's Office a declaration of covenants, restrictions and easements in a form acceptable to the Town/Planning Board Attorney, which shall at a minimum provide:
 - (1) Reciprocal easements for use of said road by each owner of a lot served by said private drive.
 - (2) A declaration that the Town has no responsibility for the maintenance of said private drive.

- (3) Maintenance of the private drive shall be the responsibility of and paid for by the owner(s) of the lots served and shall include normal surface repair, reconstruction, drainage, snow and ice control and any and all other costs which may be associated with said private drive.

§ 219-32. Sanitary Sewage Disposal.

- A. No person shall undertake to construct any building or structure intended for human occupancy within the Town of Schodack without first meeting the requirements for a system or facilities for both a potable water supply and the separate disposal of sewage and domestic or trade wastes in accordance with the applicable regulations of the Town of Schodack, the Rensselaer County Health Department and the New York State Departments of Health and Environmental Conservation.

§ 219-33. Exception to One Principal Use.

- A. The Hamlet Mixed Use (HM) District shall allow more than one (1) principal use on a parcel when one (1) use is a one-family dwelling and the second use is a business. Both uses shall be permitted in one (1) or more structures that may or may not be attached.
- B. Mixed Use Developments shall be permitted in accordance with the Schedule of Use Regulations and shall allow more than one (1) principal use on each parcel. Such uses shall be permitted in one (1) or more structures that may or may not be attached as may be approved by the Planning Board.
- C. Uses in the Town Center District shall comply with Article XIX.
- D. In the Residential Agricultural (RA) District, multiple principal dwellings may be permitted on a single parcel provided that each dwelling has enough area that it could be subdivided into a conforming lot in accordance with this Chapter without any variances. No utilities shall be shared between any principal dwellings.

§ 219-34. Reserved.

§ 219-35. Reserved.

§ 219-36. Reserved.

§ 219-37. Reserved.

Article V. Supplementary Regulations

§ 219-38. Applicability.

The following supplementary regulations are applicable to all zoning districts within the Town of Schodack unless otherwise provided herein.

§ 219-39. General Use Standards.

No use shall be permitted that does not conform to the following standards of use, occupancy and operation, in addition to all relevant provisions of other local, State and Federal laws:

- A. Noise. Noise levels shall be in accordance with Chapter 151 of the Town of Schodack Noise Law.
- B. Atmospheric effluence. No unreasonable dust, dirt, smoke, odor or noxious gases shall be disseminated beyond the boundaries of the lot where such use is located.
- C. Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.
- D. Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system, stream, or on or into the ground, except in strict accordance with the standards approved by the Rensselaer County Department of Health or other duly empowered agency.
- E. Radioactivity or electromagnetic disturbance. No activities shall be permitted which emit dangerous radioactivity beyond the building in which such activity is located or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- F. Fire and explosion hazards. All activities involving and all storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire suppression equipment and devices standard in the industry. All burning of such waste materials in open fires is prohibited.
- G. All open portions on any developed lot shall have adequate grading and drainage and shall be continuously maintained in a dust-free condition by suitable landscaping with trees, shrubs, grass or other planted ground cover, or by paving with asphalt, concrete, crushed rock or by other material. Required yard areas shall be planned and maintained in such a manner as to provide an inoffensive setting which is consistent with the general use of the area.

§ 219-40. Accessory Apartments.

- A. An accessory apartment may be established accessory to a one-family dwelling in those districts where permitted if the following conditions are met:
 - (1) In the Residential Agricultural (RA) and the Residential (R) zones an accessory apartment may be established by special use permit in accordance with this Chapter, if the Planning Board finds that:
 - (a) The principal use is an owner occupied one-family dwelling unit.
 - (b) The accessory apartment shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
 - (c) The principal use shall have only one (1) exterior front entrance, with any additional entrances being located at the side or rear of the structure for the accessory use apartment.
 - (d) The accessory apartment shall be subordinate to the principal use, a one-family dwelling, and shall not occupy more than 35% of the total habitable space of the principal use. "Habitable space" shall be that as defined in Article 3, Part 711.1, of the New York State Uniform Fire Prevention and Building Code, as amended.

- (e) The conversion of any existing principal use or construction of a new principal use to accommodate an accessory apartment, as defined herein, is limited to one (1) accessory apartment per principal one-family dwelling unit.
- (f) In considering an application for an accessory apartment, the Planning Board shall consider the impact that any accessory apartment may have on the adjoining properties and general neighborhood where the accessory apartment is proposed to be located.

B. All accessory apartment(s) shall:

- (1) Provide parking for the accessory apartment(s) and the principal use as set forth herein, and such parking is designed and located to be convenient without encroaching on any yard or setback area at the time of site plan.
- (2) Be subject to approval by the Rensselaer County Health Department for any required on-site sanitary or water supply system.
- (3) Be subject to approval by the Planning Board in accordance with the provisions Article XI, Site Plan Review.

§ 219-41. Adult Business.

- A. Adult Business are regulated in accordance with Chapter 74 of the Town of Schodack Town Code.

§ 219-42. Animal Husbandry Without a Permitted Farm Use.

A. Horses.

- (1) Horses for private use may be kept on properties within the Residential Agriculture (RA) and Residential (R) Districts in accordance with the following schedule:

Maximum Number of Horses	Minimum Number of Acres
0	Less than 2 acres
2	2
3	4
4	7
5	10

- (2) Building structures for horses shall be located not less than 75 feet from any side or rear lot line and shall additionally conform to the front yard requirements for the principal building. No horses shall be permitted in the front yard.
- (3) The storage of manure or other dust or odor-producing substances shall be adequately screened from the view of adjacent properties and located not less than 75 feet from any lot line.
- (4) More than five (5) horses may be permitted, upon review and approval by the Planning Board and the issuance of a special use permit in accordance with this Chapter, with the following minimum considerations:
 - (a) The location of the property.
 - (b) The size of the property.
 - (c) Facilities such as barns, stables, storage sheds, etc.
 - (d) Fences.
 - (e) Impact on adjacent properties and land uses.

B. Keeping of chickens, fowl, and/or domesticated birds on properties without a permitted farm use shall be permitted in accordance with the following limitations:

- (1) Chickens, fowl, and/or domesticated birds may be raised accessory to a principal one-family use.
- (2) Chickens, fowl, and/or domesticated birds may be raised solely for noncommercial purposes.

- (3) Chickens, fowl, and/or domesticated birds on lots smaller than seven (7) acres must be kept in coops or fully enclosed runs at all times. Coops and runs shall be constructed so that chickens cannot fly over any fence or wall or otherwise escape from the coop or run. Free range is allowed on lots over seven (7) acres. Chickens, fowl, and/or domesticated birds shall be permitted in all Districts as follows:

Acres	Setback from all Property Lines	Maximum Chickens
Less than 3	50 Feet	6
3	50 feet	8
5	75 feet	16
7 or greater	100 feet	50

- (4) Roosters shall be prohibited on less than seven (7) acres. Breeding of chickens on site is prohibited on less than seven (7) acres.
- (5) The raising of chickens, fowl, and/or domesticated birds shall be subject to all applicable sanitary, noise and property maintenance regulations, ordinances and laws.
- (6) Feed for chicken, fowl, and/or domesticated birds must be stored in secure containers and must not attract rodents, vermin, deer or pests of any type.
- (7) A Building and Zoning Permit is required for all chicken coops and runs.
- (8) Coops and runs for chicken, fowl, and/or domesticated birds shall only be permitted in the rear yard.
- (9) No more than one (1) coop or run is permitted on any parcel.
- C. The keeping of any other livestock shall be permitted on a lot of 10 acres or more and shall be permitted in all districts, provided that:
- (1) Building structures for livestock shall be located not less than 150 feet from any side or rear lot line and shall additionally conform to the front yard requirements for the principal building.
- (2) The storage of manure or other dust or odor-producing substances shall be adequately screened from the view of adjacent properties and located not less than 150 feet from any lot line.
- (3) On lots sizes smaller than ten (10) acres within the Residential Agricultural (RA) and Residential (R) Districts, the keeping of other livestock may be permitted upon review and approval by the Planning Board and the issuance of a special use permit in accordance with this Chapter, with the following minimum considerations:
- (a) The location of the property.
- (b) The size of the property.
- (c) Facilities such as barns, stables, storage sheds, etc.
- (d) Fences.
- (e) Impact on adjacent properties and land uses.

§ 219-43. Bed and Breakfast Establishment.

- A. The Bed and Breakfast establishment shall be conducted within a one-family dwelling as permitted within the designated districts identified in the Schedule of Use Regulations.
- (1) In the Residential Agricultural (RA) District, a Bed and Breakfast shall be the principal residence of the operator and at least one (1) bedroom shall be reserved for the owner’s exclusive personal use.
- (2) In the Hamlet Mixed Use District (HM) and Town Center (TC) District, a Bed and Breakfast shall not be required to be owner occupied.
- B. All Bed and Breakfast establishments shall be compatible with its immediate neighborhood and meet the following regulations:

- (1) A Bed and Breakfast establishment may offer meals but only to registered lodgers. A public dining room and/or bar is prohibited except in the Town Center (TC) District or the Hamlet Mixed Use (HM) District.
- (2) There shall be at least one (1) off-street parking space per guest room and at no time are any vehicles permitted to park along public roads or highways.
- (3) A bed and breakfast may have no more than ten (10) occupants as lodgers in at least three (3) and not more than five (5) bedrooms at any one (1) time.
- (4) No guest shall occupy the premises more than 14 days within any 30-day period.
- (5) Guest rooms shall primarily be accessed through interior entryways. Secondary exterior entryways shall be limited such that the individual guest rooms are not apparent from off the premises.
- (6) No food preparation or cooking for guests shall be conducted within any bedroom made available for guests, with the exception of coffee makers and similar small beverage-warming appliances.
- (7) Small-scale receptions or similar gatherings may be held incidentally to the primary bed and breakfast use, subject to the following:
 - (a) The number and duration of the gatherings and the number of participants may be limited by the Planning Board, based on the location and characteristics of the site (e.g. size of parcel, level of traffic, number of parking spaces, proximity to adjoining residences, number of restrooms, and location in a rural or urban setting).
 - (b) The gatherings and all participants shall be restricted to the vicinity of the bed and breakfast; and
 - (c) The gatherings shall not involve the use of amplified sound or lighting that is highly visible from off-site.
- (8) The applicant shall comply with all applicable health codes, building codes and other applicable laws. Upon request the operator shall provide documentation that all required permits, including but not limited to, the County Health Department, State, County, and Local highway permits, etc. have been obtained. Prior to the issuance of a Certificate of Occupancy, the applicant must show that all applicable permits have been received.
- (9) Utilities & Fire Protection.
 - (a) Water and sewage disposal shall meet all applicable requirements of the Town, County and the State Departments of Health and Environmental Conservation, and
 - (b) Water supply, fire protection measures, and the sewage disposal system shall be adequate for the maximum occupancy of the proposed facility.

§ 219-44. Car Wash.

- A. The minimum lot size for a car wash facility shall be one (1) acre, and such lot shall have street frontage of at least 150 feet.
- B. All washing and machine-drying operations shall be conducted within a completely enclosed building which shall be designed in keeping with the facades of adjacent land uses.
- C. The building exit for automobiles that have completed the washing and machine-drying process shall be set back a minimum of 50 feet from the nearest point of any street line.
- D. No washing, vacuuming, steam-cleaning, waxing, polishing nor machine-drying operation, nor building within which such operations are conducted, shall be permitted within 100 feet of a residential building located in a residential district.
- E. All lot lines abutting residentially zoned property shall be screened by means of a solid masonry wall, opaque fence or evergreen hedge or earthen berm of a design and height acceptable to the Planning Board. Such screen shall be maintained in good condition throughout the life of the use.
- F. All automatic vehicle washing facilities shall be in compliance with local noise law as outlined in Chapter 151 Town of Schodack Noise Law.

- G. All entrance and exit lanes and parking areas shall be surfaced with an asphalt or cement pavement so as to provide a durable and dustless surface and shall be so graded and drained as to dispose of all drainage water therein in a manner that does not adversely impact adjacent properties, uses and abutting roadways. Water recycling shall be addressed to the satisfaction of the Planning Board and any appropriate agencies.
- H. Any lights used to illuminate the area shall be directed away from adjacent properties and shall be arranged so as to avoid being directed onto abutting roadways.
- I. All operations shall be conducted completely within the lot lines of the property.
- J. Parking and stacking space.
 - (1) One parking space shall be provided for every two (2) employees.
 - (2) Stacking spaces.
 - (a) In addition, off-street stacking spaces provided for waiting vehicles shall not exceed the following requirements:
 - [1] Conveyor-type car wash: 6 off-street stacking spaces per washing lane.
 - [2] Drive-through-type car wash: 5 off-street stacking spaces per washing lane.
 - [3] Self-service-type car wash: 3 off-street stacking spaces per washing bay.
 - (b) For purposes of this subsection, an "off-street stacking space" shall mean an area measuring 18 feet in length by nine (9) feet in width and located in such a manner as to provide an unimpeded egress from the space toward the automobile wash facility.
- K. All vehicle washing facilities shall be connected to a public sewer or shall utilize an on-site wastewater recycling facility as may be approved by the Rensselaer County Department of Health.

§ 219-45. Clothing/Material Donations Bins.

- A. Clothing/material donations bins for charitable purposes are permitted on nonresidential property in accordance with the Schedule of Use Regulations and in accordance with the following:
 - (1) In the Residential Agriculture (RA) and the Residential (R) zoning districts, clothing/material bins shall only be permitted as an accessory use to a religious use or a certified not-for-profit.
 - (2) All such clothing/material donations bins shall require a special use permit use in accordance with Article X of this Chapter.
 - (3) Nonresidential commercial premises are permitted to have up to three (3) clothing/material donations bins.
 - (4) The bin(s) shall be appropriately located so as not to interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking, and any other requirements that may have been imposed as part of the site plan and/or special use permit approval for the premises, and shall be placed on a concrete surface.
 - (5) The bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.
 - (6) Each bin shall not cover a ground surface area in excess of five (5) feet by five (5) feet, nor be more than six (6) feet in height.
 - (7) Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing or materials being strewn about the surrounding area.
 - (8) The applicant shall provide the following required information to the Planning Board as part of the special use application:
 - (a) The charitable use for the clothing to be collected. The name, address and phone number of the nonprofit organization or religious use shall be displayed on each bin.

- (b) The proper types of bin(s) are being used as described by this section.
- (c) The bin(s) are being placed in a proper location as described by this section.
- (d) Letter of authority/permission from the owner of the property upon which the bins are to be located.
- (e) Plans of the applicant for pickup and unloading of the clothing/material in any proposed bin.
- (f) Plans of the applicant for cleanliness of the bin area and the surrounding parking area.
- (g) Plans of the applicant for traffic flow in and about the proposed storage bin area.
- (h) Plans of the applicant for repair and maintenance of any proposed storage bin.

§ 219-46. Storage of Construction Equipment and Related Vehicles.

- A. Storage of construction equipment and related vehicles, excluding any farm or agricultural equipment, shall be a permitted accessory use in accordance with the Schedule of Use Regulations, except in the Residential Agricultural (RA) District which shall require the following:
 - (1) The minimum lot size shall be five (5) acres.
 - (2) All equipment and vehicles shall be stored and operated a minimum of 50 feet from any property line.
 - (3) A special permit shall be required for the storage of one (1) to five (5) commercial or construction vehicles of any size outside on the property in excess of eight (8) hours, unless such vehicles are used in conjunction with construction on said property. If such vehicles are used in conjunction with construction on said property, then the commercial or construction vehicles shall be permitted to be stored outside on the property for the duration of the Building and Zoning Permit without a special use permit.

§ 219-47. Day-Care Centers, Child and Adult.

- A. Day-care centers.
 - (1) Such use shall comply with all licensing, site area and dimensional requirements established for such establishments.
 - (2) If located in a residential district, the minimum lot area and all yard setbacks for such use shall be equal to twice those required in the district.
 - (3) A buffer area of at least 20 feet in width, containing evergreen landscaping and/or fencing as, in the judgment of the Planning Board, will be adequate to screen the use from the neighboring residential use(s) and such screening may be required in any yard.

§ 219-48. Development Near Streams and Wetlands.

In order to preserve the open character along major streams for environmental and ecological reasons, all development proposed within 100 feet of the normal streambank of the Moordener Kill, the Vlockie Kill, the Muitzes Kill and the Valatie Kill, or within 100 feet of the boundary of a freshwater wetland as mapped by the New York State Department of Environmental Conservation, shall be subject to special use permit review as provided by Article X of this Chapter.

§ 219-49. Dumps.

Dumps are prohibited in all districts in the Town of Schodack except in areas designated as a dump by the Town Board, or except for the purpose of filling to established grades.

§ 219-50. Excavation as Part of Site Preparation.

- A. Nothing contained herein shall prohibit the excavation of sand, gravel, shale, topsoil or similar material from a lot preparatory to construction of a building for which a Building and Zoning Permit has been issued, or to move such material from one part of a premises to another part of the same premises, when such excavation or removal is clearly incidental

to the approved building construction/site development and necessary for improving the property for a use permitted in the district in which it is located.

- B. Provision shall be made to restore an effective cover crop to any area of land from which topsoil has been removed or covered with fill within the first growing season following the start of such operation.

§ 219-51. Fences and Walls.

- A. Fences and walls shall not exceed eight (8) feet in height when erected in side or rear yards, nor four (4) feet in height when erected within 15 feet of the front property line or highway right-of-way, whichever distance is greater, except agriculture fencing which may be five (5) feet in height.
- B. All such fences and walls shall conform to the requirements of this Chapter as it pertains to corner lots and as it pertains to sight lines.
- C. All such fences and walls shall be measured from the ground level at the base of the fence or wall, except that if such is a retaining wall, the height shall be measured from the average of the ground levels at each end of said retaining wall.

§ 219-52. Fuel Sales.

Fuel sales associated with a retail establishment shall conform to the following requirements when dispensing fuel:

- A. No pumps, lubricating and other dispensing devices shall be located within 35 feet from any property line, 25 feet of any street right-of-way line or 20 feet of any building on the lot.
- B. All motor fuel shall be stored in approved tanks and in conformity with the latest edition of the New York State Uniform Fire Prevention and Building Code.
- C. When located adjacent to a residential district, fences, walls, embankments, evergreen shrubs, or evergreen trees shall be provided to a height and design acceptable to the Planning Board to screen the structure from adjoining properties.
- D. To enhance the streetscape, fuel pumps should be covered by a canopy and parking located on the side of structures. Canopies and buildings should be integrated with the use of similar rooflines, color, materials and layout.
- E. Aboveground fuel storage tanks shall be so located as to be isolated from any customer parking or maneuvering space or any access way, shall be protected, and may be required to be screened from public view.
- F. Underground fuel storage tanks shall be so located that, when being filled by tank trucks, access to the site and parking areas will not be blocked.

§ 219-53. Hotel/Motel, Extended Stay.

- A. For purposes of health and safety, the location, construction and use of a property or a structure for an extended stay hotel or extended stay motel shall require a Special Use Permit and shall be subject to the following requirements:
 - (1) All extended stay guestroom units shall be equipped with a kitchenette that includes, but is not limited to, a cabinet, sink, and appropriate appliances to refrigerate, heat, and prepare food. Such appliances shall include a refrigerator, stove, and microwave. Hotplates are prohibited.
 - (2) Extended stay guestroom units shall be a minimum of 400 square feet of floor area. For any unit designed for occupancy of more than two (2) guests, a minimum of 550 square feet of floor area shall be required.
 - (3) A minimum of 15% of the gross area of the lot must be designed and designated as a public outdoor amenity space accessible for all guests. Outdoor amenity spaces are required to contain a mix of active and/or passive recreation and may only include the following types of amenities: yards or lawns available for unstructured recreation; gardens; hardscape areas or walkway paths for pedestrian enjoyment (but excluding any improvements serving parking areas) which may include pergolas, gazebos, benches and exercise or play equipment; pool areas; tennis courts, basketball courts and other similar recreational facilities; and playgrounds designed and equipped for the recreation of children, which must be fenced and may include an open shelter. Outdoor amenity spaces shall meet all applicable accessory use building setbacks, buffers, landscaping or other similar requirements of this Chapter.

- (4) Access to each guest room shall be through an inside lobby which is supervised at all hours the facility is open.
 - (5) No outdoor storage shall be permitted.
 - (6) Each room shall provide sprinklers for fire suppression and access to an emergency exit in accordance with New York State Building Code.
 - (7) The Planning Board shall determine the required Special Permit renewal period for each extended stay hotel and extended stay motel, which may be up to but not exceed 5 years. This time period may be adjusted by the Planning Board at the time of renewal. A renewal fee shall be required in the amount as adopted in the Schedule of Fees set by the Town Board.
- B. No business license shall be issued for the conduct of any business from any guestroom of the extended stay hotel/motel.
 - C. Any extended stay hotel or motel room shall not be classified as a permanent residence. As such, it shall be unlawful for any person to hire/rent or occupy any of the rooms on the premises of a single hotel, motel, or extended stay facility for a time greater than specified in Article II, Section 219-11 in a 60-day period. In pursuant of enforcing this provision, the Code Enforcement Officer may examine records of the hotel or motel to verify that these provisions are followed, and a violation of this provision may result in the loss of the special use permit.
 - D. Any hotel or motel, including extended stay hotels or extended stay motels, shall be subject to annual fire inspections that shall be conducted randomly without notice to ensure that minimum fire safety standards are met.
 - E. Any prior approval of a hotel or motel use shall not confer the right to locate, construct or use a property or building as an extended stay hotel/motel. No hotel or motel may be converted to an extended stay hotel or extended stay motel without a special use permit in accordance with the foregoing standards.
 - F. Any hotel or motel existing prior to the adoption of this chapter and operating as an extended stay hotel or extended stay motel shall be made consistent with these regulations within 12 months in order to be permitted as an extended stay hotel or extended stay motel. After (12) months, such operation as an extended stay hotel or extended stay motel shall be limited to a hotel or motel operation until such conformance and special use permit is granted.
 - G. The Town Board recognizes that transient guests often use public recreational facilities that are normally meant to serve Town Residents. Guests of extended stay hotels or extended stay motels often use public parks and create a burden on the Town's recreational system. Therefore, extended stay hotels and extended stay motels shall be required to pay a fee per hotel or motel room as established by the Town Board in the adopted in the Schedule of Fees as part of Special Permit approval and renewal.

§ 219-54. Home Occupations.

- A. General Provisions.
 - (1) This Chapter shall not prevent individuals from conducting a business, trade or profession in their principal or accessory structure, provided that they meet the standards set forth by these regulations.
 - (2) The activity shall not alter the primary use of the premises as a one-family dwelling.
 - (3) No traffic shall be generated in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the home occupation shall be met on-site.
 - (4) There shall be no external signage of such use except for one (1) sign not exceeding two (2) square feet in area.
 - (5) A minimum of one (1) additional off-street parking space shall be provided for each employee of the home occupation that is not a resident of the one-family dwelling. Additional parking may be required by the Planning Board at its discretion.
- B. Home Occupation 1 includes all home occupations conducted solely within the principal or accessory structure. [See Subsection A(2) above.] The following standards shall be met by the owner(s) and all persons engaged in such activities:
 - (1) Only the occupants of the one-family dwelling and a maximum of two (2) nonresident employees may conduct the activity.

- (2) In no way shall the appearance of the structure be altered nor shall the activity within the principal or accessory structure be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of noises, odors or vibration.
 - (3) Display of products outside the residence shall not be allowed.
 - (4) The retail sale of goods or articles not produced on the premises is permitted if they are incidental to the service provided by the home occupation.
 - (5) Only one (1) home occupation business shall be permitted.
 - (6) No outdoor storage of items associated with the home occupation shall be permitted.
- C. Home Occupation 2 shall require a special use permit. The following standards shall be met by the owner(s) of the one-family dwelling and all persons engaged in such activities:
- (1) Only the occupants of the one-family dwelling and a maximum of two (2) nonresident employees may conduct the activity.
 - (2) In no way shall the appearance of the structure be altered nor shall the activity within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of noises, odors or vibration.
 - (3) Display of products, materials and/or equipment used in connection with the business may be stored outside but shall be reasonably screened from contiguous properties and shall not be located in the front yard.
 - (4) "Construction and Landscaping Service – Minor" may be considered a home occupation only if three (3) or less vehicles are used in the home occupation. Parking of such vehicles shall be prohibited in the front yard. Greater than three (3) vehicles shall be considered a "Construction and Landscaping Service – Major" and shall not be permitted as a home occupation.
 - (5) No more than two (2) home occupation businesses, trades or professions shall be permitted on one (1) parcel in which the primary use is a one-family dwelling.

§ 219-55. Kennels.

- A. In order to promote the general welfare of the Town, kennels shall be allowed only by special use permit.
- B. A site plan shall be provided which displays the kennel building(s) and all other inhabited dwellings in the vicinity, information on buffers, number and type of animals and any other information deemed appropriate.
- C. The minimum lot size shall be two (2) acres in the Residential Agriculture (RA) District and the Residential (R) District.
- D. Additional conditions to be considered when hearing a request for a kennel special use permit:
 - (1) The closeness to adjacent properties.
 - (2) The maximum number of animals to be maintained.
 - (3) The effect on character of neighborhood.
 - (4) Existing or proposed natural or man-made buffers.
 - (5) If the facility is overnight or day-use only.

§ 219-56. Landscaping Standards.

- A. Intent and purpose. Landscaping provides many unique services and values to the community such as providing shade, reducing soil erosion, absorbing stormwater runoff, and protecting wildlife habitats. Existing vegetation should be preserved as much as possible by minimizing clearing and grading in new developments. New development should be landscaped to provide visual interest in all four (4) seasons by including deciduous trees, conifers, perennials and bulbs.

- B. The Planning Board is responsible for determining the adequacy of landscaping during the review of site plans, special use permits and subdivisions. All parking and service areas shall be screened at all seasons of the year from the view of adjacent residential lots to the maximum extent possible. Existing trees six (6) inches or more in diameter at breast height (dbh), or trees of lesser diameter but determined by the Planning Board to be locally important, shall be preserved to the maximum extent practical. Locally important trees include, but are not limited to, rare or unusual species, trees associated with historic events or persons, or trees that contribute to an identified scenic viewshed. Roadside plantings shall be in conformance with the standards found herein.
- C. Landscaping Standards. These standards shall apply to all uses except those exempt one-family, two-family, and agricultural uses:
 - (1) A landscaped strip shall be provided on the property adjacent to the right-of-way. The landscaped strip may not include any paved area except pedestrian sidewalks or trails which cross the landscaped strip.
 - (2) A maintenance bond may be provided to ensure successful planting. After that, required landscaping shall be maintained in a healthy, growing condition at all times.
 - (3) Parking lot landscape standards.
 - (a) Parking lot landscaping is in addition to all other landscaping requirements of the Zoning Law. In parking lots of 1/2 acre or more, the parking area shall be landscaped and maintained with trees, shrubs and other plant materials, as determined necessary by the Planning Board.
 - (b) Appropriate areas for snow storage shall be integrated into the landscape and stormwater management plans.
 - (4). Street trees. Street trees should be selected based upon their salt tolerance and should be placed close to the road, in a manner that will not obstruct sight distance nor impede street maintenance. They should be located between the sidewalk (if applicable) and the road. Any tree that dies within three (3) years of planting or any tree that is removed shall be replaced with a tree of equal value, to be determined by the Planning Board.

§ 219-57. Membership Clubs.

- A. Membership clubs shall be permitted with a special use permit and shall meet the following minimum requirements:
 - (1) Sportsman and country clubs shall have a minimum lot area of five (5) acres.
 - (2) Plans for all public address systems and lighting for outdoor recreational facilities shall be submitted to and approved by the Planning Board.
 - (3) Parking shall not be permitted within the front yard setback.
- B. Membership clubs may include accessory building(s) for administration, operation and clubhouse purposes.

§ 219-58. Motor Vehicle Sales Establishments.

- A. Motor vehicle sales establishments, new and used.
 - (1) The maximum lot coverage shall be no greater than 60%.
 - (2) No retail sale of fuel shall be permitted.
 - (3) A vegetated buffer shall be maintained along the side and rear property lines and is to remain free of vehicles or associated supplies, equipment, or products.
 - (4) No parking or vehicle display shall be permitted within 35 feet of the front property line or within ten (10) feet of a side or rear property line.
 - (5) A motor vehicle service station may be considered as an accessory use to a motor vehicle sales establishment but may not include retail sale of fuel.
 - (6) A New York State Department of Motor Vehicle license for vehicle sales shall be required.

§ 219-59. Motor Vehicle Service Stations.

A. Motor vehicle service stations.

- (1) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet, with maximum to be approved by the Planning Board, after review and recommendation by the Planning Board's engineering consultant. The maximum width should be the minimum width necessary for public safety purposes. The location of such driveways shall be determined by the Planning Board, but in no event shall they be located closer than ten (10) feet to any lot line.
- (2) No entrance or exit driveway or parking space shall be located so as to require the backing of any vehicle into a public right-of-way.
- (3) All vehicle lifts, dismantled automobiles, parts or supplies, goods, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.
- (4) All services or repair of motor vehicles shall be conducted in a building enclosed on all sides; however, this requirement is not to be construed as meaning that the doors to any repair shop must be kept closed at all times.
- (5) Gasoline or flammable oils in bulk shall meet New York State storage requirements.
- (6) All registered vehicles awaiting service, pick-up by customers, or otherwise stored overnight on the lot shall be parked within a vehicle parking area approved by the Planning Board.
- (7) The Planning Board may require a green space buffer, vegetative screening, and/or solid or picket fencing in order to reduce visual impact upon surrounding properties.
- (8) The sale of vehicles shall not be a permitted accessory use to a motor vehicle service station.
- (9) A New York State Department of Motor Vehicle license for repair shall be required.
- (10) Fuel sales shall be in accordance with the additional regulations found within this Chapter.

§ 219-60. Multifamily Dwellings, Townhouses, and Senior Congregate Dwellings.

A. Multifamily dwellings and senior congregate dwellings. Each site proposed for multifamily dwellings or senior congregate dwellings shall:

- (1) Provide the following lot and building standards:
 - (a) Shall provide a minimum livable floor area per dwelling unit of 600 square feet.
 - (b) Shall be limited to six (6) units per acre, except in the Residential (R) District which shall limit multifamily dwellings and senior congregate dwellings to four (4) units per acre.
 - (c) Shall provide adequate snow storage and fire access to the satisfaction of the Planning Board.

B. Townhouses. Each site proposed for townhouse dwellings shall:

- (1) Provide the following lot and building standards:
 - (a) Outside walls of all principal buildings shall meet all side yard requirements.
 - (b) Buildings may utilize shared wall construction with zero (0) setbacks.
 - (c) Steps, bay windows, porches and chimneys may encroach up to three (3) feet into a required side yard.
 - (d) Shall provide a minimum of two (2) off-street parking spaces per dwelling unit.
 - (e) Shall provide adequate snow storage and fire access to the satisfaction of the Planning Board.
 - (f) Shall be limited to six (6) units per acre except in the Residential (R) District which shall limit townhouses to four (4) units per acre.

§ 219-61. Outdoor Storage Yards.

- A. Outdoor storage yards shall:
 - (1) Be accessory to a permitted commercial use in accordance with the Schedule of Use Regulations.
 - (2) All outdoor storage of materials and equipment shall either:
 - (a) Be located in such a manner to not be visible from either the public right-of-way or boundaries of the lot; or
 - (b) Such materials and equipment shall be screened by an eight (8) foot wall or fence, uniform in finish and appearance, which sufficiently screens such materials and equipment from the public right-of-way or boundaries of the lot. Such wall or fence shall be maintained in a state of proper and continuing maintenance.

§ 219-62. Parking and Loading Standards.

- A. Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. One-family and two-family residential uses shall be provided with two (2) off-street parking spaces per dwelling unit. Parking needs with respect to all other uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on the following factors:
 - (1) Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Board may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of such industry sources.
 - (2) The characteristics of the proposed customers, residents, occupants or visitors to a given facility.
 - (3) The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
 - (4) Recommendations, if any, from other public agencies or information sources which suggest, based on experience, the appropriate amount of parking in connection with a given use.
 - (5) The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
 - (6) Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards shall be applied by the Planning Board or the Code Enforcement Officer, as the case may be:

Use	Number of Spaces Required
Business Services	1 per 250 square feet of gross floor area
Funeral Home	1 per 30 square feet of public room area
Home Occupations	1 per home occupation (minimum required)
Industrial Uses	1 per 400 square feet of floor area
Lodging Services	1 per guest room, plus 1 per employee for each 20 sleeping rooms, plus 1 per 500 sq. ft. of space used for convention rooms, conference rooms, ballrooms, restaurant and/or retail shops
Motor Vehicle, Autobody Shop Motor Vehicle, Sales Establishment Motor Vehicle, Service Station	Subject to Planning Board Review and Approval
Office, Business and Professional; Office, Corporate and Park	1 per 300 square feet of gross floor area except for medical and dental offices. For medical and dental offices 1 off-street parking space for every 250 square feet of gross floor area
Religious Use or Assembly	Subject to Planning Board Review and Approval

Membership Clubs	
Residential uses	2 per dwelling unit
Restaurants	1 per 60 square feet of floor
Retail and/or Service Establishments	1 per 300 square feet of gross floor area
School, Public and Private	1 per 12 classroom seats subject to Planning Board Review and Approval
Shopping Center	1 per 300 square feet of gross leasable area
Veterinary Facility	1 per 250 square feet of gross floor area
Yacht Club or Marina	1 per slip or mooring space

- (7) If the Planning Board approves fewer than the number of spaces set forth in Subsection A(6) above, an alternative plan shall be prepared by the applicant and an area on the site set aside or reserved for future parking. The set-aside area shall be landscaped.

B. Design Requirements.

- (1) Areas which may be computed as the required off-street parking space may include a garage, carport or other area available for parking, but is not to include a public street.
- (2) Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided that all spaces therein are located within 500 feet walking distance of such lot. In all cases such parking spaces shall conform to all regulations of the district in which they are located, and in no event, unless specifically reviewed and approved by the Planning Board, shall such parking spaces be located in any residential district unless the uses to which they are accessory are permitted in such residential district. All spaces shall be in the same ownership or lessee control as the use to which they are accessory. Said owner or lessee shall maintain the required number of spaces available, either throughout the existence of such use or until such spaces are elsewhere provided.
- (3) Three hundred twenty (320) square feet shall be considered the minimum land area for each parking space, including room for standing areas and aisles for maneuvering.
- (4) Unobstructed access from and egress to a public street shall be provided. Such access shall consist of at least one (1) twelve (12) foot lane for parking areas with less than 20 spaces, and at least two (2) ten (10) foot lanes for parking areas of 20 or more spaces.
- (5) All open parking areas shall be properly drained, and all such areas of over ten (10) spaces shall be provided with a dustless surface.
- (6) Required parking spaces may be provided in areas designed to jointly serve two (2) or more establishments, whether or not located on the same lot, and the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.
- (7) When any lot contains two (2) or more uses having differing parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one (1) or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total number of parking spaces required for that use with the least requirement.

C. Permitted accessory parking.

- (1) There is no limitation on the number of agricultural vehicles permitted accessory to a farm use.
- (2) Not more than one (1) commercial vehicle over 20 feet in length may be parked on a residential lot in a Residential Agricultural (RA) District, Residential (R) District, or the Mobile Home Neighborhood Overlay (MHO) District.
- (3) Not more than one (1) commercial vehicle in excess of 20 feet in length nor more than one (1) recreational vehicle, camper body and/or boat may be stored outdoors on a lot in a residential district. All such outdoor storage shall

occur inconspicuously on that portion of the lot behind the front setback of the dwelling or the front yard setback for the district whichever is less, located thereon and shall not be less than five (5) feet from the nearest lot line.

§ 219-63. Portable Storage Containers and Dumpsters.

- A. Portable storage containers and dumpsters may be temporarily located on a lot of record as part of a temporary storage solution for up to 30 days without obtaining a temporary use permit. Portable storage containers and dumpsters shall not include tractor trailers or other vessels with other traditional uses.
- B. A temporary use permit shall be required from the Code Enforcement Officer for the location of a portable storage container or dumpster on a lot of record for more than 30 days which can be renewed up to two additional times within a twelve-month period.
- C. Exemption. Dumpsters used for multifamily dwelling units and nonresidential uses as a trash receptacle for the regular disposal of trash collected by a garbage and recycling collection service shall not be considered temporary and no permit is required. However, such dumpster shall not be located in the front yard and shall be screened from the public right-of-way with landscaping or fencing.
- D. In the RA Zone, portable storage containers shall be permitted as an accessory use in accordance with this Chapter. The unit shall be permitted in a rear or side yard only.
- E. In all other Zoning Districts, one portable storage trailer or container or dumpster shall be allowed pursuant to Subsections A and B above. The unit shall be permitted in a rear or side yard only.

§ 219-64. Roadside Stands.

- A. Roadside stands shall be permitted in accordance with the Schedule of Use Regulations (found at the end of this Chapter), provided that:
 - (1) Such stands shall not exceed 500 square feet in total area.
 - (2) Such stands shall be located not less than 20 feet from any street line.
 - (3) Such stands shall be solely used for display and sale of agricultural products grown principally on the premises or, in limited quantity, elsewhere by the operator of the roadside stand.
- B. There shall be a suitable area provided where vehicles can safely park while visiting the roadside stand.
- C. All signage shall be in accordance with the regulations for signs found herein this Chapter.

§ 219-65. Solar Collector System, Small-Scale.

- A. Purpose and intent.
 - (1) The purpose of these regulations is to balance the potential impact on neighbors where solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. These regulations are not intended to override the New York State Agriculture and Markets Law.
 - (2) Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess solar power is generated.
- B. Applicability.
 - (1) The requirements herein shall apply to all solar collector system installations modified or installed after the effective date of this section.
 - (2) Solar collector system installations for which a valid Building and Zoning Permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section, except in accordance with Subsection D, Safety, found herein this section. Any

modification, expansion or alteration to an existing solar collector system shall only be permitted in accordance with this Chapter.

- (3) All solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.

C. Permitting.

- (1) Rooftop and flush-mounted solar collectors are permitted in all zoning districts in the Town of Schodack subject to the following conditions:

- (a) Building and Zoning Permits shall be required for installation of all rooftop and flush-mounted solar collectors, except those installed contemporaneously with original construction whereas the requirements will be considered as part of the entire project.
- (b) Height limitations for structures found in Article IV, Use, Area and Bulk Regulations, shall apply.
- (c) Rooftop and flush-mounted solar collector systems are permitted on the following structures:
 - [1] All principal structures.
 - [2] All accessory structures that meet the principal structure setbacks as required in each zoning district.
- (d) Rooftop units must be three (3) feet from any chimney and shall not be permitted on any roof overhangs.
- (e) Any solar collector system attached to a pitched roof shall not extend more than three (3) feet from the surface of the angle of the roof.

- (2) Ground-mounted racks and freestanding solar collectors are permitted as an accessory structure in all zoning districts in the Town of Schodack subject to the following conditions:

- (a) Building and Zoning Permits shall be required for installation of all ground-mounted and freestanding solar collectors.
- (b) A special use permit is required for all ground-mounted racks and freestanding solar collectors in a commercial zoning district as identified in the Schedule of Use Regulations, which for purposes of this Zoning Chapter shall include the Hamlet Mixed Use District (HM), the Town Center District (TC), the Commercial Mixed Use District (CM), Regional Commercial (RC), Marine Commercial District (MC), the Manufacturing District (M), the Planned Waterfront District (PW), or a Planned Development District.
- (c) Special use permit from the Planning Board is required for all ground-mounted racks and freestanding solar collectors greater than 15 feet in height or greater than 40 feet in length or if the solar array surface area is greater than 400 square feet in the aggregate in all residential zoning districts. All other ground-mounted racks and freestanding solar collectors shall follow the standard Building and Zoning Permit process.
- (d) All ground-mounted racks and freestanding solar collectors shall have a maximum height of 20 feet from ground elevation.
- (e) All ground-mounted racks and freestanding solar collectors installed in the side or rear yards shall comply with the setback requirements for a principal structure found in Article IV, Use, Area and Bulk Regulations.
- (f) Solar collectors may be installed in any front yard but shall not be less than 75 feet from the front property line and shall require a special use permit. As required by this Chapter, all corner lots shall be deemed to have two (2) front yards.
- (g) Solar collectors shall be located in a manner that reasonably minimizes shading of adjacent property while still providing adequate solar access for collectors.

D. Safety

- (1) All solar energy systems and solar collectors must obtain a Building and Zoning Permit and shall be designed to be and installed to be in conformance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the Building and Zoning Permit is issued.

- (2) If solar storage batteries are included, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York State Fire Prevention and Building Code and local laws of the Town of Schodack and any other applicable laws or regulations.
- (3) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.
- (4) Rooftop solar collectors shall provide roof access, pathways, and spacing requirements for solar collectors and ventilation method in accordance with New York Uniform Fire Prevention and Building Code Standards, as amended.

§ 219-66. Solar Collector System, Utility-Scale.

- A. Utility-scale solar collector systems shall be permitted as part of the Solar Utility Overlay (SU-O) district. The purpose and intent of the Solar Utility Overlay (SU-O) District are:
 - (1) The purpose of these regulations is to provide utility-scale solar collector systems through performance criteria that balance the unique characteristics of each site.
 - (2) In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning Chapter, the particular provisions set forth herein shall take precedence and control. In all instances not specifically addressed in this section or in Article XII of this Chapter, the Zoning Chapter shall apply.
 - (3) All procedures for approving a Solar Utility Overlay (SU-O) District shall comply with the regulations for Planned Development Districts (PDD) found in Article XII of this Chapter. In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning Chapter, the particular provisions set forth herein shall take precedence and control. In all instances not specifically addressed in this section or in Article XII of this Chapter, the Zoning Chapter shall apply.
- B. Utility-scale rooftop and flush-mounted solar collectors are subject to the following additional conditions:
 - (1) Height limitations for structures found in Article IV, Use, Area and Bulk Regulations, shall apply.
 - (2) Utility-scale rooftop and flush-mounted solar collectors are permitted on the following structures:
 - (a) All principal structures.
 - (b) All accessory structures that meet the principal structure setbacks as required in each zoning district.
 - (3) Rooftop units must be three (3) feet from any chimney and shall not be permitted on any roof overhangs.
 - (4) Any utility-scale rooftop and flush-mounted solar collectors attached to a pitched roof shall not extend more than three (3) feet from the surface of the angle of the roof.
 - (5) Rooftop solar collectors shall provide roof access, pathways, and spacing requirements for solar collectors and ventilation method in accordance with New York Uniform Fire Prevention and Building Code Standards, as amended.
- C. Utility-scale ground-mounted and free-standing solar collectors are subject to the following additional requirements:
 - (1) Height.
 - (a) All solar collectors shall have a maximum height of 20 feet from ground elevation.
 - (b) All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of 35 feet, excluding the solar collector.
 - (2) Setback. All utility-scale solar collector systems and associated buildings, accessory structures and equipment shall have a minimum setback from any property line of 200 feet.

- (3) Lot coverage.
 - (a) Impervious surface lot coverage. All utility-scale solar collector systems and associated accessory structures and equipment shall utilize a maximum of 20% impervious lot coverage.
 - (b) Pervious surface lot coverage. All utility-scale solar collector systems and associated accessory structures and equipment shall utilize a minimum of 80% permeable lot coverage.
- D. General provisions.
 - (1) Site plan. All utility-scale solar collector systems shall provide a site plan in accordance with Article XI of this Zoning Chapter.
 - (2) Signage. All signage shall be provided as part of site plan review and shall be in accordance with Article VI of this Zoning Chapter.
 - (3) Visual.
 - (a) Utility-scale solar collector systems shall be sited in a manner to have the least possible practical visual effect on the environment.
 - (b) A landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified by the Planning Board, existing tree lines, surrounding topography, and proposed elevations shall be required.
 - (c) Landscaping, screening and/or earth berming shall be provided to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berming may be required by the Town Board and/or the Planning Board to mitigate visual and aesthetic impacts.
 - (d) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.
 - (4) Lighting. A lighting plan shall be required. No utility scale solar collector system shall be artificially lighted unless otherwise required by a Federal, State or local authority. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only.
 - (5) Battery Storage: All Batteries for storage of harvested electricity shall be placed inside a secure structure within an impervious concrete structure designed to contain any leakage from the batteries, and any agents used for suppressing fire of such batteries. To maximize safety in the event of a fire, any building shall be shall be constructed of non-combustible materials and the interior shall contain automatic fire suppression designed to minimize risk of the spread of fire to other buildings on site or adjacent properties. Such fire suppression foam or other substances shall be contained with the use of concrete storage areas on site as necessary if it is necessary to deploy such fire suppression system. In addition, areas surrounding the structure within 50 feet, such as the driveway or foundation of such building shall be constructed of non-combustible materials.
 - (6) Utilities. The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the utility-solar collector system. Electrical and land-based telephone utilities extended to serve the site shall be underground.
 - (7) Access. The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.
 - (8) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.
 - (9) Ownership. In the case of an application for a utility-scale solar collector system to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Building Department and kept current on file with the Town should any change of ownership occur.

- (10) Proof of insurance. The applicant and the owner of the property where the utility-scale solar collector system is to be located shall file with the Building Department proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.
- (11) Security provisions. Each site shall have a minimum of an eight (8) foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan review.
- (12) Noise. Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review.
- (13) Documentation from the utility company, verifying that the utility-scale solar collector system is active, shall be provided annually to the Town of Schodack Director of Planning and Zoning.
- (14) Required sureties for construction, maintenance, safety, and removal of utility-scaled solar collector systems.
 - (a) Construction and maintenance. Prior to the issuance of a Building and Zoning Permit for the utility-scale solar collector system and any associated accessory structures, the applicant shall post a surety in an amount and form acceptable to the Town for the purposes of construction and maintenance. The amount shall be up to 20% of the construction value. Acceptable forms shall include, in order of preference: cash or letter of credit; or a combination thereof. Such surety will be used to guarantee compliance with the conditions of the approval for the utility-scale solar collector. If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the Town incurred to comply with conditions of the approval shall be paid using the surety provided by the applicant. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the certificate of occupancy.
 - (b) Safety: Because of concerns with potential hazards or other emergencies that could arise at an unmanned utility scaled solar system, the applicant shall pay a fee into a dedicated fund for the purposes of offsetting costs for providing emergency services for utility-scale solar collector systems, as well as associated costs for training and improved equipment for emergency services as adopted in the Schedule of Fees by the Town Board.
 - (c) Utility-scale Solar Collector System Removal. The utility-scale solar collector system, including any accessory structures and/or equipment, shall be dismantled and removed from the site when the utility-scale solar collector system has been inoperative or abandoned for two (2) years. As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment. The amount shall be up to 20% of the construction cost. Acceptable forms shall include, in order of preference: cash or letter of credit. Such surety will be used to guarantee removal of the utility-scale solar collector system should the system be abandoned. Abandonment shall be assumed by the Town if the annual documentation as required herein is not provided by the owner, applicant or lessee for two (2) consecutive years to the Town of Schodack Director of Planning and Zoning. The Town Code Enforcement Officer shall then provide written notice to the owner to remove the utility-scale solar collector system, and the owner shall have two (2) years from written notice to remove the utility-scale solar collector system, including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, applicant or lessee fail to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant.
 - (d) Upon completion of removal the applicant shall engage a qualified consultant to perform a Part II Environmental Site Assessment to conform that no contaminates remain from the former solar utility facility use of the property.
- (15) Public Environmental Benefit Required: Utility-scale solar collector-system shall be required to construct, install, develop, or contribute to a public environmental benefit project within the Town that contributes to greenhouse gas reduction, energy efficiency, multimodal transportation, ecological diversity, or habitat preservation, including but not limited to:

- (a) Publicly located Electric Vehicle (EV) charging stations
- (b) Walking trails
- (c) Sidewalks
- (d) Purchase and dedication of ecologically significant land to the Town
- (e) Recreational field improvements
- (f) Public park improvements
- (g) The Public Environmental Benefit contribution shall be equal to 2.0% of the construction value of the completed project.

§ 219-67. Telecommunications Service Facilities.

- A. The placement, construction and major modification of all telecommunications facilities within the boundaries of the Town of Schodack shall be permitted only by special use permit, upon site plan approval pursuant to Article XI herein and issuance of a Building and Zoning Permit, and subject to all the provisions of this Chapter and all other applicable regulations.
- B. All new telecommunications antennas which are not attached to telecommunications facilities shall comply with the provisions of this Chapter.
- C. All telecommunications facilities existing on the effective date of this Zoning Law, shall be allowed to continue their usage as they presently exist and additional new telecommunications antennas shall be permitted thereon without regard to the zoning district in which the tower is located. New construction other than routine maintenance on an existing telecommunications facility shall comply with the requirements of this Chapter.
- D. Specific Standards.
 - (1) Co-location. New telecommunications facilities shall be sited on existing telecommunications facilities or in areas already in use for telecommunications and/or utility distribution lines in order to preserve the aesthetic and scenic value of the Town, unless the applicant demonstrates unequivocally that co-location is not possible.
 - (2) Applicants for a special use permit to place, construct or modify telecommunications facilities within the Town of Schodack shall submit the following information to the Planning Board for its referral to a professional engineer or consultant for review and recommendation:
 - (a) A landscaping plan and visual assessment report, including appropriate modeling and imagery assessing the visibility from key viewpoints identified by the Planning Board, existing treelines, and proposed elevations.
 - (b) Preliminary report prepared by a licensed professional engineer describing:
 - [1] Feasibility of co-location on existing structures and telecommunications facilities.
 - [2] Applicant's full map and grid coverage in the Town.
 - [3] Surrounding topography and relation to line-of-sight transmission.
 - [4] Available road access, electric power and land-based telephone lines and/or microwave link capability.
 - [5] Required improvements or construction activities, including those within the public right-of-way or lands owned or controlled by the Town of Schodack.
 - [6] Identify the location, ownership and usage of currently existing telecommunications facilities within the Town.
 - [7] Plans for construction of telecommunications accessory equipment building or structure and landscaping plan.
 - [8] Proposed mitigation measures for visual impacts.

- [9] Proposed safety measures.
 - [10] Compatibility with existing telecommunications networks, NYS Thruway Authority telecommunications network and public safety and emergency networks, such as fire, ambulance, police and 911.
- (c) In the case of an application for a telecommunications facility, additional information shall be provided describing: the telecommunication facility height and design, including a cross section of the structure; the telecommunication facility's compliance with applicable structural standards; the telecommunication facility's capacity, including the number and type of telecommunications antennas it can accommodate and the basis of calculation of capacity.
 - (d) In the case of a telecommunications antenna mounted on an existing structure, additional information shall be provided indicating: the existing structure's suitability to accept the telecommunications antenna; the proposed method of affixing the telecommunications antenna to the structure; and complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
 - (e) Demonstration of need for proposed telecommunications facility showing the impracticality of upgrading or expanding an existing site.
 - (f) Demonstration that the proposed site is the most appropriate available site for the purpose of the telecommunication facility.
 - (g) Inventory of existing telecommunication facilities within the Town outlining opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed telecommunications tower or telecommunication antenna cannot be accommodated on an existing approved telecommunications tower or facility.
 - (h) Description of the applicant's long-range plans which project market demand and long-range facility expansion needs within the Town.
 - (i) Proof of certified mail announcements to all other telecommunications providers in the area declaring the applicant's sharing capabilities and/or siting needs.
 - (j) A map showing the location of the premises for which the permit is sought and sketch plan showing all features of the facility necessary for providing road access, electrical service, land-based telephone line connection and/or microwave link capability within the property boundaries of the proposed location.
 - (k) In the case of an application for a telecommunications antenna or tower to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be provided to the Planning Board.
 - (l) Such other information as may be required by the Planning Board or its engineer.
- (3) Special permits issued for telecommunications service facilities shall be subject to the following general conditions:
- (a) Separation distance. Telecommunications facilities shall be separated from all residential dwellings by a distance of 250 feet or 1 1/2 times the height of the tower, whichever is greater.
 - (b) All telecommunications accessory structures shall comply with zoning setback regulations in the affected zone. In any event, a telecommunications tower shall be set back a distance at least equal to its height. Additional setbacks may be required by the Planning Board in order to provide for public safety.
 - (c) Minimal visual impacts. All telecommunications towers and telecommunications antennas shall be sited to have the least possible practical visual effect on the environment.
 - (d) Lighting. Telecommunications towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other Federal, State or local authority.
 - (e) Material and paint. Telecommunications towers and telecommunications antennas shall be of a galvanized finish, or painted gray above the surrounding treeline, and gray or green below the treeline; the mountings of telecommunications antennas shall be non-reflective and of the appropriate color to blend with their background.

- (f) Screening.
 - [1] Vegetative screening.
 - [a] Where a cellular telephone facility abuts residential or public property, the following vegetative screening shall be provided: one (1) row of native evergreen shrubs or trees capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be provided to effectively screen the telecommunications tower base and accessory facilities.
 - [b] Additional screening may be required by the Planning Board to screen portions of the telecommunications tower from nearby residential property or important views.
 - [2] Architectural screening. Creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses is preferred.
- (g) Height. The size of telecommunications sites shall be limited to the minimum required to provide the proposed telecommunications services or a maximum of 195 feet.
- (h) Access roads. Existing roadways shall be used for access to the site whenever possible.
- (i) Telecommunications accessory structures. Telecommunications support facilities such as vaults and equipment rooms, utilities and other support structures shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.
- (j) Telecommunications antennas. Due to their high visibility, dish and parabolic telecommunications antennas shall be located at as low an elevation as possible without compromising the function of the device, preferably on the sides of buildings or ground mounted on slopes below the ridgeline wherever possible, rather than elevated on telecommunications towers. Microwave and satellite dishes shall be of mesh construction wherever possible.
- (k) Utility service. Electrical and land-based telephone utilities extended to serve telecommunications sites shall be undergrounded.
- (l) Security provisions. Each site shall have a security program including physical features such as fencing, anti-climbing devices or elevating ladders on the telecommunications towers and/or monitoring, either by staff or electronic devices, to prevent unauthorized access and vandalism.
- (m) Safe zone. Telecommunications towers shall be designed so that in the event of failure they will fall within the setback area of the site and/or away from adjacent development.
- (n) Noise. Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties.
- (o) Annual inspection and report. Telecommunications towers over 100 feet in height, including towers existing on the effective date hereof, shall be inspected annually by a licensed professional engineer, or at any other time upon a determination by the Town's Code Enforcement Officer that the telecommunications tower may have sustained structural damage, and a copy of the inspection report submitted to the Town Code Enforcement Officer.
- (p) Removal. All telecommunications facilities, including but not limited to antennas, towers and accessory structures, shall be dismantled and removed from the site when they have been inoperative or abandoned for two (2) years. Applicants shall post a bond or other suitable undertaking as a condition of the use permit in order to guarantee removal of abandoned structures.
- (q) Post-installation field report. A post-installation field report identifying the facility's coverage area, the telecommunications tower's maximum capacity, committed capacity and unused capacity, if any, and co-located users of the telecommunications tower shall be submitted to the Town.
- (r) Lease agreement. In the case of an application for a telecommunications antenna or tower to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement

- with the property owner, together with any modifications thereof, shall be filed in the Office of the Town Clerk.
- (s) Proof of insurance. The applicant and the owner of the property where the telecommunications tower and/or antenna are to be located shall provide the Town Clerk with proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.
 - (t) Special permit term. Special permits granted pursuant to this section shall be issued for a term of ten (10) years or the period of time requested by the applicant, whichever is less.
- (4) The Planning Board may grant the special use permit, deny the special use permit or grant the special use permit with written stated conditions. Denial of the special use permit shall be by written decision based upon substantial evidence submitted to the Board.
 - (5) If a special use permit is granted or granted with stated conditions, the applicant must use the best available means to mitigate visual and aesthetic impacts within the Town of Schodack. This shall be a continuing requirement.

§ 219-68. Temporary Mobile Homes.

A mobile home may be used for nonresidential purposes in one (1) of the following ways:

- A. A mobile home may be located on the site of a construction project, survey project or other similar work project if used solely as a field office or a work or tool house in conjunction with described project. It shall be required that said mobile home is removed from the site within a reasonable time after the completion of such project; or
- B. A mobile home may be used for business/office purposes, such as a bank branch, credit union office, professional office, etc., on a temporary basis while awaiting construction of a permanent facility so long as adequate utilities are provided as approved by the Code Enforcement Officer and/or reviewed by the Town Engineer or designee. Said utilities include but are not limited to adequate water and sanitary sewer provisions, where such use is permitted, and as approved by the Planning Board in accordance with Article XI herein.

§ 219-69. Towers and Antennas.

The construction and installation within the Town of Schodack of, towers, antennas, and other similar equipment and devices must be controlled so as to protect the health, safety and welfare of the citizens of the Town, and the Town shall, to the maximum degree possible, coordinate and control the same so as to preserve and protect the aesthetic qualities of the Town and its environs. Accordingly, the following requirements shall apply:

- A. Towers.
 - (1) Prohibition. No person shall cause or permit the erection and/or maintenance of any tower upon any lands owned by them in the Town unless in conformity with the provisions herein set forth. Telecommunication Service Facilities in compliance with this Chapter shall be exempt from the following.
 - (2) Size. No tower erected or maintained within the Town shall exceed 60 feet in height, measured from the average ground surface immediately surrounding the site of the tower. Measurements of height shall include any extensions or other devices extending above the structure of the tower itself.
 - (3) Location.
 - (a) No more than one (1) tower shall be located on any lot and shall be located in the rear yard at ground level, except that where such satellite antenna is less than 30 inches in diameter, it may be attached to any principal or accessory structure.
 - (b) No tower shall be constructed, erected or maintained except as an accessory structure to an existing one-family dwelling on the same lot.
 - (c) No tower shall be located on any lot unless located so as to have a rear and side lot line setback equal to the height of the tower. Measurements of the side and rear lot line setback shall be taken at the base of the tower structure at ground level.

- (d) Towers which will be used for energy conversion shall be located on the lot so as not to produce a level of noise at any lot line greater than the ambient nighttime level.
- (e) No tower shall be installed unless approved by the Planning Board of the Town, as hereinafter provided, and a Building and Zoning Permit obtained.

§ 219-70. Wind Energy Conversion Systems.

Wind Energy Conversion Systems (WECS) may be located in any district, provided that the following standards and regulations are observed:

- A. Any application for the construction of a WECS shall include, but not be limited to, the following information:
 - (1) The location of the tower on the site and the tower height, including blades.
 - (2) The location of underground utility lines within a radius equal to the proposed tower height, including blades.
 - (3) A dimensional representation of the various structural components of the tower construction, including the base and footings.
 - (4) Design data indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions.
 - (5) A certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind-load requirements for structures as established by the New York State Uniform Fire Prevention and Building Code.
- B. In addition, the following standards shall apply:
 - (1) No WECS shall be erected in any location where its overall height, including blades, is greater than the distance from its base to any property line.
 - (2) Access to the tower shall be limited either by means of a fence six (6) feet high around the tower base with a locking portal or by limiting tower climbing apparatus to no lower than 12 feet from the ground.
 - (3) No WECS shall be installed in any location along the major axis of an existing microwave communications link, where the operation of the WECS is likely to produce an unacceptable level of electromagnetic interference, unless the applicant provides sufficient evidence satisfactory to the Code Enforcement Officer indicating the degree of expected interference and the possible effect on the microwave communications link.
 - (4) WECS shall be located or installed in compliance with the guidelines of the Federal aviation regulations with regard to airport approach zones and clearance around VOR and DVOR stations.
 - (5) No WECSs shall produce noise in excess of the limits established by the Noise Chapter of the Code of the Town. *[Editor's Note: See Ch. 151. Noise.]*
 - (6) All sites proposed for WECS shall have sufficient access to unimpeded air flow for adequate operation in accordance to the Siting Handbook for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized reference.
 - (7) Contiguous property owners may construct a WECS for their common use. If property held by more than one (1) single owner is used to meet the setback requirements, a site plan establishing easements or reserved areas must be submitted to the Planning Board for approval.
 - (8) No WECS shall be installed in a location where the impact on the neighborhood character is determined by the Planning Board to be detrimental to the general neighborhood character.
 - (9) If the WECS is to be interconnected to an electric utility distribution system, the applicant shall provide evidence of approval of the proposed interconnect by the gas and electric company.
 - (10) Towers shall be located in rear yards and screened as determined appropriate by the Planning Board.
 - (11) Guy wires and anchors for towers shall not be located closer than ten (10) feet to any property line.

- (12) All WECS shall be designed with an automatic brake to prevent over speeding and excessive pressure on the tower structure.
- (13) The minimum distance between the ground and any protruding blades shall not be less than 15 feet, as measured at the lowest point of the arc of the blades.
- C. Approval procedure. No WECS or wind generator shall be constructed until approved by the Planning Board, in accordance with procedures outlined in Article XI herein.

§ 219-71. Warehouse or Distribution Center.

- A. Any building used as a warehouse or distribution center in the Commercial Mixed Use (CM) District shall not exceed 65,000 square feet.

§ 219-72. Battery Energy Storage Systems

- A. Statement of Purpose. These provisions are provided to advance and protect the public health, safety, welfare, and quality of life of the Town of Schodack by creating regulations for the installation and use of Battery Energy Storage Systems as defined in Article II, §219.11 Definitions, with the following objectives:
 - (1) To provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of Battery Energy Storage Systems.
 - (2) To ensure compatible land uses in the vicinity of the areas affected by Battery Energy Storage Systems.
 - (3) To mitigate the impacts of Battery Energy Storage Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.
 - (4) To ensure that the Town has the resources to protect the public from any accidental situation that may be caused by the operation of Battery Energy Storage Systems.
- B. Applicability.
 - (1) The requirements of this Chapter shall apply to all Battery Energy Storage Systems permitted, installed, or modified in Town, excluding general maintenance and repair.
 - (2) Battery Energy Storage Systems constructed or installed prior to the effective date of the adoption of these provisions and which do not conform with these provisions shall be considered nonconforming uses and shall be regulated in accordance with provisions in Article XIII Nonconforming Uses, Lots, and Structures.
 - (3) Modifications to, retrofits or replacements of an existing Battery Energy Storage System that increase the total Battery Energy Storage System designed discharge duration or power rating shall be subject to the provisions herein.
- C. General Requirements.
 - (1) A building permit and an electrical permit shall be required for installation of all Battery Energy Storage Systems regardless if it is defined as a Tier 1 or Tier 2 system.
 - (2) To maximize safety in the event of a fire, all Tier 1 and Tier 2 Battery Energy Storage Systems structures shall be constructed of non-combustible materials and the interior shall contain automatic fire suppression designed to minimize risk of the spread of fire to other buildings on site or adjacent properties. Such fire suppression foam or other substances shall be contained with the use of concrete storage areas on site as necessary if it is necessary to deploy such fire suppression system.
 - (3) All access driveways and areas within 50 feet of any storage building shall be paved or covered with non-combustible materials, such as pavement, stone, or other suitable materials.
 - (4) All buildings shall be designed to fit within the character of the surrounding area as determined by the Planning Board. Design details to be reviewed may include, but are not limited to: roofline, façade elements and colors, doors and windows, and faux features (such as false window and doors) designed to help the building blend into the environment in which the building is sited.

- (5) All Tier 1 and Tier 2 Battery Energy Storage Systems shall be sited to be at least 200 feet from any adjacent lot line for which the use is proposed.
 - (6) Lot Coverage. The maximum lot coverage dedicated to a Tier 1 or Tier 2 Battery Energy Storage System, and defined as the lot area formed by outermost fenced perimeter and inclusive of all the equipment and battery storage units including the clearance spaces between the individual equipment, shall not exceed 15% of the lot.
 - (7) Visual. Battery Energy Storage Systems shall be sited in a manner to have the least possible practical visual effect on the environment. For Tier 2 Battery Energy Storage Systems, the following additional requirements shall apply:
 - (a) A landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified by the Planning Board, existing tree lines, surrounding topography, and proposed elevations shall be required.
 - (b) Landscaping, screening and/or earth berming shall be provided to minimize the potential visual impacts associated with the Tier 2 Battery Energy Storage Systems and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berming may be required by the Town Board and/or the Planning Board to mitigate visual and aesthetic impacts.
 - (c) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.
 - (8) Issuance of permits and approvals by the Town Board and/or Planning Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA")].
 - (a) It has been determined by the Town Board that all Tier 1 Battery Energy Storage Systems are Type II Actions, and as such do not require examination under the State Environmental Quality Review Act (SEQRA) as long as they comply with all state and federal building codes, and are enclosed in a shed or portion of a building that is not normally used for habitable space by the occupants.
 - (b) The SEQRA determination of a Tier 2 Battery Energy Storage System is dependent upon the size of the system and potential impacts to the community as determined by the Lead Agency in accordance with applicable SEQRA provisions.
 - (9) All applicants requesting a permit for a Battery Energy Storage Systems are subject to these provisions herein and shall also demonstrate to the satisfaction of the Town that the applicant is in compliance with all applicable state and federal regulations regarding construction, storage, and placement of Battery Energy Storage Systems.
- D. Permitting Requirements for Tier 1 Battery Energy Storage Systems. Tier 1 Battery Energy Storage. Systems shall be permitted in all zoning districts, subject to the Uniform Code and the "Battery Energy Storage System Permit," and exempt from site plan review when no site plan is required for the proposed project.
- E. Permitting Requirements for Tier 2 Battery Energy Storage Systems.
- (1) All Tier 2 Battery Energy Storage Systems shall be permitted in the Solar Utility Overlay (SU-O) District and the SU-O District may only be established for the purpose of a Tier 2 Battery Energy Storage System by the Town Board in the Residential Agriculture (RA) Zoning District. The purpose and intent of the SU-O District is to provide flexibility when siting Tier 2 Battery Energy Storage Systems with performance criteria that balance the unique characteristics of each site. As such, the following provisions shall apply to the application of the SU-O District for a Tier 2 Battery Energy Storage System:
 - (a) All procedures for approving a Solar Utility Overlay (SU-O) District shall comply with the regulations for Planned Development Districts (PDD) found in Article XII of this Chapter. In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning Chapter, the particular provisions set forth herein shall take precedence and control. In all instances not specifically addressed in this section or in Article XII of this Chapter, the Zoning Chapter shall apply.

- (b) The site plan approval for a Battery Energy Storage System shall be valid for a period of twenty-four (24) months, provided that a building permit is issued for construction and 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 Town Board within twenty-four (24) months after approval. The Town Board may extend the time to complete construction two (2) times for a period of six (6) months. If the owner and/or operator fails to perform substantial construction after two (2) consecutive extensions, the approvals shall expire.

F. General Requirements for Tier 2 Battery Storage Systems

- (a) All Battery Energy Storage Systems shall be enclosed in a Battery Storage Building as defined herein, and such building shall be used only be used for battery energy storage, energy generation, and other electrical grid-related operations.
- (b) Occupants permitted in the rooms and areas containing Battery Energy Storage Systems shall be limited to personnel that operate, maintain, service, test, and repair the Battery Energy Storage System and other energy systems. These areas are not permitted to be more than 10% of the building, and are not intended to include permanent offices for such personnel, and are only meant to provide areas of testing and maintenance on an as needed basis.
- (c) If the Battery Storage Building is part of a complex with more buildings or structures that are occupied for business use, administrative and support personnel are permitted in areas within buildings that do not contain a Battery Energy Storage System, provided that a means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing Battery Energy Storage Systems or other energy system equipment, and occupants of said building are protected to the satisfaction of the Town's Emergency Response Personnel.
- (d) Utility Lines and Electrical Circuitry. 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.

G. Signage.

- (a) Signage. All signage shall be provided as part of site plan review and shall be in accordance with Article VI of this Zoning Chapter.
- (b) The signage shall be in compliance with ANSI Z535, or as amended, and shall include the type of technology associated with the Battery Energy Storage Systems, any special hazards associated, the type of suppression system installed in the area of Battery Energy Storage Systems, and 24-hour emergency contact information, including reach-back phone number.
- (c) As required by the National Electric Code, 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.

H. Lighting. Lighting of the Battery Energy Storage Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

I. Vegetation and tree-cutting. Areas within ten (10) feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

J. Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a seven (7)-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

- K. Site Access. Battery Energy Storage 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 Town's Emergency Response Personnel.
- L. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
- M. Safety & System Certification. Battery Energy Storage Systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for Battery Energy Storage Systems and equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 - (1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications)
 - (2) UL 1642 (Standard for Lithium Batteries),
 - (3) UL 1741 or UL 62109 (Inverters and Power Converters),
 - (4) Certified under the applicable electrical, building, and fire prevention codes as required.
 - (5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- N. Screening and Visibility. Tier 2 Battery Energy Storage Systems 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 and not interfere with ventilation or exhaust ports.
- O. Ownership. In the case of an application for a Tier 2 Battery Energy Storage Systems to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Building Department and kept current on file with the Town should any change of ownership occur.
- P. Noise. The [1-hour] average noise generated from the Battery Energy Storage Systems, components, and associated ancillary equipment shall not exceed ambient noise level as measured from the property line of any residence within 200 feet of the Battery Energy Storage System. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may also be required to demonstrate compliance with this standard through site testing and examination by qualified sound engineering professionals. Applicants shall be required to propose mitigation for any exceedances as recommended by qualified sound engineers, including sound barriers and earthen berms, and testing post construction may be required to demonstrate compliance.
- Q. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery Energy Storage System commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Code enforcement Officer prior to final inspection and approval and maintained at an approved on-site location and shall be on file with the Code Enforcement Officer and the Town's Emergency Response Personnel.
- R. Safety.
 - (1) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with applicable codes, have been submitted to the Town's Emergency Response Personnel for review and comment, and shall be on file with the Code Enforcement Officer.
 - (2) Because of concerns with potential hazards or other emergencies that could arise from Tier 2 Battery Energy Storage Systems, the applicant shall pay a fee into a dedicated fund for the purposes of offsetting costs for providing emergency services for Tier 2 Battery Energy Storage Systems, as well as associated costs for training and improved equipment for emergency services as adopted in the Schedule of Fees by the Town Board.

- S. Operation and Maintenance Manual Required. Such plan shall describe continuing Battery Energy Storage System maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code. Such Plan shall be on file with the Code Enforcement Officer.
- T. All Plans shall include A [one- or three-line] electrical diagram detailing the Battery Energy Storage System layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- U. A preliminary equipment specification sheet that documents the proposed Battery Energy Storage System components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- V. Emergency Operations Plan. The applicant shall create and submit an Emergency Operations Plan prior to site plan approval. A copy of the approved Emergency Operations Plan shall be given to the Planning Board, Code Enforcement Officer, and the responsible fire and emergency response code official for review and comment. A permanent final copy shall also be placed in an approved location to be accessible to system owner and all parties responsible for maintenance of the Battery Energy Storage Management System, facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - (2) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (3) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire and emergency response code official for potentially hazardous conditions in the event of a system failure.
 - (4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire and emergency response code official, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - (5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (6) Procedures for dealing with Battery Energy Storage System equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged Battery Energy Storage System equipment from the facility.
 - (7) Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
 - (8) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
- W. Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with applicable State and Federal Guidelines, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall, at a minimum, include:
 - (1) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all Battery Energy Storage System components, structures, equipment, security barriers, and transmission lines from the site;
 - (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - (3) The anticipated life of the Battery Energy Storage System;

- (4) The estimated decommissioning costs and how said estimate was determined;
 - (5) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the Battery Energy Storage System, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning, and confirmed as being acceptable after the system is removed; and
 - (6) A listing of any contingencies for removing an intact operational Battery Energy Storage System from service, and for removing a Battery Energy Storage System from service that has been damaged by a fire or other event.
 - (7) If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, enter the property and utilize the available fund or letter of credit for the removal of a Tier 2 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.
- X. Documentation from the utility company, verifying that the Battery Energy Storage system is active, shall be provided annually to the Town of Schodack Director of Planning and Zoning.
- Y. Required sureties for construction, maintenance, safety, and removal of utility-scaled solar collector systems.
- (1) Construction and maintenance. Prior to the issuance of a Building and Zoning Permit for the Tier 2 Battery Energy Storage system and any associated accessory structures, the applicant shall post a surety in an amount and form acceptable to the Town for the purposes of construction and maintenance. The amount shall be up to 20% of the construction value. Acceptable forms shall include, in order of preference: cash or letter of credit; or a combination thereof. Such surety will be used to guarantee compliance with the conditions of the approval for the Tier 2 Battery Energy Storage System. If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the Town incurred to comply with conditions of the approval shall be paid using the surety provided by the applicant. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the certificate of occupancy.
 - (2) Safety: Because of concerns with potential hazards or other emergencies that could arise at an unmanned Battery Energy Storage Systems, the applicant shall pay a fee into a dedicated fund for the purposes of offsetting costs for providing Tier 2 Battery Energy Storage Systems with emergency services, as well as training and improved equipment for emergency services as adopted in the Schedule of Fees by the Town Board.
 - (3) Tier 2 Battery Energy Storage System Removal. The utility-scale solar collector system, including any accessory structures and/or equipment, shall be dismantled, and removed from the site when the Tier 2 Battery Energy Storage System has been inoperative or abandoned for two (2) years. As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment. The amount shall be up to 20% of the construction cost. Acceptable forms shall include, in order of preference: cash or letter of credit. Such surety will be used to guarantee removal of the Tier 2 Battery Energy Storage system should the system be abandoned. Abandonment shall be assumed by the Town if the annual documentation as required herein is not provided by the owner, applicant, or lessee for two (2) consecutive years to the Town of Schodack Director of Planning and Zoning. The Town Code Enforcement Officer shall then provide written notice to the owner to remove the Tier 2 Battery Energy Storage system, and the owner shall have two (2) years from written notice to remove the Tier 2 Battery Energy Storage System, including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, applicant or lessee fail to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant.
 - (4) Upon completion of removal the applicant shall engage a qualified consultant to perform a Part II Environmental Site Assessment to conform that no contaminates remain from the former solar utility facility use of the property.
- Z. Public Environmental Benefit Required: Tier 2 Battery Energy Storage Systems shall be required to construct, install, develop, or contribute to a public environmental benefit project within the Town that contributes to greenhouse gas reduction, energy efficiency, multimodal transportation, ecological diversity, or habitat preservation, including but not limited to:

- (1) Publicly located Electric Vehicle (EV) charging stations
- (2) Walking trails
- (3) Sidewalks
- (4) Purchase and dedication of ecologically significant land to the Town
- (5) Recreational field improvements
- (6) Public park improvements
- (7) The Public Environmental Benefit contribution shall be equal to 2.0% of the construction value of the completed project.

§ 219-73. Reserved.

§ 219-74. Reserved.

§ 219-75. Reserved.

Article VI. Signs

§ 219-76. General Regulations.

- A. Purpose. The purpose of this section is to promote and protect the public health, safety, and welfare by regulating signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment, enhance the Town's character and improve the Town's ability to attract sources of economic development.
- B. Applicability.
 - (1) A sign permit is required for all signs as defined in this section which are placed, erected, constructed, altered, relocated, enlarged, or reconstructed in the Town.
 - (2) Unless specified otherwise herein, signs require review and approval of the Planning Board.

§ 219-77. Prohibited Signs.

- A. Prohibited signs. All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:
 - (1) Off-premises signs, including billboards.
 - (2) Abandoned signs.
 - (3) Roof signs.
 - (4) Portable signs or movable signs of any type.
 - (5) Neon signs, except when used as an accessory sign.
 - (6) Signs with flashing, blinking, intermittent, or moving lights, or any artificial light which does not maintain stationary and constant intensity and color at all times, except those signs that have an electronic message that display a message for a minimum of 15 seconds; and except signs displaying time and/or temperature shall be permitted to display a message for a minimum of four (4) seconds.
 - (7) Mounted or portable search lighting used to project moving or stationary overhead light beams.
 - (8) Signs that contain or consist of ribbons, balloons, streamers, spinners or similar moving, fluttering or revolving devices.
 - (9) Signs that contain or consist of banners or pennants, unless such sign is a temporary sign.
 - (10) Rotating signs.
 - (11) Signs which may obstruct the view of any official traffic sign or signal, the sight distance triangle at any street intersection, or the public right-of-way.
 - (12) Posters.
 - (13) Sandwich board type signs.
 - (14) Feather flag signs.

§ 219-78. Exempt Signs.

- A. Exempt signs not requiring a permit.
 - (1) Non-illuminated accessory signs located in a window no more than two (2) square feet in size and/or no more than ten percent (10%) of the glass area or window in which they are displayed.
 - (2) Non-illuminated signs displayed on a premises for sale or lease shall be subject to the following:

- (a) Displayed on the premises for sale or lease;
 - (b) Located on the front wall of a building or, if freestanding, does not exceed six (6) feet in height to its highest point;
 - (c) Not located nearer than 15 feet to any lot line or the edge of pavement of any street;
 - (d) All such signs shall not exceed four (4) square feet in sign area per face;
 - (e) Shall be limited to one (1) per parcel or building; and
 - (f) Shall be removed within seven (7) days of the sale or lease of the parcel or building.
- (3) Signs located on a car, boat, trailer or other similar item of personal property offered for sale, where said sign is single-sided only, is no more than two (2) square feet in size, and is limited to one (1) per parcel.
 - (4) Any sign required by New York State law.
 - (5) Bulletin boards customarily incidental to a use providing notification of activities, events, and calendar information shall not exceed 32 square feet in area and shall be located on the premises.
 - (6) Project signs shall be a minimum of 15 feet from all property lines unless affixed to a building and shall not be illuminated. Project signs shall be removed upon the completion of the project.
 - (7) Road side stands shall require a temporary sign permit. Signage for road side stands shall be limited to a single sign, not greater than six (6) square feet in sign area per side and located not less than 15 feet from the edge of pavement.
 - (8) Political signs shall adhere to the temporary sign requirements of this Code with the exception that political signs shall be removed within three (3) days after the election.

§ 219-79. Temporary Signs.

A. Temporary signs.

- (1) The sign shall not be placed so as to cause traffic hazards or obstruction of clear vision and shall be located fully on the property on which the business is being conducted, but shall not be affixed to utility poles.
- (2) No temporary sign shall be displayed for more than sixty (60) days except as stated herein.
- (3) The date of issuance of the temporary permit shall be affixed to the sign.
- (4) No individual business establishment may be granted a permit for a temporary sign within ninety (90) days of the expiration of the business establishment's previous permit for a temporary sign.
- (5) Such signs shall not exceed 32 square feet in area.
- (6) Such signs shall not exceed six (6) feet in height unless affixed to a building.
- (7) Shall be set back a minimum of fifteen (15) feet from all property lines unless affixed to a building.
- (8) Shall not be illuminated.
- (9) Only one (1) temporary sign permitted per parcel.

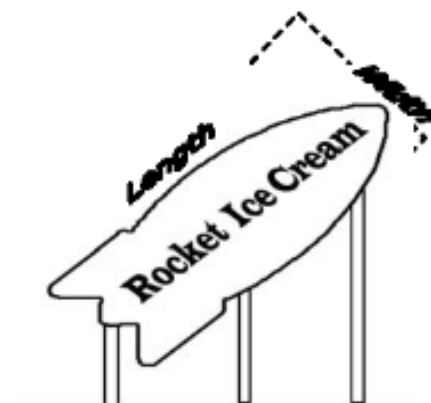
§ 219-80. Permitted Sign Types and Sizes by District.

- A. Signs allowed in each Zoning District are designated in the Town of Schodack Sign Standard Table (below).
 - (1) An “X” indicates a sign type is not allowed in the Zoning District.
 - (2) A maximum of three (3) signs are allowed per establishment. Only one (1) freestanding sign or monument sign or multi-tenant sign is permitted per parcel.
 - (3) When a multi-tenant sign exists, such sign shall count as one (1) of the three (3) permitted signs allowed per establishment for all the tenants included on the multi-tenant sign. Tenants not listed on the multi-tenant sign are permitted (3) alternative signs excluding a freestanding, monument or multi-tenant sign.
 - (4) Home occupations shall be permitted one (1) sign denoting the name, address, profession or home occupation of the occupants of the premises on which the sign is located, such sign not exceeding two (2) square feet in area per side.

TOWN of SCHODACK SIGN STANDARDS TABLE							
DISTRICT	WALL (TOTAL)	WINDOW	AWNING	PROJECTING	FREESTANDING	MONUMENT	MULTI-TENANT
RA	32 Sq Ft	25% of Total Glass Area of The Window On Which The Sign Is Displayed	2 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft	X	X	X	X
R	32 Sq Ft			X	X	X	X
HM	2 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft			5 Sq Ft	32 Sq Ft	32 Sq Ft	42 Sq Ft
CM	2 Sq Ft./Linear Ft. of Building Face Max. of 100 Sq Ft			5 Sq Ft	42 Sq Ft	42 Sq Ft	100 Sq Ft
C	1 Sq Ft./Linear Ft. of Building Face Max. of 100 Sq Ft			5 Sq Ft	42 Sq Ft	42 Sq Ft	100 Sq Ft
RC	2 Sq Ft./Linear Ft. of Building Face Max. of 100 Sq Ft			5 Sq Ft	60 Sq Ft	60 Sq Ft	100 Sq Ft
M	2 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft			X	42 Sq Ft	42 Sq Ft	42 Sq Ft
MC	2 Sq Ft./Linear Ft. of Building Face Max. of 80 Sq Ft			X	42 Sq Ft	42 Sq Ft	42 Sq Ft
PW	2 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft			X	42 Sq Ft	42 Sq Ft	42 Sq Ft
FBC: TC1 Core	2 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft					5 Sq Ft	X
FBC: TC2 Corridor	1 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft			5 Sq Ft	X	32 Sq Ft	42 Sq Ft
FBC: TC3 General	2 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft			5 Sq Ft	32 Sq Ft	32 Sq Ft	42 Sq Ft
FBC: TC4 Edge	1 Sq Ft./Linear Ft. of Building Face Max. of 32 Sq Ft			5 Sq Ft	X	X	42 Sq Ft

B. Measurement of sign display area.

- (1) The area of a sign shall be measured from the outer dimensions of the frame, trim, or molding by which the sign is enclosed, where such features exist, or from the outer edge of the signboard where none exist.
- (2) When a sign consists of individual letters, symbols or characters, or where the overall shape of the sign is irregular, the area shall be computed as the area of the smallest rectangle which encloses all of the letters, symbols, characters or sign area. (See figure.)
- (3) Only one (1) side of double-faced signs shall be measured when determining the area.



Measurement of sign display

§ 219-81. Sign Standards.

A. Design guidance. All signs should comply with the following design guidelines:

- (a) Whenever feasible, multiple signs should be combined into one (1) to avoid clutter.
- (b) A sign's design should be compatible with the architectural character of the building on which it is placed and not cover any architectural features on the building.
- (c) To the extent possible, adjacent signs on the same or adjoining building should be placed within the same horizontal band and be of reasonably harmonious materials and colors.

B. General standards.

- (1) Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (2) Illuminated signs.
 - (a) Any illuminated sign shall employ only light emitting a constant intensity.
 - (b) No illuminated sign shall be placed so as to permit the beams of light to be directed upon a public street, highway, sidewalk, or any adjacent property so as to cause glare or reflection that may constitute a nuisance or traffic hazard.
- (3) Wall signs.
 - (a) The visible edge or border of a wall sign may extend up to four (4) inches from the face of the wall to which it is attached, and may not extend any distance beyond or above the building in any direction.
 - (b) The placement of wall signs must be below the cornice and may not project above the top of the wall.
 - (c) Where the design of an existing building facade incorporates a specific area for a wall sign, the height and length of the sign shall be restricted to the dimensions of this area.
 - (d) A wall sign cannot cover windows or architectural details.
- (4) Awning signs.
 - (a) Awning graphics should be affixed flat to the surface of the valance and shall indicate only the name and/or address of the enterprise or premises.
 - (b) Only awnings over ground floor doors or windows may contain signs.
 - (c) A maximum of one (1) sign per awning face is permitted.
 - (d) Awnings shall be affixed at a consistent height of eight (8) feet and extend no higher than 12 feet.
 - (e) Awnings shall project at least three (3) feet but no more than six (6) feet.

- (5) Projecting signs.
 - (a) Projecting signs may not extend above the height of the lowest point of the roofline, and shall have no more than two (2) faces.
 - (b) They shall be securely anchored and shall not swing or move in any manner.
 - (c) Projecting signs must be located at least ten (10) feet from any other projecting sign.
 - (d) The lowest point of the projecting sign shall be a minimum of ten (10) feet or a maximum of 15 feet above the sidewalk.
 - (e) Signs shall have a minimum projection of six (6) inches and a maximum projection of five (5) feet from the building face.
- (6) Freestanding, monument and multi-tenant signs.
 - (a) No more than one (1) freestanding or monument or multi-tenant sign may be located on a lot.
 - (b) Freestanding, monument and multi-tenant signs shall not be placed so as to impair visibility for motorists. A monument or a multi-tenant sign shall not be located within the clear sight triangle at any intersection.
 - (c) No freestanding, monument or multi-tenant sign or its support shall exceed a height of 25 feet except as stated herein.
 - (d) A freestanding, monument or multi-tenant sign shall meet the minimum front and side yard setbacks for accessory buildings, except in no case shall the sign be less than five (5) feet from the front property line and ten (10) feet from the side property line.
 - (e) The Planning Board may require that landscaping be used at the base of a freestanding or monument sign if such landscaping will make the sign more compatible with the surrounding area.
 - (f) Monument and multi-tenant signs shall be constructed of the same or similar architectural elements and in similar materials and colors as the building(s).

§ 219-82. Sign Permits.

- A. Sign permit procedures.
 - (1) Any person desiring to procure a permit for a sign shall file with the Code Enforcement Officer a written application on a form prescribed by the Town, including payment of the applicable fee.
 - (2) Temporary signs.
 - (a) All signs of a temporary nature must receive permits before being displayed, except those specified herein. Planning Board approval is not required for temporary signs, and the Code Enforcement Officer shall issue or deny a sign permit.
 - (b) The permit shall note the date of the first day the sign may be displayed and the date it must be removed.
 - (3) Permanent signs.
 - (a) The Planning Board, upon receipt of a complete application for a sign permit, shall consider the application either independently or in conjunction with site plan review.
 - (b) If the Planning Board conducts an independent review apart from site plan review it shall approve, approve with modifications, or deny the application within 62 days unless extended by mutual agreement with the applicant.
 - (c) If the sign application is approved, the Code Enforcement Officer shall issue a sign permit.
 - (4) Replacement "in-kind."
 - (a) Signs may be replaced if there is no change in the construction, size, height, or lighting.
 - (b) The number of panels on existing multi-tenant signs may not be modified.

- B. Sign permit expiration. A permit issued for an approved sign shall be valid for six (6) months from the date of the permit. If the sign is not installed before the expiration of six (6) months, a new permit shall be required.

§ 219-83. Removal of Signs.

- A. A sign shall be determined abandoned if any such enterprise, for a period of one (1) year, conducts no business or does not offer a product or service.
- B. Removal.
 - (1) The Code Enforcement Officer, upon determining that any such sign is abandoned or illegal, shall require the sign to be removed by the owner of the premises upon which the sign is located.
 - (2) The Code Enforcement Officer shall give written notice to the last owner of record of the real property where the sign is located as well as the permit holder, if any, at the permit holder's last known address of record, who shall, unless good cause is shown, remove the sign within 30 days from the date of the written notice. If no action is taken by the owner or permit holder within said time period, the Code Enforcement Officer may cause the sign to be removed, without liability to the Town or its agents.
 - (3) If any temporary sign is not removed by the expiration of the time limit noted on the application, the Code Enforcement Officer, after seven (7) days' written notice to the permit holder to remove such sign(s) (computed from the date of mailing), and after failure of the permit holder to do so, will cause said sign(s) to be removed at the owner's expense.
 - (4) Offending signs removed by the Code Enforcement Officer will be stored for a maximum of 30 days.
- C. Unsafe signs. The Code Enforcement Officer may cause any sign that is unsafe or insecure or is a source of immediate peril to persons or property to be removed, repaired, or made to conform immediately and without notice.
- D. At the sole discretion of the Town, the reasonable and necessary costs incurred for removal and/or storage of any offending or unsafe sign shall be charged against the real property from which the sign was removed, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes, to be applied in reimbursing the fund from which the costs of sign removal were paid. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known addresses of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing

§ 219-84. Reserved.

§ 219-85. Reserved.

Article VII. Timber Harvesting & Forestry

§ 219-86. Purpose.

- A. The purpose of this Article is to promote the health and safety of the residents of the Town by protecting the natural environment as affected by timber harvesting and forestry practices. The Town recognizes that the timber resource in the Town is of significant value and will be harvested. The Town also recognizes that if timber harvesting practices are poorly carried out, they can result in significant environmental damage to the land and to adjacent lands and waters. Thus, the following requirements are intended to regulate those harvesting activities that most readily render environmental damage, such as stream crossings and the location of landings, haul roads and skid trails; to require reclamation efforts that can limit subsequent environmental damage, particularly to control soil erosion and sediment-laden runoff; and to utilize professional forest management expertise in the preparation and evaluation of timber harvest plans.

§ 219-87. Permit Requirement.

- A. Special Use Permit requirement.
 - (1) It is hereby required that any timber harvesting and forestry activity shall require a special use permit from the Planning Board by anyone desiring to harvest timber for profit.
 - (2) Such permit shall be applied for jointly by the property owner and the logger. If the owner of the property on which said timber is located is an active cooperator under in a State or Federal forest management program, or if the property is currently receiving tax benefits under the provisions of § 480-a of the Real Property Tax Law, the Planning Board, in its discretion, may waive this permit requirement provision. However, the Town shall enforce all other provisions of this Article in pertaining to the application procedure.
- B. Clearing of land solely for agricultural purposes by an agricultural use in accordance with this Chapter shall be exempt from the timber harvesting and forestry regulations.

§ 219-88. Standards for Operation.

All commercial timber harvesting pursuant to this Article shall comply with the following standards:

- A. No forest haul road or skid trail shall be constructed to exceed a slope of 25% for a distance of more than 200 feet. The applicant shall take appropriate measures to divert running water from the roads at intervals in order to minimize erosion.
- B. All timber harvesting should follow New York State Department of Environmental Conservation Forestry Best Management Practices Field Guide for Water Quality, as may be amended from time to time.
- C. All streams shall be crossed by temporary culverts or bridges and such crossings shall be made in a direction at a right angle to the flow of the stream unless, under the provisions of the Stream Protection Law, Article 15- of the Environmental Conservation Law as amended, a Department of Environmental Conservation permit requires more stringent measures, which more stringent measures shall be complied with by the logger and the landowner.
- D. There shall be no skidding in any stream channel, and all logging slash and debris shall be promptly removed from any stream channel.
- E. The Planning Board may require placement and maintenance of waterbars to protect streams at such points as landings or other areas of considerable disturbance.
- F. Buffer strips shall be retained at least 50 feet wide along streams and at least 100 feet wide along public roads. Within such buffer strips, no trees of less than 12 inches' Diameter at Breast Height (DBH) shall be harvested unless the property is in the Cooperative Forest Management Program and the trees have been marked by a professional forester. No landings shall be located within buffer strips abutting streams. Landings located within buffer strips abutting roads shall be properly graded and waterbarred to prevent sediment from washing into the drainage ditches along the public road.
- G. The entrance of haul roads onto Town roads shall be done in compliance with Town regulations.

- H. The applicant shall file with the Town a certificate of insurance, or like document evidencing a valid general liability insurance policy issued in the name of the applicant and under which the Town of Schodack is listed as an additional insured. The limits of such policy shall not be less than one (1) million dollars (\$1,000,000) unless for good cause shown by the applicant a lesser amount is authorized by the Planning Board. Such policy shall be submitted and kept on file at the Building Department.
- I. Haul roads shall have waterbars or other water diversion structures as outlined by the New York State Department of Environmental Conservation Forestry Best Management Practices Field Guide for Water Quality, placed at the following intervals unless the Planning Board determines an alternate water diversion is desirable:

Road Grade (percent)	Spacing (feet)
2 to 5	300 to 500
6 to 10	200 to 300
11 to 15	100 to 200
16 and greater	100

- J. Site Reclamation. Haul roads shall be smoothed, sloped, ditched and seeded with perennial grasses, as needed. Landings shall be smoothed, seeded and protected with waterbars, as needed. At stream crossings, temporary stream culverts and bridges shall be removed, and stream banks shall be restabilized. All reclamation efforts shall be subject to inspection by the Town to assure compliance with this provision.

§ 219-89. Permit Approval Procedure; Fees; Bond.

- A. No commercial timber harvesting shall be undertaken until granted a special use permit, as approved by the Planning Board, in accordance with procedures outlined in accordance with this Chapter.
- B. An application for a timber harvesting permit shall include:
 - (1) An application fee and inspection fee in accordance with the adopted fee schedule.
 - (2) A description of the proposed harvesting activity including the proposed selection cutting. All trees to be harvested shall be marked via some specified criteria before the harvesting begins.
 - (3) The dates between which such harvesting activity will occur.
 - (4) Sufficient information to determine that the proposed harvesting activity will comply with the standards for harvesting set forth herein.
 - (5) A map showing the specific areas to be harvested and the location of proposed forest haul roads, landings and stream crossings. The map shall be at a scale of 1:24,000 (such as a United States Geological Survey Topographic Map, a New York State Department of Transportation Planimetric Map or Town Tax Map) or any scale of a smaller ratio such that a larger map is produced.
 - (6) A bond or certified check as required herein.
- C. Upon receipt of an application for a timber harvesting special use permit, the Planning Board shall, at its option, submit the application to the Department of Environmental Conservation and request a review of the application by a Department of Environmental Conservation forester or to a professional forester selected by the Planning Board for review. In a case where the timber is being harvested for the purpose of clearing the land for conversion to agricultural use, building purposes or for utility line rights-of-way, the Planning Board may, in its discretion, waive this review requirement.
- D. Performance cash bond. As a part of the permit requirement procedure as defined herein, a performance cash bond or surety in a form acceptable to the Planning Board for the purposes of restoration of the site and repair of any Town roads as a condition approved by the Planning Board shall be posted with the Town Clerk by the logger in accordance with the adopted Town of Schodack fee schedule in order to assure compliance with the provisions of this Article. Any forfeited cash bond secured for restoration of the site shall be returned to the property owner.

Article VIII. Mobile Home Neighborhood Overlay District

§ 219-90. Purpose; Effect of Compliance on Application.

- A. It is the purpose of the Mobile Home Neighborhood (MHO) Overlay District to provide for planned mobile home residential developments, including related recreational and other service facilities. It is further the purpose to establish sites at appropriate locations within the Town in relation to existing and potential development areas and in relation to other uses and community facilities.
- B. It is the intent of the Mobile Home Neighborhood Overlay to offer the maximum amount of freedom possible in the design of mobile home neighborhoods, to encourage the development of comprehensive bicycle and pedestrian circulation networks, to provide the amenities normally associated with planned residential areas and to promote the health, safety and general welfare of the present and future inhabitants of the Town.
- C. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses and, in itself, shall not be sufficient to require the granting of any application.

§ 219-91. Data Plate.

Every mobile home shall bear a data plate affixed in the manufacturing facility bearing not less than the following information:

- A. The statement: "This mobile home is designed to comply with the Federal mobile home construction and safety standards in force at the time of manufacture."
- B. Reference to the structural zone and wind zone for which the home is designed.

§ 219-92. Establishment of Mobile Home Neighborhood Overlay District.

- A. Establishment of a Mobile Home Neighborhood Overlay District. The Town Board may, after Planning Board review, public notice and hearing, approve, establish, describe and designate a Mobile Home Neighborhood Overlay District on the Official Zoning Map of the Town pursuant to this Chapter and amendments thereto. The same procedure as per Article XVI of this Chapter shall be followed in the application for an approval of a Mobile Home Neighborhood Overlay District.
- B. Locational requirements.
 - (1) Zoning districts. A Mobile Home Neighborhood Overlay (MHO) District may be established at any location within the Town, but only if the objectives and provisions of this Chapter are satisfied as determined by the Planning Board and Town Board and the MHO is consistent with the spirit and intent of the Town Comprehensive Plan.
 - (2) Community facilities. Essential community facilities and services for the mobile home neighborhood, such as employment, shopping, schools, recreation areas and police and fire protection, shall be reasonably accessible.
 - (3) Impact to surrounding properties. The uses will not be detrimental to present and potential surrounding uses.
 - (4) Streets. Existing and proposed streets shall be suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed districts.
 - (5) Utilities. Existing and proposed utility services shall be adequate for the proposed development, and such utility services shall be placed underground.
 - (6) Development phasing. Each phase of the proposed development, as it is proposed to be completed, shall contain the required parking, landscape plantings, recreational areas and utility services necessary for creating and sustaining a desirable and stable environment.
 - (7) Nonresidential development. Any nonresidential use within a mobile home neighborhood development shall be subordinate to the residential use of and character of the development.

§ 219-93. License Required for Mobile Home Neighborhood; Fees.

- A. Annual license requirement. It shall be unlawful within the Town of Schodack for any person or persons to construct or operate a mobile home neighborhood without first securing a license annually from the Town Board and complying with the regulations of this Chapter.
- B. License fees. The application for an annual license or the renewal thereof shall be filed with the Town Clerk and shall be accompanied by a nonrefundable fee as established by the Town Board. The fee for an annual license shall be the same as that for an initial application. Thereafter, each mobile home shall be assessed on the tax rolls of the Town of Schodack against the owner(s) of the mobile home neighborhood development. In addition, an inspection fee in accordance with the adopted fee schedule per mobile home unit will be charged for the purpose of compliance with this Chapter or any other applicable local law or ordinance prior to the issuance of a certificate of occupancy. Such fee shall apply to the initial installation of units or the replacement of such units as determined by the Code Enforcement Officer.
- C. Application requirements. The application for a license or renewal thereof shall be made on forms prescribed by the Town Board and shall include the name and address of the fee owner of the property. In the event that the fee is vested on some person other than the applicant, the application shall be submitted together with a duly verified statement by the owner in fee that the applicant is authorized by him/her to construct and maintain the mobile home neighborhood. Each license or renewal thereof shall expire on the 31st day of December following the issuance thereof.
- D. Nonconforming mobile homes. Nonconforming mobile homes may be placed on existing lots; however, any expansion or additions to said mobile homes must conform to the regulations provided in this Chapter.

§ 219-94. License Applications.

- A. Application preparation and content. Application for a mobile home neighborhood license shall be accompanied by three (3) sets of plans prepared by a licensed landscape architect, architect, engineer or land surveyor, shall be filed with the Town Clerk and shall include the following:
 - (1) The name and address of the applicant.
 - (2) The location and legal description of the mobile home neighborhood site.
 - (3) A complete plan of the mobile home neighborhood in conformity with the requirements of this Chapter.
 - (4) Plans and specifications of all improvements and facilities constructed or to be constructed within the mobile home neighborhood.
 - (5) Such further information as may be requested by the Town Board to enable a proper determination that the proposed mobile home neighborhood will comply with all legal requirements.
- B. Application filing. The application and all accompanying plans and specifications shall be filed in triplicate. The Town Clerk shall deliver two (2) copies to the Town Planning Board, which said Board shall review the application. If the proposed mobile home neighborhood will, when constructed in accordance with such plans and specifications, be in accordance with all provisions of this Chapter and all other applicable local, County, State and Federal laws, ordinances or statutes, the Planning Board shall approve the application and deliver the same to the Town Board for review and approval. Upon the completion of the mobile home neighborhood in accordance with the plans and specifications, the Town Clerk shall issue a license upon order of the Town Board.
- C. Application for license renewal. Upon application in writing to the Town Clerk by a licensee for renewal of a license and upon payment of the annual license fee, the Town Board shall order an inspection of the mobile home neighborhood by the Code Enforcement Officer and if it is still in compliance with the applicable local laws and ordinances, a report shall be made to the Town Board. By order of the Town Board, the Town Clerk shall issue a certificate renewing such license for another year.

§ 219-95. Design Standards for Mobile Home Neighborhoods.

A. Site development.

- (1) Minimum site size. Mobile home neighborhoods shall be located on well-drained sites comprising a minimum of 25 acres.
- (2) Grading. The site shall be properly graded to ensure rapid drainage so that no portion of the site is subject to predictable sudden flooding or erosion.
- (3) Minimum frontage. Where no secondary access is provided, the site shall have a minimum of 300 feet of frontage on the highway providing primary access to the site.
- (4) Minimum setbacks. No mobile home, mobile home accessory building, mobile home neighborhood office or service building shall be located within 200 feet from any property line encompassing the site unless otherwise determined by the Planning Board that a lesser distance would be sufficient due to topography, existing screening or other circumstance to ensure adequate screening and buffering of adjacent properties.
- (5) Rent and ownership.
 - (a) The lands lying wholly within the perimeter boundaries of any proposed or established Mobile Home Neighborhood District:
 - [1] Shall be held in single ownership and shall consist of separately dimensioned, individual lots, collectively held in single ownership and used entirely for rental purposes only; or
 - [2] If designed for the purpose, whether immediate or future, of transfer of ownership, shall consist of separately dimensioned, individual lots subdivided in accordance with the Town of Schodack Land Subdivision Regulations, as adopted. *[Editor's Note: See Ch. 188, Subdivision of Land.]*
 - (b) In no event shall both of the foregoing types of use be permitted simultaneously within the geographical boundaries of any one (1) proposed or established Mobile Home Neighborhood District.
 - (c) The transfer of title of all or any portion of such lands by the owner(s) thereof not in accordance with the provisions of this subsection, shall constitute a violation of this Chapter.

B. Density and lot standards.

- (1) Lot density and lot setbacks. Each mobile home neighborhood shall be designed to accommodate separately identified mobile home lots as follows:
 - (a) Minimum lot area, single-wide unit: 7,260 square feet.
 - (b) Minimum lot area, double-wide unit: 9,700 square feet.
 - (c) Maximum number of units per gross acre: four point five (4.5).
 - (d) Minimum setback from public highway right-of-way line: 100 feet.
 - (e) Minimum setback from non-dedicated street center line: 75 feet.
 - (f) Minimum unit separation: 50 feet.
 - (g) Minimum mobile home lot width: 70 feet.
- (2) Mobile homes installed or replaced in the Town of Schodack shall be installed in compliance with the applicable provisions of Article 21B of the New York State Executive Law and related State codes and as may be amended for installation of mobile homes. Each mobile home lot shall be improved to provide an adequate stand for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning.
 - (a) There shall be a longitudinal gradient of zero percent (0%) to a maximum of five percent (5%) and an adequate crown or cross gradient for surface drainage.
 - (b) Each mobile home stand shall consist of a foundation designed for support of a mobile home so as to prevent heaving, shifting and uneven settling in the form of either:

- [1] A full concrete pad, four (4) inches by 12 feet by 70 feet for single-wide and four (4) inches by 24 feet by 70 feet for double-wide units and shall include concrete piers or an equivalent stand extending a minimum of 36 inches below ground level at a minimum of every eight (8) feet for the entire length of the pad;
 - [2] A perimeter foundation of a minimum of eight (8) inches in width and 36 inches in depth, with overall dimensions of 12 feet by 70 feet for single-wide and 24 feet by 70 feet for double-wide units; or
 - [3] Lateral runners of a minimum 16 inches by 36 inches by 24 feet for double-wide units, spaced every eight (8) feet for the entire length of 70 feet.
- (c) The structural frame of each mobile home shall be attached to the foundation in not less than six (6) places located in accordance with good engineering practice. Each attaching device shall be capable of withstanding a tension force of at least 2,800 pounds and shall be designed so as to secure the mobile home against uplift, sliding, rotation and overturning.
- (d) Each mobile home foundation shall be enclosed by a skirt securely fastened and extending from the outside wall of the mobile home. The skirt shall be constructed of sturdy wood, plastic, masonry or metal material capable of withstanding extreme weather conditions over extended periods of time. No skirt shall be required where a perimeter foundation fully encloses the area between the unit and the ground level. Such skirt shall be installed within ten (10) days after placement of the mobile home on the foundation.
- (3) Refuse receptacles. Adequate refuse receptacles with tight-fitting covers shall be provided for each mobile home unit. These receptacles shall be kept in a sanitary condition and emptied weekly by the licensee or his/her agent.
- (4) Required parking. Two off-street parking spaces shall be provided for each mobile home, with one (1) additional space for each four (4) mobile homes. Every parking space shall be at least ten (10) feet in width and 20 feet in length and shall have adequate provision for maneuvering and for passage to and from streets.
- (5) Mobile home neighborhood caretaker. Each mobile home neighborhood licensee shall provide, on-site at all times, a duly authorized attendant or caretaker who shall be in charge at all times of keeping the mobile home neighborhood and its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee, for the violation of any provision of this Chapter to which the licensee is subject.
- (6) Mobile home unit expansion. Any mobile home unit, whether it is a single-wide or partial double-wide unit, may be expanded to a maximum size of twice the original single-wide unit; however:
- (a) The increase must be of a standard mobile home unit expansion type.
 - (b) Any expansion must conform to the minimum unit separation.
 - (c) Any expansion must receive site plan approval from the Town of Schodack prior to the issuance of a Building and Zoning Permit for such mobile home unit expansion.
 - (d) Any single-wide unit proposed for expansion shall have a minimum lot area equal to that of a double-wide unit as specified herein.
- (7) Open spaced and landscape plantings. All areas of the site not occupied by buildings, units, parking areas, driveways or walkways shall be maintained as lawn area with landscape plantings of trees and shrubs or as natural areas as follows:
- (a) All margins along the front, side and rear property lines of the mobile home neighborhood site shall be planted with evergreen or deciduous trees in a mass planting or hedgerow for the purpose of visual screening and noise abatement. Such plantings shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade and suitable settings for the mobile home and other facilities as approved by the Town of Schodack.
 - (b) The design of individual sites shall take into consideration the natural growth presently on the site and the nature and condition of the terrain as well as the relationship of the site itself with respect to adjoining

lands. Screening and/or landscape plantings for such individual sites shall be provided as deemed necessary by the Town of Schodack.

- (8) Utilities. Each individual mobile home unit shall be served by municipal or private central water supply facilities and wastewater treatment facilities as approved by the appropriate State and municipal agencies and the Rensselaer County Health Department.
 - (a) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home lots and buildings within the neighborhood to meet the requirements of the neighborhood.
 - (b) Each mobile home lot shall be provided with a sewer which shall be connected to the mobile home situated on the lot to receive the waste from showers, tubs, flush toilets, lavatories and kitchen sinks in such home. The sewer shall be connected to a public or private sewer system so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects.
 - (c) Plumbing connections to each mobile home shall comply with all regulations of Article 9 of the New York State Uniform Fire Prevention and Building Code.
 - (d) Weatherproof electrical service connections and outlets shall be of a type approved by the New York State Board of Fire Underwriters.
 - (9) Required recreation area. A recreation area shall be incorporated into the design of the mobile home neighborhood to be of a minimum of 500 square feet per mobile home unit with appropriate facilities to satisfy the needs of the neighborhood residents.
 - (a) Such recreation area shall have at least one (1) common area of a minimum of 5,000 square feet, and the Town of Schodack may establish such conditions on the ownership, use and maintenance of this area as it deems necessary to assure the preservation of the recreation area for its intended purpose.
 - (b) The Town of Schodack shall also have the authority to require the location within any proposed Mobile Home Neighborhood District of a community recreation and service building and, consistent with such authority, may require that such building contain certain designated facilities, including, among them, but not being limited to, laundry facilities, recreational facilities, meeting rooms and rest rooms.
 - (c) If the Planning Board and/or Town Board finds that due to size, topography or location of the Mobile Home Overlay (MHO) District, land for parks, open spaces, playgrounds or other recreational purposes cannot be properly located therein, or that the same are not desirable, the appropriate Board shall require, prior to approval and filing of the proposed plan, that a payment to the Town of Schodack Recreational Trust Fund be made in an amount defined by the Town Board's fee schedule per mobile home lot within the Mobile Home Overlay (MHO) District being considered for approval. Such amount shall be paid to the Town of Schodack at the time that final approval of the plan is made, and no such plan shall be finally approved nor filed until such payment has been made.
 - (10) Snow removal. The licensee shall be responsible for snow removal from the mobile home neighborhood to the public highway.
 - (11) Site lighting. Site lighting shall be provided at all entrances and exits to the mobile home neighborhood and on all internal streets, intersections, walkways and common areas. Such lighting shall provide an illumination of point six (0.6) footcandle to those areas.
 - (12) Fire and Emergency protection. There shall be clear numbering of mobile homes within the mobile home neighborhood with a layout map provided to the Fire District, ambulance and police agencies.
- C. Circulation and access.
- (1) Street standards. Each neighborhood shall have a street or streets provided with a smooth, hard and dust-free surface which shall be durable and well drained under normal use and weather conditions to provide for the convenient accessibility to all mobile home lots and other important facilities within the neighborhood.

- (a) The street system shall be designed to permit safe and convenient vehicular and pedestrian circulation within the neighborhood.
- (b) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.

§ 219-96. Performance Bonds.

- A. Performance bonds. Prior to the issuance of a license, or renewal thereof, for the operation of the mobile home neighborhood, a certificate shall be submitted by the Town Clerk certifying that the applicant has complied with one (1) of the following:
 - (1) That all public improvements have been installed to the satisfaction of the Town Engineer or any other official or body authorized by law to act in accordance with the requirements as specified herein; or
 - (2) That a renewable performance bond or certified check has been posted in a sufficient amount to assure such completion of all required improvements and is available to the Town of Schodack.

§ 219-97. Mobile Home Neighborhood Inspection.

Before any neighborhood commences operation, the Code Enforcement Officer shall make an inspection of the premises to determine that all requirements of this Chapter have been met and shall issue a certificate of occupancy. No uses shall be permitted until such a certificate has been issued.

§ 219-98. Revocation of License.

- A. Inspection authorization. The Code Enforcement Officer shall have the authority to enter and inspect, for health, sanitary and other provisions of this Chapter, any facility licensed hereunder, at any reasonable time.
- B. Violations.
 - (1) If, upon inspection, it is found that the licensee has violated any provision of this Chapter, the Town Board shall have the authority to suspend such license and order the mobile home neighborhood closed after notice and an opportunity to be heard.
 - (2) The licensee shall be notified by the Code Enforcement Officer of the nature of the violation, and the Code Enforcement Officer shall set the time by which the violation shall be remedied and the action(s) to be taken if the violation is not corrected.

§ 219-99. Reserved.

§ 219-100. Reserved.

Article IX. Cluster Developments

§ 219-101. Grant of Authority.

The Town Board of the Town of Schodack hereby elects to adopt the provisions of and exercise the powers granted by § 278(2) of the Town Law and hereby grants to the Planning Board of the Town of Schodack the full authority set forth thereby.

§ 219-102. Purpose.

Pursuant to the provisions of § 278(2) of the Town Law of the State of New York, the purpose of this Article is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities, to preserve the natural and scenic qualities of open lands in order to provide larger areas of open space, both for recreational and conservational purposes, and in order to implement the objectives of this Chapter.

§ 219-103. Applicability; Consideration by Planning Board.

- A. This Article shall be applicable only to land zoned for residential purposes in the Town of Schodack and which are in the Residential Agricultural (RA) Zoning District under this Chapter, but nothing herein shall be construed to limit the existing authority of the Planning Board to control the layout of subdivisions or the design of site plans in any other district or zone.
- B. As provided in § 278(3) of the Town Law, if the owner makes written application to avail himself of the provisions of this Article, the Planning Board may use the authority given to it hereunder at the discretion of the Planning Board if, in said Board's judgment, its application would benefit the Town.
- C. The Planning Board's authority to vary or modify zoning requirements, as limited by § 278(3) of the Town Law and by this Article, may be employed to impose conditions for the approval of any plat by the Planning Board, without regard to whether the owner makes application for the same, if the condition is imposed in order to ensure that the plat complies with any of the requirements of this Article or if the condition is imposed in order to perpetuate the existence of or prevent the despoilation or degradation of environmentally sensitive areas or historic places, whether on or off the site.
- D. This Article shall apply only to land which shall be a contiguous parcel a minimum of five (5) acres in size. In addition, it shall be determined by the Planning Board:
 - (1) That such development will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements in close proximity.
 - (2) That the proposed development creates a residential environment that is in conformity with the objectives of this Article.
 - (3) That the application of this procedure shall result in a permitted number of building lots and/or dwelling units which shall in no case exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot area and density requirements of the zoning requirements of this Chapter as applicable to the district or districts in which such land is situated and conforming to all other applicable requirements.
 - (4) That the development would be in harmonious agreement with adjacent residential developments, if any exist, and where providing an alternative type or architectural style of housing would benefit the Town.
 - (5) That the development proposal guarantees permanent retention of open space areas and ensures the care and maintenance of the same.
- E. In approving a plat, in accordance with the provisions of this Article, the dwelling units permitted may be, at the discretion of the Planning Board and subject to the conditions set forth by the Town Board, in detached, semidetached or attached structures.

- F. Where the applicant can demonstrate that the characteristics of his holdings meet the objectives of this Article, the Planning Board may consider parcels of lesser acreage.

§ 219-104. Density.

- A. In determining the density for a cluster development, the Planning Board shall first determine the area for which such density calculation shall be made.
- B. The calculation of the area shall not include easements, existing parks, existing streets or otherwise dedicated land; water areas in excess of 5% of the minimum gross acreage; lands designated on the Official Map for public purposes; or land undesirable by reason of topography, drainage or adverse subsoil conditions.
- C. Prior to the establishment of the overall density, the owner shall provide the Planning Board with a sketch plan of the site showing how it may be subdivided in a conventional manner conforming to the zoning requirements of this Chapter for that district or districts.
- D. As stated herein, the overall density established by the Planning Board shall be no greater than would normally be achieved under the standard subdivision development procedure.

§ 219-105. Open Space.

- A. The application of this procedure shall result in the preservation of land on the plat in its natural state for passive recreational, open space, archaeological or historical resources. The Planning Board, as a condition of plat approval, may establish such requirements on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes. The details as to use and ownership shall be recorded by the owner as required by the Town. Such requirements shall be approved by the Town Board prior to final approval and filing of the plat.
- B. The open space created by the use of the provisions of this Article must be clearly labeled on the subdivision plat as to its use and the rights of the owners in the subdivision as well as whether it is to be dedicated ultimately to the Town or other governmental body, to an approved private or conservation corporation, to a homeowners' association or otherwise under conditions meeting with Planning Board approval. Such open space is to be preserved in perpetuity, and the Planning Board may require an open space easement running to the Town as a condition of approval.
- C. If said lands are to be offered for dedication to the Town, the Town Board may require that such conditions shall be approved by the Town Board before said plan shall be approved for filing.
- D. Homeowners' association.
 - (1) If the open space or an open space easement therein is not to be dedicated to the Town or other governmental authority or to an approved private conservation corporation, the applicant must either, simultaneously with the filing of the map, create a property owners' association or neighborhood corporation embracing all property owners within the cluster subdivision and providing for adequate contributions for maintenance of said open space or otherwise satisfy the Planning Board with regard to the maintenance of said open space.
 - (2) If a homeowners' association is selected by the Planning Board as the method of maintenance of the open spaces to be preserved, the following must be adhered to:
 - (a) The property owners' association must be set up before lots are sold.
 - (b) Membership must be mandatory for each lot buyer and any successive buyer, or each lot created must be legally required by duly filed covenants and restrictions to pay to the property owners' association a yearly fee to be used for maintenance of the open space.
 - (c) The open restrictions must be in perpetuity, not just for a given period of years.
 - (d) The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - (e) Property owners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.

- (f) The association must be able to adjust the assessment to meet changed needs.
- (g) The applicant shall make a conditional offer of dedication binding upon the property owners' association for all open space to be conveyed to the association. Such offer to be accepted by the Town, should it so choose, upon the failure of the property owners' association to take title to the open space from the applicant or other current owner, or upon dissolution of the association at any future time.

§ 219-106. Allowable uses for open space.

The Planning Board may approve uses for open space, and these uses will be clearly indicated on the final map.

- A. The Planning Board may approve recreational uses such as wooded park areas, bridle paths, hiking trails, etc.
- B. The Planning Board may approve conservational uses such as open woodland, wetlands, slopes, escarpments or farm fields.
- C. The Planning Board may approve cultural aspects such as historic places and buildings and archaeological sites and such open spaces which will assure that each of the above cultural aspects are adequately protected in the public interest.
- D. Areas for active recreation which are to contain substantial improvements, impervious surfaces and other alterations from their natural state shall not constitute open space hereunder.

Article X. Special Permit Uses

§ 219-107. Special Use Permit General Provisions.

- A. The Planning Board of the Town of Schodack is hereby authorized to review and approve, approve with modifications or disapprove special use permits pursuant to the rules and specifications set forth herein. The purpose of this Article is to allow a variety of uses of land provided that such uses do not adversely affect neighboring properties, the natural environment, or the character of the area in which they are located, and provided that such land uses are consistent with the goals and polices stated in the Town of Schodack Comprehensive Plan. While a particular use may be generally suitable within a Zoning District as indicated herein, it is recognized that each physical site and each specific land use is unique, and that a particular use may not be compatible in a specific location.
- B. Applicability. All uses designated in Attachment 1 “Schedule of Use Regulations” of this Chapter *[Editor's Note: The Schedule of Use Regulations is included at the end of this Chapter]* shall require a Special Use Permit by the Planning Board in accordance with § 274-b of the Town Law and shall require Site Plan approval in accordance with this Chapter, and shall conform with the general objectives, requirements and procedures included herein. In addition, accessory uses or structures used in connection with a special use permit shall be subject to the same approval requirements as the principal structure or use.
- C. The intent of these regulations is to ensure that the development and use of individual parcels is in harmony with the Zoning Law and will not have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community. Such regulations are designed to:
 - (1) Mitigate potential impacts from traffic, flooding, and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution.
 - (2) Incorporate appropriate design to mitigate potential impacts to scenic and aesthetic resources.
 - (3) Ensure that the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed.
 - (4) Ensure that its impacts can be mitigated by compliance with reasonable conditions.
 - (5) Ensure that new development conforms with the Town's planning goals and objectives as expressed in the Comprehensive Plan.
- D. The Planning Board may require modifications to development proposals, submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards to eliminate or minimize potential impacts as a precondition of its approval of a special use permit.

§ 219-108. Special Use Permit Application Procedures.

The Planning Board shall act on all special use permit uses in accordance with the procedure specified herein:

- A. Application and fee.
 - (1) All special use permit applications made to the Planning Board shall be in writing on forms prescribed by the Planning Board and shall be accompanied by a fee as established by the Town Board. Each such application shall be accompanied by a sketch site plan in accordance with the requirements of Article XI of this Chapter.
 - (2) The Planning Board may require an applicant for any review, permit or approval to deposit in escrow an amount established by the Planning Board to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application. The fees and/or costs charged by such engineer, consultant or attorney in connection with such review will be charged against the sum deposited in escrow. Any amount remaining shall be returned to the applicant within 45 days of final action on the application.
- B. Public notice and hearing. The Board shall fix a time and place for a public hearing on any such special use permit application and shall provide notice at least five (5) days prior to the public hearing in the official newspaper of the Town.

- C. Agency and consultant review. In its review, the Planning Board may consult with the Town Code Enforcement Officer, the Superintendent of Highways, other local and County officials and its designated private planning and engineering consultants, in addition to representatives of County, State and Federal agencies, including but not limited to the Rensselaer County Department of Health, Highway, Economic Development and Planning, the New York State Departments of Transportation, Health, Agriculture and Markets, Office of Parks, Recreation and Historic Preservation, Secretary of State, and Environmental Conservation, and the United States Army Corps of Engineers, United States Fish and Wildlife Service, and United States Department of Agriculture's Natural Resources Conservation Service and their successors.
- D. Required referral. A full statement of any special use permit application, including all applicable SEQR documentation, that meets the referral requirements of § 239-l and 239-m of the General Municipal Law shall be referred prior to the public hearing to the Rensselaer County Economic Development and Planning for its review. No action shall be taken by the Planning Board on such application until an advisory recommendation has been received from the Rensselaer County Department of Economic Development and Planning or 30 calendar days have elapsed since the Department received such full statement. In the event that the Rensselaer County Economic Development and Planning recommends disapproval of the proposal or recommends modification thereof within such time period or at a later date prior to final action by the Planning Board, the Planning Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within 30 calendar days after such final action, the Planning Board shall file a report of the final action it has taken with the Rensselaer County Economic Development and Planning.
- E. Decisions. Every decision of the Planning Board with respect to a special use permit application shall be made by resolution within 62 calendar days of the close of the public hearing, which resolution shall clearly state the decision, including findings, and any modifications attached thereto. The time within which the Planning Board shall render its decision may be extended by mutual consent of the applicant and the Planning Board. Each such decision shall be filed in the Office of the Town Clerk within five (5) business days after such decision is rendered, and a copy thereof shall also be mailed to the applicant. No time periods for decision-making in this subsection shall begin to run until the lead agency has either accepted a draft environmental impact statement as complete or adopted a negative declaration under SEQR.

§ 219-109. Special Use General Standards.

In approving or disapproving any special use permit, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular. The Planning Board may attach such reasonable conditions and safeguards as it deems appropriate as part of its approval. The Board shall take into account the special conditions set forth in this Article for any use requiring Planning Board authorization in addition to the following general objectives:

- A. The location and size of the use, the nature and intensity of the intended operations involved, the size of the site in relation to the use, and the location of the site with respect to existing and future streets and roads providing access shall be in harmony with the orderly development of the district.
- B. All proposed traffic access ways shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and meet similar safety considerations.
- C. Adequate provision for safe and accessible off-street parking and loading spaces shall be provided to avoid parking in public streets of vehicles or persons connected with or visiting the use and the interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and loading. With the exception of single-family detached dwellings, shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's Shared Parking Report, shall be employed to demonstrate shared parking effects.
- D. All parking and service areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets or roadways, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the maximum extent practicable. Roadside plantings shall be in accordance with the standards as outlined herein this Chapter.

- E. The character and appearance of the proposed use, buildings, structures, lighting and/or outdoor signs shall keep harmony and be consistent with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use. In addition, they shall not adversely affect the general welfare of the inhabitants of the Town of Schodack, such determination to be made by the Planning Board.
- F. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire, emergency services, and police protection.
- G. Except for preexisting nonconforming lots of record, the use shall meet the prescribed area and bulk requirements for the district in which it is located and as further specified in the supplementary regulations, including but not limited to setbacks, maximum height, environmental and open space standards, required off-street parking, lighting, noise, and sign regulations.
- H. The level of municipal and other services required to support the proposed activity or use is, or will be, available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities to accommodate the intended use, and protection from pollution of surface water or groundwater.
- I. The proposed use shall not have an unmitigated significant adverse environmental impact as defined by the New York State Environmental Quality Review Act (SEQR). Such determination shall be made by the Planning Board or other designated lead agency.
- J. The use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site under review and in adjacent areas.
- K. The use shall be guided by the Town's Comprehensive Plan and other applicable planning documents adopted by the Town.
- L. The Planning Board shall impose additional conditions and safeguards to the special use permit as are directly related and incidental to the proposed special use permit and which may be necessary to assure continual conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced.

§ 219-110. Effect of Approval.

- A. No Building and Zoning Permit shall be issued for any structure covered by this Article until such special use permit has received Planning Board approval and a copy of a resolution to the effect has been presented to the Code Enforcement Officer.
- B. No certificate of occupancy shall be issued for any structure or use of land covered by this Article until the structure is completed or the land developed in strict accordance with the Planning Board resolution and applicable requirements of this Chapter.
- C. Any use for which a special use permit may be granted shall be deemed to be a conforming use in the district in which it is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit has been granted.
- D. The Planning Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon determination by the Planning Board that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been or are no longer being complied with. In such case, a period of 60 days shall be granted for full compliance by the applicant prior to revocation of the special use permit. New conditions may be imposed by the Planning Board in its review of a previously issued special use permit.
- E. The granting of a special use permit in a Flood-Fringe Overlay District (FF-O) shall not be held to constitute a representation, guaranty or warranty of any kind by the Town of Schodack or by an official or employee thereof for the practicability or safety of any structure or use or the proper functioning of the proposed facilities and plans and shall not be held to create a liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

§ 219-111. Expiration, Revocation, and Amendments.

- A. A special use permit shall be deemed to authorize only one (1) particular special use and shall expire if the special use permit is not commenced and diligently pursued within 18 months of the date of special use permit issuance or use of the property in accordance with the approved special use permit ceases for more than twelve (12) months for any reason, A more restrictive time period of revocation can be placed as a condition of the issued special use permit by the Planning Board at their discretion. Upon prior written request to the Planning Board, the time period to implement fully the special use activity authorized per the special use permit may be extended for a maximum period of one (1) additional calendar year for a total of twelve (12) months from the date of the resolution approving the special use, either through a single extension of one (1) calendar year or the combination of two (2) or more extensions. The Planning Board may hold a public hearing prior to granting any extensions.
- B. Amendments to special use permits. The terms and conditions of any special use permit may be amended in the same manner as required for issuance of a special use permit, following the criteria and procedures of this subsection.

Article XI. Site Plan Review

§ 219-112. Referral to Planning Board.

Prior to the issuance of a Building and Zoning Permit, certificate of occupancy, or certificate of compliance in any district, except for a one-family dwelling and related accessory uses or a permitted farm use, the Director of Planning and Zoning shall refer the site plan to the Planning Board for its review and approval in accordance with the standards and procedures set forth in this Article.

§ 219-113. Sketch Plan.

A sketch plan conference between the Code Enforcement Officer, the Director of Planning and Zoning and/or Planning Board and the applicant shall be held to review the basic site design concept and generally determine the information to be required on the preliminary site plan. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed:

- A. An area map showing the applicant's entire holding, that portion of the property under consideration and all properties, subdivisions, streets and easements within 200 feet of the applicant's property. Such area map shall be oriented to the nearest street intersection.
- B. If grades exceed five percent (5%) or portions of the site are susceptible to erosion, flooding or ponding, a soils overlay map and a topographic map, showing contour intervals of not more than two (2) feet of elevation, shall be provided. In all other instances, unless otherwise requested, topography at five (5) foot intervals shall be acceptable.

§ 219-114. Application for Preliminary Site Plan Approval.

An application for preliminary site plan approval shall be made in writing to the Director of Planning and Zoning and shall be accompanied by information drawn from the following checklist, as determined necessary at the sketch plan conference, prepared by a licensed engineer, architect, landscape architect or surveyor:

- A. Preliminary site plan checklist.
 - (1) The title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing.
 - (2) North arrow, scale and date.
 - (3) Boundaries of the property plotted to scale.
 - (4) Existing watercourses.
 - (5) A grading and drainage plan prepared in accordance with applicable SWPPP standards, showing existing and proposed stormwater management facilities, with contours at an appropriate interval to be specified at the sketch plan conference.
 - (6) The location, proposed use and height of all buildings.
 - (7) The location, design and construction materials of all parking and truck loading areas, with access and egress drives thereto.
 - (8) Provision for pedestrian access.
 - (9) The location of outdoor storage, if any.
 - (10) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - (11) A description of the method of sewage disposal and the location, design and construction materials of such facilities.

- (12) A description of the method of securing potable water and the location, design and construction materials of such facilities.
- (13) The location of fire and other emergency zones, including the location of fire hydrants.
- (14) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
- (15) The location, size and design and construction materials of all proposed signage.
- (16) The location and proposed development of all buffer areas, including indication of existing vegetative cover.
- (17) The location and design of outdoor lighting facilities.
- (18) The designation of the amount of building area proposed for retail sales or similar commercial activity so that the adequacy of parking and other factors may be reviewed.
- (19) A general landscaping plan and planting schedule.
- (20) Site plan to indicate existing zoning, any special districts, and calculation of constrained lands and base density pursuant to Article IV. Use, Area & Bulk Regulations.
- (21) Other elements integral to the proposed development, as may be considered appropriate by the Planning Board, including identification of any State or County permits required for the project's execution.

§ 219-115. Review of Preliminary Site Plan.

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

- A. General considerations.
 - (1) The adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls.
 - (2) The adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (3) The location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (4) The location, arrangement, size, design and general site compatibility of buildings, lighting and signage.
 - (5) The adequacy of stormwater and drainage facilities.
 - (6) The adequacy of water supply and sewage disposal facilities.
 - (7) The adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - (8) In the case of an apartment complex or other multiple dwelling, the adequacy of available open space for play areas and informal recreation.
 - (9) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
 - (10) The adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - (11) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- B. Consultant review. In its review, the Planning Board may consult with the Director of Planning and Zoning, Town Code Enforcement Officer, Fire Commissioners, Conservation Council, Highway Superintendent and other local and County officials, and its designated private consultants, in addition to representatives of Federal and State agencies, including but

not limited to the Soil Conservation Service, the State Department of Transportation, the State Department of Environmental Conservation and the New York State Department of State Division of Coastal Resources.

- C. Public hearing. The Planning Board may conduct a public hearing on the preliminary site plan. If a public hearing is considered desirable by a majority of the members of the Planning Board, such public hearing shall be conducted within 45 calendar days of the receipt of the application for preliminary site plan approval and shall be advertised in the official newspaper of the Town at least five (5) calendar days prior to the public hearing.
- D. Additional requirements. The Planning Board may require such additional provisions and conditions that appear necessary for advancement of the public health, safety and welfare and protection of the general environment.

§ 219-116. Action on Preliminary Site Plan.

- A. Within 60 days of the receipt of any application for preliminary site plan approval, the Planning Board shall act on it. If no decision is made by the Planning Board within said sixty (60)-day period, the preliminary site plan shall be considered approved. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, disapproved or approved with modifications. A copy of the appropriate minutes of the Planning Board shall be a sufficient statement.
- B. The Planning Board's statement may include recommendations of desirable modifications to be incorporated in the final site plan, of which conformance with said revisions shall be considered a condition of approval. If the preliminary site plan is disapproved, the Planning Board's statement will contain reasons for such findings. In such case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised.

§ 219-117. Submission of Final Site Plan.

- A. After receiving approval, with or without modifications, from the Planning Board on a preliminary site plan, the applicant may prepare a final detailed site plan and submit it to the Planning Board for approval. If more than six (6) months has elapsed between the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan for further review and possible revision prior to accepting the proposed final site plan review.
- B. The final detailed site plan shall conform substantially to the approved preliminary site plan. It shall incorporate any revisions or other features that may have been recommended by the Planning Board in its preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- C. The following additional information shall accompany an application for final detailed site plan approval:
 - (1) A record of application for and approval status of all necessary permits from State and County officials.
 - (2) Detailed sizing and final material specification of all required improvements.
 - (3) An estimated project construction schedule.

§ 219-118. Action on Final Site Plan.

Within 45 days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Code Enforcement Officer. If no decision is made within the 45 day period, the final site plan shall be considered approved.

- A. Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Code Enforcement Officer who may then issue a Building and Zoning Permit to the applicant if the project conforms to all other applicable requirements.
- B. Upon disapproval of a final site plan, the Planning Board shall inform the applicant in writing of its decision and its reasons for disapproval. The Planning Board shall also inform the Code Enforcement Officer who shall deny a Building and Zoning Permit or certificate of occupancy to the applicant.

§ 219-119. Reimbursable Costs.

- A. Reasonable costs incurred by the Planning Board for private consultation fees or other extraordinary expense in connection with the review of a proposed site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required herein.
- B. The Planning Board may require an applicant for any review, permit or approval to deposit in escrow an amount established by the Planning Board to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application. The fees and/or costs charged by such engineer, consultant or attorney in connection with such review will be charged against the sum deposited in escrow. Any amount remaining shall be returned to the applicant within 45 days of final action on the application. [Added 4-12-1990 by L.L. No. 1-1990]

§ 219-120. Performance Guaranty.

No certificate of occupancy shall be issued until all improvements shown on the final site plan are installed or a performance guaranty has been posted for improvements not yet completed. Such performance guaranty shall be posted in accordance with § 274(7) of New York State Town Law regarding Site plan review and following procedures specified within § 277(9) of said Law relating to subdivisions. Other requirements relating to performance guaranties may be established from time to time by the Town Board. The amount and sufficiency of such performance guaranty shall be established by the Planning Board after consultation with the Code Enforcement Officer, Town Engineer, the Planning Board's designated consultants or other competent persons.

§ 219-121. Inspection of Improvements.

The Code Enforcement Officer or approved designee shall be responsible for the overall inspection for site improvements, including coordination with the Town's private consultants, as may be appropriate on multifamily residential, commercial and industrial projects. The Code Enforcement Officer shall prepare a written report regarding the status of compliance with site plan requirements for the project as may be established by the Planning Board, or the Zoning Board of Appeals or the Town Board.

§ 219-122 Coordinated Review.

Prior to taking action on the site plan, the Planning Board shall refer the site plan, where applicable to Rensselaer County Planning Agency or Regional Planning council if applicable and/or adjacent municipalities as outlined in New York State General Municipal Law 239-l, 239-m and 239-nn respectably. Additional coordinated review may be required per 239-f of said law or additional current or future Federal, State or Local regulations per Federal, State or local laws.

§ 219-123. Integration of Procedures.

Whenever the particular circumstances of a proposed development require compliance with either the special use permit procedure in Article X of this Chapter or the requirements of the Town Land Subdivision Regulations Town of Schodack Chapter 188, Subdivision of Land, or the requirements of the State Environmental Quality Review Act, *[Editor's Note: See § 8-0101 et seq. of the Environmental Conservation Law]* the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this Article with the procedure for such other compliance.

Article XII. Planned Developments

§ 219-124. Purpose.

- A. The Planned Development District (PDD) procedure provides a flexible land use and design regulation through the use of performance criteria so that developments may be matched with sensitivity to the unique characteristics of their site. This procedure recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulations of land use in areas substantially developed, these controls represent a type of regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned development concept. Conventional area and density specifications set forth by other sections of this Chapter are intended to be replaced by application of the planned development procedure and resulting PDD, as provided for herein, to lands upon which the approved plan becomes the basis for control and development.
- B. While flexibility in substantive regulations is encouraged, it is intended that this uniform procedure and the required conformance with the Town Comprehensive Plan and municipal service capability shall ensure the general welfare through equal treatment under the law as well as precise control of all aspects of the development as approved.

§ 219-125. Zoning Map Designation.

In order to distinguish Planned Development Districts created under this flexible procedure from those similarly named districts previously mapped within the Town of Schodack, those districts created hereunder shall be designated for purposes of inclusion on the Zoning Map as PDD *[Editor's Note: The Zoning Map is on file in the Office of the Town Clerk.]*

§ 219-126. Objectives.

In order to carry out the intent of this Article, the application of PDD shall achieve the following objectives; it shall:

- A. Contain an adequate and integrated system of open space and recreation areas designed to tie the PDD together internally and link it to the larger community.
- B. Preserve trees, outstanding natural topography and geologic features, while preventing soil erosion and uncontrolled surface water drainage.
- C. Preserve and integrate historically significant structures and sites into viable adaptive uses.
- D. Use land efficiently, resulting in smaller networks of streets and utilities and thereby lower development and maintenance costs.
- E. If residential in land use, provide a maximum choice in occupancy tenure (e.g. individual ownership, leaseholds, and condominiums), type of housing (e.g., detached houses, townhouses, and garden apartments), lot size and community facilities available to existing and potential Town residents.
- F. Possess creative design and site planning of a quality that will produce a more desirable environment through improved functional relationships between buildings and uses.
- G. Provide more convenience in the location of accessory commercial and service areas.
- H. Provide an orderly transition of land from rural to urban uses.
- I. Produce a development pattern in harmony with the goals and objectives of the Town.

§ 219-127. Standards for determination.

The legislative determination to establish a PDD must be based upon the following standards:

- A. Location. A PDD District may be established at any location within the Town, but only if the objectives and provisions of this Chapter are satisfied as determined by the Planning Board and Town Board and the PDD is consistent with the spirit and intent of the Town's Comprehensive Plan.
- B. Parcel size. The minimum parcel size required to qualify for a PDD shall be five (5) contiguous acres of land.
- C. Ownership. The tract of land for a project may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners of all property included in the project. In the case of multiple ownership, the approved plan and its amendments shall be binding on all owners or their successors in title and interest.
- D. Permitted uses in PDD. All uses within an area designated as a PDD are determined by the provisions of this Article and the approved plan of the project concerned. A PDD may be established for the following uses:
 - (1) Solar Collector, Utility Scale.
 - (2) Mining and excavation.
 - (3) A mix of uses:
 - (a) Residences may be of any variety of type and density as appropriate within the intent and objectives of this PDD regulation.
 - (b) Private garages, storage spaces, recreational and community facilities shall be permitted as appropriate within the PDD.
 - (c) Commercial, service and other nonresidential accessory uses may be permitted or required where such uses are scaled to serve the residents of the PDD and, as necessary, the surrounding community.
 - (d) Based upon a market analysis, commercial, service, industrial and other nonresidential uses may be permitted as principal uses if integral to the design of the PDD and if such uses are supportive to the PDD and the community population in terms of work force, design and character and if such uses are consistent with the Town's Comprehensive Plan. Consideration shall be given to determine the appropriateness of such uses.
- E. Intensity of land use. The density allowed within the PDD shall be determined by the approved planned development site plan or plat as established on a project-by-project basis. Permitted residential density shall be in accordance with Article IV. Use, Area, and Bulk Regulations.
- F. Natural and recreational open space.
 - (1) Natural and recreational open space shall be developed as part of a PDD except for projects exclusively developed in conformance with the Solar Utility Overlay District (SU-O) and/or Mining Extraction Overlay District (ME-O). Such lands shall exclude areas used primarily for vehicular modes of transportation and accessory uses, and shall remain forever as common property reserved for an open space system.
 - (2) The open space system shall be developed to provide the following:
 - (a) Passive and active recreation spaces and facilities adequate to meet under requirements based upon projected population and age distribution.
 - (b) Undeveloped open space as necessary to preserve outstanding natural features.
 - (c) Water areas to the extent appropriate for user needs.
 - (d) Such complementary structures, improvements and equipment as necessary and appropriate for the benefit and enjoyment of its users.
 - (3) The plan or plat for all planned developments shall contain or be supplemented by such material as required to establish the method by which the open space system shall be perpetuated, maintained and administered. The plan or plat and other materials shall be construed as a contract between the landowner(s) and the Town and shall be specifically noted on all deeds.

- (a) All land held for open space shall be so designated on the plat. The plat shall additionally contain the following statement: "Open space may not be separately sold, nor shall such land be further developed or subdivided."
 - (b) The plat shall designate the use of open space, the type of maintenance to be provided and a planting plan or schedule. In designating use and maintenance, the following classes may be used:
 - [1] Lawn: a grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to ensure a tidy appearance.
 - [2] Natural area: an area of natural vegetation undisturbed during construction or replanted; such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal but shall prevent the proliferation of weeds and undesirable plants. Litter shall be removed and streams kept in free-flowing condition.
 - [3] Recreation area: an area designated for a specific recreation use, including but not limited to tennis, swimming, shuffleboard, playfields and tot-lots. Such areas shall be maintained so as to avoid creating a hazard or nuisance and shall perpetuate the proposed use.
 - (c) Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other guaranty may be required to cover the costs of installation in accordance with this Chapter.
 - (d) At the pleasure of the Town Board, any of the following methods may be used to preserve, own or maintain the open space areas: condominium, homeowners' association, dedication in fee simple, dedication of development rights, or formation of a special park district. The following specific requirements are associated with each of these methods as well as any other provisions deemed necessary by the Town Board.
 - [1] Condominium. The open space may be controlled through the use of condominium agreements. All open space land shall be held as a common element. Such land shall be eligible for sale to another method of ownership permitted under this subsection, but only where there is no physical change in the open space. All plats required by this Chapter shall show required open space area, whether this land is to be conveyed or not.
 - [2] Homeowners' association. The open space may be held in common ownership by a homeowners' association. This method shall, at a minimum, be subject to all of the provisions for homeowners' associations and such other provisions as may be required by the Town Board.
 - [3] Fee simple dedication. The Town may, but shall not be required to, accept any portion or portions of the open space, provided that such land is freely accessible to the public, that there is no cost involved and that the Town agrees to and has access to maintain such lands.
 - [4] Dedication of development rights. The Town may accept, but shall not be required to accept, title to the development rights or easements to any portion or portions of open space. In such cases, the land shall remain in the ownership of the individual, condominium or homeowners' association while the development rights are held in public ownership.
 - [5] Special park district. Application must be made in a suitable form for establishment of a special park district. All cost associated with establishment of such a district shall be borne by the developer.
 - (e) In any scheme involving private ownership and maintenance of the open space system, provisions shall be made for dedication to the Town and for the formation of a special park district at no cost to the Town in the event that the system is not adequately maintained as determined by the Town Board.
- G. Environmental design. A proposed plan shall demonstrate sensitivity toward and minimum disruption of the microecology of the site and its surroundings. Specifically:
- (1) Environmental quality of surrounding lands, air and water shall not be degraded.
 - (2) Trees, groves, waterways, scenic points, historic sites and structures and other community assets shall be preserved.

- (3) Excessive grading and clearing of topsoil, trees and natural features shall be discouraged.
 - (4) Design and construction of improvements and structures shall adequately control erosion, slippage, inundation and other environmental effects.
- H. Utilities. Required utilities shall be provided in accordance with applicable Town, County and State regulations. Among other actions, the developer shall:
- (1) Provide water and sanitary sewage disposal facilities in accordance with Rensselaer County Health Department and New York State Health and Department of Environmental Conservation requirements.
 - (2) Make application in suitable form to the Town Board for establishment of any special utility district, as may be required, with the costs incurred in the establishment of such district(s) to be borne by the developer.
 - (3) Provide a water system and fire hydrants, as practicable, designed to meet the minimum standards of the Recommended Water System Design Standards of the Insurance Services Office of New York, Public Protection Department, with modifications as recommended by the local fire protection unit.
 - (4) Provide adequate and decorative lighting for pedestrian walkways, parking areas and streets.
- I. Off-street parking. Off-street parking shall conform to the standards set forth within this Chapter, except that the minimum number of spaces may be reduced if it can be demonstrated that a particular aspect of the PDD makes such appropriate.
- J. Refuse disposal.
- (1) Refuse storage areas shall be conveniently located and enclosed in well-designed structures capable of keeping out vermin and animals.
 - (2) If inside storage is to be provided, the location should facilitate pickup.
- K. Transportation.
- (1) Non-vehicular (pedestrian and bicycle) modes shall be the primary means of transportation within the PDD and to the adjacent community. There shall be a network interconnecting the PDD community and linking it to recreation, commercial, community and open space facilities and to the adjacent community.
 - (2) Relationship to major transportation facilities. A PDD district shall be so located as to be provided with direct access to major streets, highways or other transportation facilities so as to prevent the generation of traffic along minor streets in residential neighborhoods.
 - (3) All proposed public roads shall meet all requirements of the Town of Schodack Land Subdivision Regulations and Road Specifications and Regulations. *[Editor's Note: See Ch. 188, Subdivision of Land; and Ch. 184, Streets and Sidewalks.]*
- L. Public services. A full complement of necessary urban services to accommodate the population in the planned development shall be available or provided by the developer. Consideration shall be given to the impact of the PDD on the school district, the transportation system and facilities, fire protection and the local tax structure. Large-scale development in an area may have to be deferred until the Town can properly service such new growth.

§ 219-128. Review and Approval Procedure.

- A. Whenever any planned development is proposed, before any permit for the erection of any permanent structure in such planned development shall be granted and before any subdivision plat of any part thereof may be filed in the Office of the Rensselaer County Clerk, the developer or his authorized representative and the landowner(s) shall apply for and secure approval of such planned development in accordance with the procedures detailed in this Article.
- B. The procedure generally combines the Zoning Map amendment procedure with the platting procedure of the subdivision process and is designed to establish a means for:
 - (1) A change in the existing zoning district to a Planned Development District based upon an approved sketch plan.
 - (2) Approval of a satisfactory preliminary and final site plan or plat.

§ 219-129. Sketch Plan Procedure.

A Planned Development District may only be established in accordance with the following procedure:

- A. Prefiling conference. In order to allow the Planning Board and the developer to reach an understanding on basic concepts and design requirements prior to a detailed design and engineering investment, the applicant or his representative shall meet informally with the Town's Director of Planning and Zoning and the Planning Board to discuss the proposed development prior to the formal filing of an application or preparation of a sketch plan. At this stage, the Planning Board shall notify the Town Board of the prospective proposal of a PDD.
- B. Sketch plan.
 - (1) Based upon the concepts and design requirements developed during the prefiling conference, a sketch plan shall be submitted to the Director of Planning and Zoning at least ten (10) days prior to the Planning Board's regular meeting. The sketch plan shall, though, clearly show the following information:
 - (a) The location of the various uses and their areas in acres.
 - (b) The general outline of the interior road system and all existing rights-of-way and easements, whether private or public.
 - (c) A description of the various residential areas proposed, indicating for each such area the general extent, size and composition in terms of the number of dwelling units, the percentage by housing type (single-family detached, duplex, townhouse, garden apartment, etc.) and a general description of the intended market (luxury, middle-income, moderate-income, elderly, family units, etc.), plus a calculation of the residential density in dwelling units per gross acre (total area, including interior roadways) for each such area.
 - (d) The interior open space system.
 - (e) The overall drainage system.
 - (f) Principal ties to the community at large with respect to transportation, water supply, sewage disposal and other infrastructure.
 - (g) A general description of the provision of, and the demands to be placed on, other community facilities such as schools, fire and police protection.
 - (h) A location map showing uses and ownership of all abutting lands.
 - (i) Topography showing contour intervals of not more than five (5) feet.
 - (j) A natural features overlay clearly indicating types of vegetation, soils, natural drainageways and other significant features, vistas, areas subject to flooding, areas of high erodibility, etc.
 - (k) The location and proposed use of any existing structures on property, including those which are historically significant.
 - (2) In addition, the following documentation shall accompany the sketch plan:
 - (a) Evidence of how the developer's particular land use or mix of land uses meets existing community needs as noted in the form of specific studies or reports initiated by the developer or in the form of references to existing studies or reports relative to the project in question.
 - (b) Evidence that the proposal is compatible with the goals of the Town's Comprehensive Plan.
 - (c) A general statement as to how any common open space is to be owned or managed.
 - (d) If the development is to be staged, a general indication of how the staging is to proceed.
 - (e) Evidence of any sort in the applicant's own behalf to demonstrate his competence to carry out the plan and his awareness of the scope of the project, both physical and financial.
- C. Planning Board review of sketch plan.

- (1) The Chairman of the Planning Board shall certify when all of the necessary application material outlined in this section has been presented. The Planning Board shall then submit a report to the Town Board within 60 days of such certification and furnish a copy thereof to the applicant. This report shall approve, approve with modifications or disapprove the sketch plan. If no report is rendered by the Planning Board within 60 days, the applicant may proceed as if a favorable report were given to the Town Board.
- (2) In its review, the Planning Board may seek the advice and recommendations of a designated professional planner and initiate coordination, as appropriate, with the Rensselaer County Bureau of Planning, the County Health Department, the school district, the local fire district and any other body or agency which the Planning Board deems desirable or necessary. The Planning Board's reasonable expenses for planning, engineering or other professional consultation shall be chargeable to and reimbursable by the applicant.
- (3) A favorable report shall contain findings that the proposal does or will, if modified as stated in such report:
 - (a) Conform to the Town's Comprehensive Plan.
 - (b) Meet the intent and objectives of a planned development as stated in this Article.
 - (c) Meet the general criteria stated in this Article.
 - (d) Achieve conceptual soundness in that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system and scale of its elements, individually and to one another.
 - (e) Provide adequate physical and human protective services and utilities available or proposed to be made available in the construction of the development.
- (4) If a plan is approved subject to modifications, such modifications shall be fully set forth in the report. If the plan is disapproved, the report shall clearly and fully state the reasons therefor.

D. Town Board action on sketch plan.

- (1) Upon receipt of a report from the Planning Board either approving or approving with modifications a proposed sketch plan, the Town Board shall set a date for a public hearing for the purpose of considering PDD districting for the applicant's plan in accordance with the procedures established by the Town Law or other applicable law for such rezoning. Such public hearing shall be conducted within 60 days of the receipt of a favorable report from the Planning Board.
- (2) If the Town Board grants the PDD districting, the Zoning Map *[Editor's Note: The Zoning Map is on file in the Office of the Town Clerk.]* shall be so noted. The Town Board may, if it feels such is necessary in its exercise of the police power, impose additional requirements or conditions upon the plan for the applicant to meet which may include, but shall not be limited to, visual and acoustical screening, land use mixes, order of construction and/or occupancy, pedestrian and vehicular circulation systems, availability of sites within the area for necessary public services, protection of natural and/or historic sites and other physical or social requirements.
- (3) Conventional use and bulk regulations for the PDD are replaced by the approved sketch plan, together with all modifications made a prerequisite for approval and all additional requirements and conditions imposed on the plan as further developed during final site plan or plat approval, in accordance with the procedures set forth in this Article.
- (4) If no application for site plan review is submitted within the 12-month period following the creation of the PDD, the Town Board may consider a Zoning Map amendment and may return the zoning classification of the property to its former status.

§ 219-130. Preliminary Plan Review.

- A. Application for approval.
 - (1) A preliminary site plan or plat for a PDD shall be made to the Planning Board and shall include the following information prepared by a licensed engineer, registered architect and/or landscape architect:
 - (a) All information required for a preliminary plat under the Town's Land Subdivision Regulations. *[Editor's Note: See Ch. 188, Subdivision of Land.]*
 - (b) All information required for preliminary site plan approval as detailed in this Chapter.
 - (2) Applications for Solar Utility Overlay District (SU-O) or the Mining and Excavation Overlay (ME-O) District shall require a special use permit in accordance with this Chapter from the Planning Board.
- B. The Planning Board's consideration of the preliminary site plan or plat shall include but not be limited to the following considerations, as applicable:
 - (1) General criteria as set forth in this Article.
 - (2) Conformity with the approved sketch plan.
 - (3) Design requirements of the Town's Land Subdivision Regulations and Road Specifications and Regulations.
 - (4) Considerations for review of a preliminary site plan as detailed by this Chapter.
 - (5) Conformance with other specific charges of the Town Board which may have been stated in the resolution approving the PDD Zoning Map amendment.
- C. In its review, the Planning Board may consult with the Town Engineer and other Town and County officials as well as representatives of appropriate Federal and State agencies, including the Soil Conservation Service and the Department of Environmental Conservation. The planning and engineering consultants shall submit their reviews of the preliminary site plan within 30 days of the receipt of the same from the Planning Board. The Planning Board may require that the exterior design of all structures be performed by, or under the direction of, a registered architect whose seal shall be prominently affixed to the plans. The Planning Board may also require such additional provisions and conditions that appear necessary for the public health, safety and general welfare. The Planning Board's reasonable expenses for planning, engineering or other professional consultation shall be chargeable to and reimbursable by the applicant.
- D. Within 45 days of the receipt of the application for preliminary site plan or plat approval by the Chairman of the Planning Board, the Planning Board shall conduct a public hearing, pursuant to applicable statute. Within 90 days of its receipt, the Planning Board shall act upon the application for preliminary site plan approval. If no decision is made by the Planning Board within the 90-day period, the preliminary site plan shall be considered approved. The decision shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, approved with modification or disapproved. A copy of the appropriate minutes of the Planning Board shall be a sufficient report, and if approval with or without modifications is granted, the report should specify the drawings, specifications and forms of performance bonds that must accompany an application for final approval.
- E. The Planning Board's statement may be that of approval, approval with modifications or disapproval and, as such, should include recommendations concerning desirable revisions to be incorporated in the final site plan, conformance with which shall be considered a prerequisite of full approval. Such recommendation shall be limited, however, to siting and dimensional details within general use areas and shall not significantly alter the sketch plan as it was approved in the rezoning to PDD.
- F. If the preliminary site plan is disapproved, the Planning Board's statement shall contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan to the Planning Board after it has been revised or redesigned.

§ 219-131. Final Plan Review.

- A. After receiving approval, with or without modification, of the preliminary site plan or plat and approval for all necessary permits from State and County officials, the applicant may prepare a final site plan or plat and submit it to the Planning Board for final review.
- B. If more than 12 months have elapsed between the time of the Planning Board's report on the preliminary site plan or plat and if the Planning Board finds that conditions have changed significantly in the interim, the Planning Board may require resubmission of the preliminary site plan or plat for further review and possible revision prior to accepting the proposed final site plan or plat for review.
- C. The final site plan or plat shall include all information required for a major subdivision plat under the Town's Land Subdivision Regulations. *[Editor's Note: See Ch. 188, Subdivision of Land.]*
- D. The final site plan or plat shall conform substantially to the preliminary site plan or plat that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been recommended by the Planning Board and/or Town Board at the time of preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- E. If no approved final site plan or plat for a PDD is filed with the Office of the County Clerk within a period of 30 months of approval of the preliminary site plan by the Planning Board, the Town Board shall consider a Zoning Map amendment and may return the zoning classification of the property to its status prior to its rezoning to PDD.
- F. Within 45 days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Director of Planning and Zoning. If no decision is made within the 45-day period, the final site plan shall be considered approved.
 - (1) Upon approving an application, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer who may then issue a Building and Zoning Permit to the applicant if the project conforms to all other applicable requirements and all fees and reimbursable costs have been paid to the Town.
 - (2) Upon disapproving an application, the Planning Board shall so inform the Code Enforcement Officer, and the Code Enforcement Officer shall deny any requested Building and Zoning Permits to the applicant. The Planning Board shall also notify the applicant in writing of its decision and the specific reasons for its disapproval. A copy of the appropriate meeting minutes may suffice for this notice.
- G. If the applicant wishes to stage his development and he has so indicated on the approved sketch plan, he may submit only those stages he wishes to develop for site plan approval in conformance with his approved staging plan. Any plan which requires more than 24 months to be completed shall be required to be staged, and a staging plan must be developed. At no point in the development of a PDD shall the approved ratio of differing uses or nonresidential to residential acreage or the dwelling unit ratios between the several different housing types for that portion of the PDD completed and/or under construction differ from that of the PDD as a whole by more than 20%.
- H. Other applicable regulations.
 - (1) For the purpose of regulating the further development and use of PDD property after initial construction and occupancy, any changes other than use changes shall be in the form of a special use permit request to the Planning Board. Use changes shall also be in the form of a special use permit request, except that in such instance, Town Board approval shall be required. It shall be noted that the properties located in mixed use Planned Development Districts are unique and shall be so considered by the Town Board or Planning Board when evaluating these requests. The maintenance of the intent and function of the planned development shall be of primary interest.
 - (2) Site plan review under the provisions of this Article shall constitute the Planning Board's review of the subdivision under applicable Town Land Subdivision Regulations *[Editor's Note: See Ch. 188, Subdivision of Land]* subject to the following conditions:
 - (a) The developer shall prepare sets of subdivision plats suitable for filing with the Office of the Rensselaer County Clerk in addition to those drawings required by this Article.

- (b) The developer shall plat the entire development as a subdivision; however, a Planned Development District being developed in stages may be platted and filed in the same stages.
 - (c) Final site plan review and approval shall constitute final plat approval under the Town Land Subdivision Regulations. Provisions of § 276 of the Town Law requiring that the plat be filed with the County Clerk within 60 days of final Planning Board approval shall apply.
- I. Financial responsibility. No Building and Zoning Permits shall be issued for construction within a planned development until necessary improvements are installed or performance bonds posted in accordance with the same procedure as provided for in § 277 of the Town Law relating to subdivisions. Other requirements regarding performance bonds may also be established from time to time by the Town Board.
 - J. Fee. Application for approval of a Planned Development District sketch plan shall be accompanied by a fee equal to that charged under the Town's Land Subdivision Regulations for review of a similarly sized major subdivision plat.

§ 219-132. Infrastructure, Inspection and Security.

- A. General. All infrastructure improvements required or proposed pursuant to a PDD approval shall be constructed and completed to the standards set forth in all applicable State and local laws, rules and regulations as well as the standards or specifications, if any, specified by the Town Board and/or Planning Board as part of the PDD approval process. For purposes of this section the term infrastructure improvements include all roads, drainage facilities, water and sewer facilities, and any other aspect of a PDD for which an improvement will or is intended to benefit the public or the future occupants or users of the PDD. The construction or installation of any infrastructure improvement shall be completed pursuant to the schedule of construction for infrastructure that is approved by the Planning Board during the site plan review phase of the PDD approval. If a specific schedule is not otherwise indicated by the Planning Board, all infrastructure must be completed within two (2) years of the site plan approval.
- B. Inspection fees. At least ten (10) days prior to commencing construction of required infrastructure improvements, the applicant shall pay to the Town Clerk the inspection fee required to reimburse the Town for the cost of inspecting the construction and installation of the infrastructure improvements. Such fee shall be set during the site plan review phase of the PDD approval process. The applicant shall also notify the Town of the date and time when construction of infrastructure improvements is to commence by submitting written notification to the Town Clerk at least seven (7) days before such commencement. The Town shall cause inspections to be made to ensure that all applicable specifications and requirements are met in the construction and installation of such infrastructure improvements as required by the Planning Board or the Town Board during the PDD approval process.
- C. Completion or Required Financial Security. All infrastructure improvements must be either completed prior to final site plan approval or must be subject to financial security as a condition of final approval in an amount sufficient to guarantee the installation of the infrastructure improvements. Acceptable financial security shall be provided to the Town in an amount equal to the cost of construction of the infrastructure improvements plus all necessary costs and expenses that may be incurred or expended by the Town in causing any and all such work to be completed in one (1) of the following ways: (1) by a bond executed by a highly rated security company acceptable to the Town in a form acceptable to the Town Attorney; (2) the applicant shall present a certified check to the Town Clerk; or (3) the applicant shall present an irrevocable letter of credit payable to the Town in a form acceptable to the Town to be reviewed annually.
- D. Review and Acceptance of Financial Security. For each of the options set forth in section 8(C) above, the amount of the estimated construction costs shall be certified by a New York State licensed professional engineer. The proposed financial guarantee shall be reviewed by the Planning Board and its consultants for financial adequacy as a guarantee of construction and reasonable performance during any proposed period of construction. The Planning Board and the Town Attorney (or legal counsel retained by the Town for such purpose) shall jointly review the guarantee for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.
- E. Schedule of Improvements. Prior to or simultaneous with the negotiation and acceptance of the financial guarantee, the applicant shall provide and the Planning Board shall review and approve a written schedule for the construction, installation and completion for all required and proposed infrastructure improvements as part of the final site plan process. Such schedule shall also include the estimated cost of construction and installation for each improvement. Whenever feasible, costs and schedule of completion shall be organized by logical phases of work completion in order to facilitate

the partial release of financial security held by the Town to the applicant as work is satisfactorily completed. There shall be at least a 90-day period between the completion date of all improvements and the expiration date of any bond, deposit of money, or letter of credit. Said 90-day period shall give the Town the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case (a) the developer is unable to do so; and/or (b) the Planning Board denies any requests for an extension of time. Failure to complete all improvements within the time allotted shall cause the Planning Board: to (a) draw upon the financial performance guarantee in order to complete the improvements; and/or (b) schedule a Public Hearing in coordination with the Town Board in order to rescind related previous approvals or extend the completion date.

- F. Stage Release of Guarantees. At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a given date together with a proposed amount to be released from the financial guarantee provided by the applicant. This statement shall follow the schedule of improvements as set forth in paragraph E above. The applicant shall submit such statement to the Planning Board for review and approval. The Planning Board may request review and comment from the Town Board or any of its consultants that it believes is appropriate to determine the accuracy of the statement. The Town's project inspector must also provide, in writing, proof that pursuant to inspections made, the improvement has been satisfactorily completed pursuant to the approved project plans. Once approved by the Planning Board, the Planning Board may direct the appropriate Town official to notify, in writing, the security company or financial institution having custody of the guarantee funds to release to the applicant the approved amount of those funds.
- G. Modification of Required Improvements. If, at any time before or during the construction of the required improvements as set forth in the Town Board approved PDD, it is demonstrated to the satisfaction of both the Town Board and Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Board shall, upon approval by the Planning Board, authorize modifications to the PDD approval. If such modification affects the scope of work covered by a performance bond, any agreement to modify the required improvements by the Town Board and Planning Board shall be contingent upon receipt by the third-party guarantor a written statement that the third-party guarantor agrees to the proposed modification of the required improvements and that such modification shall not relieve or affect the liability of the third-party guarantor.
- H. Extension of Financial Guarantee. The time period specified for the completion of all required improvements, as set forth in the financial guarantee, may be extended only by resolution of the Planning Board upon request in writing by the applicant, setting forth in detail the amount of work which has been completed, reasons for failure to complete the remainder of the work within the specified period, the maximum estimated time required to complete the remainder of the work and the time period extension which is requested. The Planning Board resolution agreeing to an extension shall be affixed to the financial guarantee. In the case of a performance bond, such an agreement for an extension shall not be effective until the third-party guarantor delivers to the Planning Board a written statement that the third-party guarantor agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the third-party guarantor.
- I. Acceptance of Public Infrastructure Improvements. When any infrastructure or other aspect of the PDD is to be offered for dedication to the Town as a public improvement, and the Town's project inspector, following final inspection of the completion of that improvement and the PDD project, the Town Board may act by resolution to accept dedication of the public improvements.
- J. Maintenance Guarantee. Upon acceptance of required public improvements or upon certification that infrastructure improvements have been satisfactorily completed, the Town may require the establishment of a maintenance guarantee. All such guarantees shall be for a minimum of ten percent (10%) of the financial guarantee originally required by the applicant or such amount required by the Town to sufficiently ensure that the improvements will be adequately maintained for the period specified by the Planning Board. The maintenance guarantee shall be provided by one (1) of the methods set forth in this section above and reviewed and accepted pursuant to section. All maintenance guarantees shall commence immediately upon acceptance of the public improvements or upon certification of completion of all other infrastructure improvements and be in place prior to release of the previous performance guarantees.

§ 219-133. Consultant Review Fees.

The Planning Board may require an applicant for any review, permit or approval to deposit in escrow an amount established by the Planning Board to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Planning Board to review such application. The fees and/or costs charged by such engineer, consultant or attorney in connection with such review will be charged against the sum deposited in escrow. Any amount remaining shall be returned to the applicant within 45 days of final action on the application.

§ 219-134. Effect of Conditions.

- A. Effect of Conditions. All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of any part of the entire site, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area. Such conditions shall further be a part of any Certificate of Occupancy or Use issued for any use or structure in such development.

§ 219-135. Expiration, Revocation, and Amendments.

- A. All conditions imposed by the Town Board, including those the performance of which are conditions precedent to the issuance of any permit necessary for the development of any part of the entire site, shall run with the land and shall neither lapse nor be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area. Such conditions shall further be a part of any Certificate of Occupancy or Use issued for any use or structure in such development.
- B. Existing rights preserved. Any use lawfully occurring in any PDD in existence on the effective date of this Chapter shall be permitted to continue, and any buildings, appurtenant structures or facilities accommodating such uses may be renovated, repaired and maintained without being subject to the provisions of this section, provided that any change in use or new or additional building projects shall be so subject. Applications pending on the effective date hereto for a building project in an existing or proposed PDD shall continue to be reviewed and acted upon by the administrative board conducting such review, and final action of such board shall be deemed to be a recommendation to the Town Board hereunder.
- C. Any planned development district that is not commenced and diligently pursued within two (2) years of the date of approval from the Town Board for any reason may have the approval revoked, and the property shall revert to its previous zoning district(s) at the time of PDD approval, unless upon prior written request to the Town Board, the time period to commence the planned development district may be extended for a maximum period of one (1) additional calendar year for a total of 12 months from the date of the resolution approving the planned development district, either through a single extension of one (1) calendar year or the combination of two (2) or more extensions.
- D. Amendments to planned development district. The terms and conditions of any planned development district may be amended in the same manner as required for issuance of a planned development district, following the criteria and procedures of this Article.

Article XIII. Nonconforming Uses, Lots & Structures

§ 219-136. Applicability.

The following provisions shall apply to all uses, lots, and structures existing on the effective date of this Chapter, to all buildings and uses that may become nonconforming or noncomplying by reason of any subsequent amendment to this Chapter and the Zoning Map which is a part thereof *[Editor's Note: The Zoning Map is on file in the Office of the Town Clerk]* and to all complying buildings housing nonconforming uses.

§ 219-137. Nonconforming Uses.

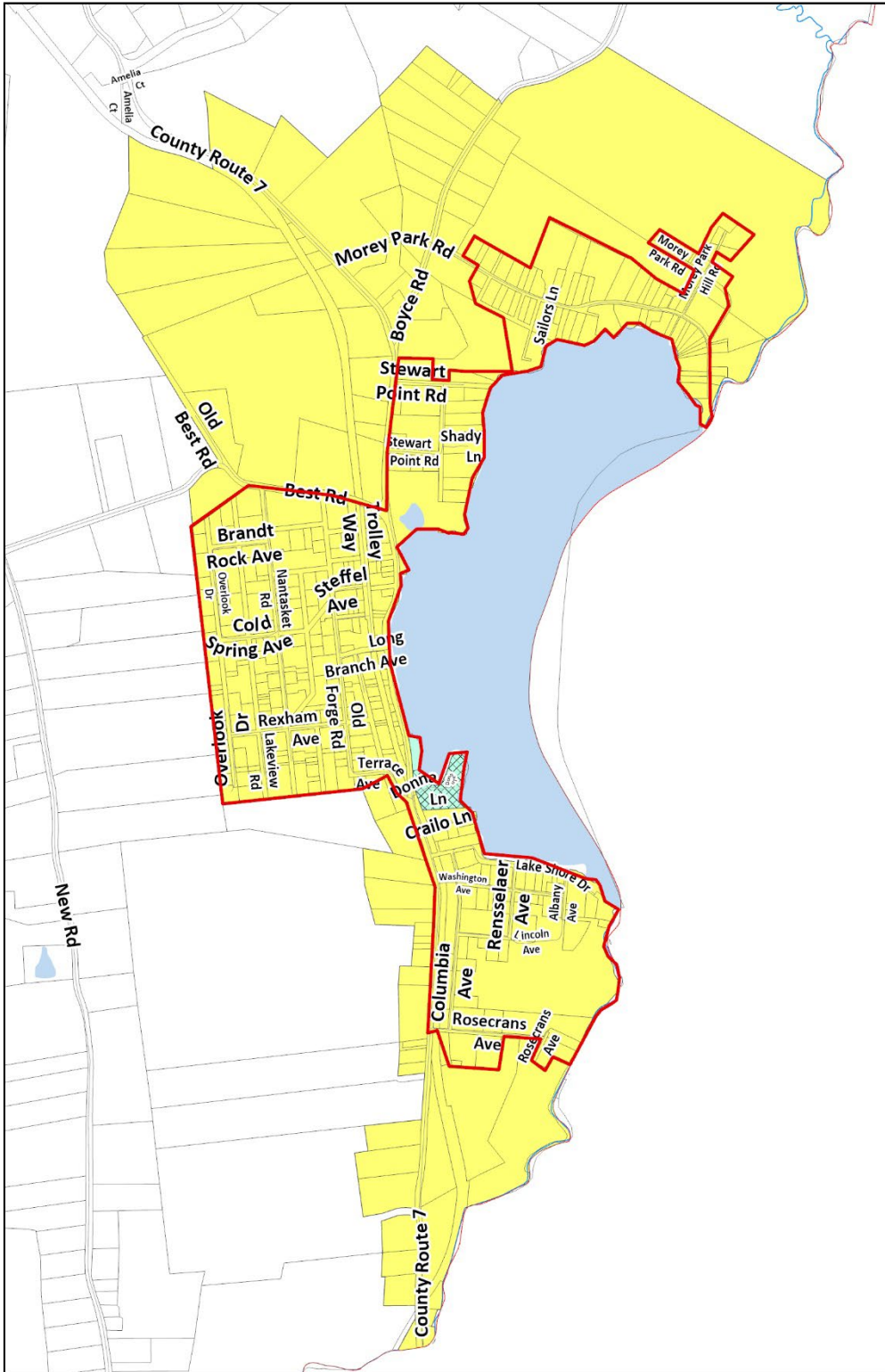
- A. Any pre-existing nonconforming use of structures or open land, except those specified in herein this section of the Zoning Law, may be continued indefinitely, but:
- (1) Shall not be enlarged, altered, extended, reconstructed or restored, except as provided below, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this Chapter, nor shall any external evidence of such use be substantially increased by any means whatsoever. Notwithstanding the foregoing, an owner of real property located in a HM, CM, or C District and which is being lawfully used as a "one-family dwelling" pursuant to legal non-conforming use shall be permitted to improve said property with a private garage or carport as a permitted accessory use, provided that the area and bulk requirements applicable to RA Districts are met and subject to compliance with all applicable requirements of the Town Code.
 - (2) Shall not be moved to another location where such use would be nonconforming.
 - (3) Shall not be reestablished if such use has been discontinued for any reason for a period of one (1) year or more.
 - (4) Shall not be restored for other than a conforming use after damage for any reason or by any cause exceeding 75% of its prior market value or bulk, with the further provision that the bulk, height and area requirements shall not be in excess of that which existed prior to the damage and that the restoration must be completed within two (2) years of such occurrence or the use of such buildings or land as a legal nonconforming use shall thereafter be terminated.
- B. While a nonconforming use may not be extended, nothing contained herein shall prohibit the extension of a lawful use to any portion of a nonconforming building or structure which existed prior to the enactment of this Chapter. No nonconforming use shall, however, be extended to displace a conforming use.

§ 219-138. Nonconforming Buildings and Structures.

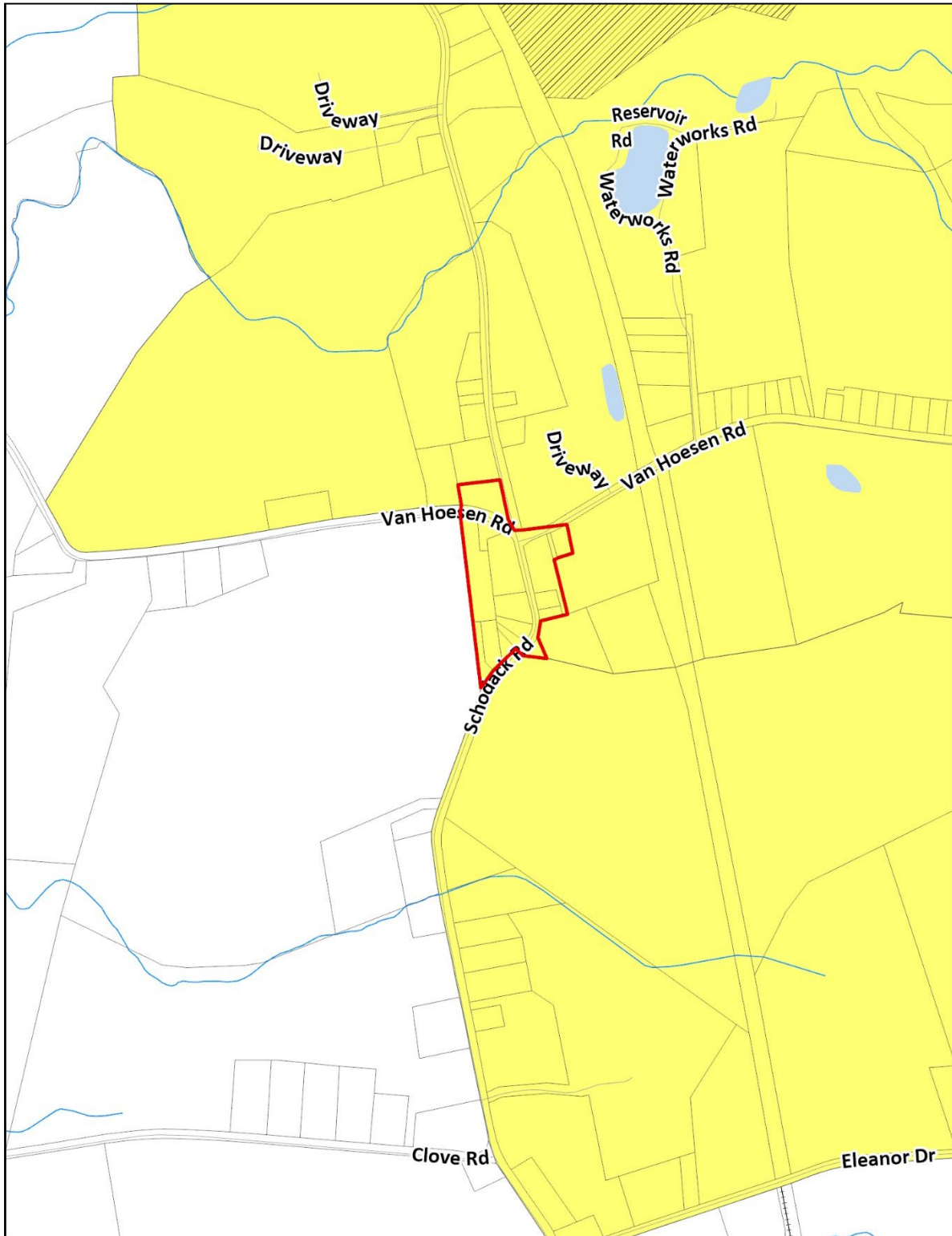
- A. Nonconforming structures. Any structure, which lawfully existed on the effective date of this Article and fails to meet the bulk regulations as set forth in Attachment 2: Schedule of Area and Bulk Regulations, or other applicable requirements of the Chapter, shall be considered a legal nonconforming structure.
- (1) Restoration. If a nonconforming structure is more than fifty percent (50%) destroyed or damaged by fire, flood, explosion, or other casualty, or has been deemed unsafe by the Code Enforcement Officer, said structure may be restored to the pre-existing nonconforming setbacks. If such damage destroys 75% or more of the building, such restoration shall begin within thirty-six (36) months of the date of casualty.
 - (2) Enlarging, extending, or altering. No nonconforming structure shall be enlarged, extended or altered except for the following:
 - (a) Such alteration, maintenance and repair work as required to keep said structure in a safe condition.
 - (b) Such alterations or construction which would bring the structure into conformity with the requirements of this chapter.

- (c) The Town of Schodack has identified four (4) locations within the Town that possess unique property dimensions that routinely result in difficulty in compliance with the Town's bulk requirements. These four (4) locations are afforded a nonconforming exemption as follows:
 - [1] Nonconforming residential structures in Nassau Lake, Schodack Landing, South Schodack Station or Muitzeskill have been identified as a Nonconforming Exemption Location (see Figure 1) and may be permitted to be enlarged, extended, or altered by a maximum of fifty percent (50%) of the existing residential building's square footage as determined by the nonconforming structure's size at the time of the adoption of this Chapter.
 - [2] Expansions of a nonconforming residential in the identified Nonconforming Exception Locations may not infringe on the existing front or side setbacks, and may be expanded in the rear not to exceed 25 feet from the rear lot line and may add height, provided that such increase in height does not exceed 35 feet.
 - [3] Such nonconforming residential structures in the identified Nonconforming Exception Locations may be permitted to rebuild to their pre-existing setbacks, even if 100 percent destroyed.
 - [4] Such non-conforming residential use shall meet County Health Department approval for private well and/or sanitary septic use if required.
- (3). Nothing contained in this Article shall be deemed to prevent normal repair and maintenance of, or structural alteration within a nonconforming building, provided such action does not expand or enlarge a nonconforming structure or create any new nonconformity.
- (4). Further, any nonconforming building or structure declared unsafe by a proper authority may be restored to a proper condition within the time period provided by such authority.

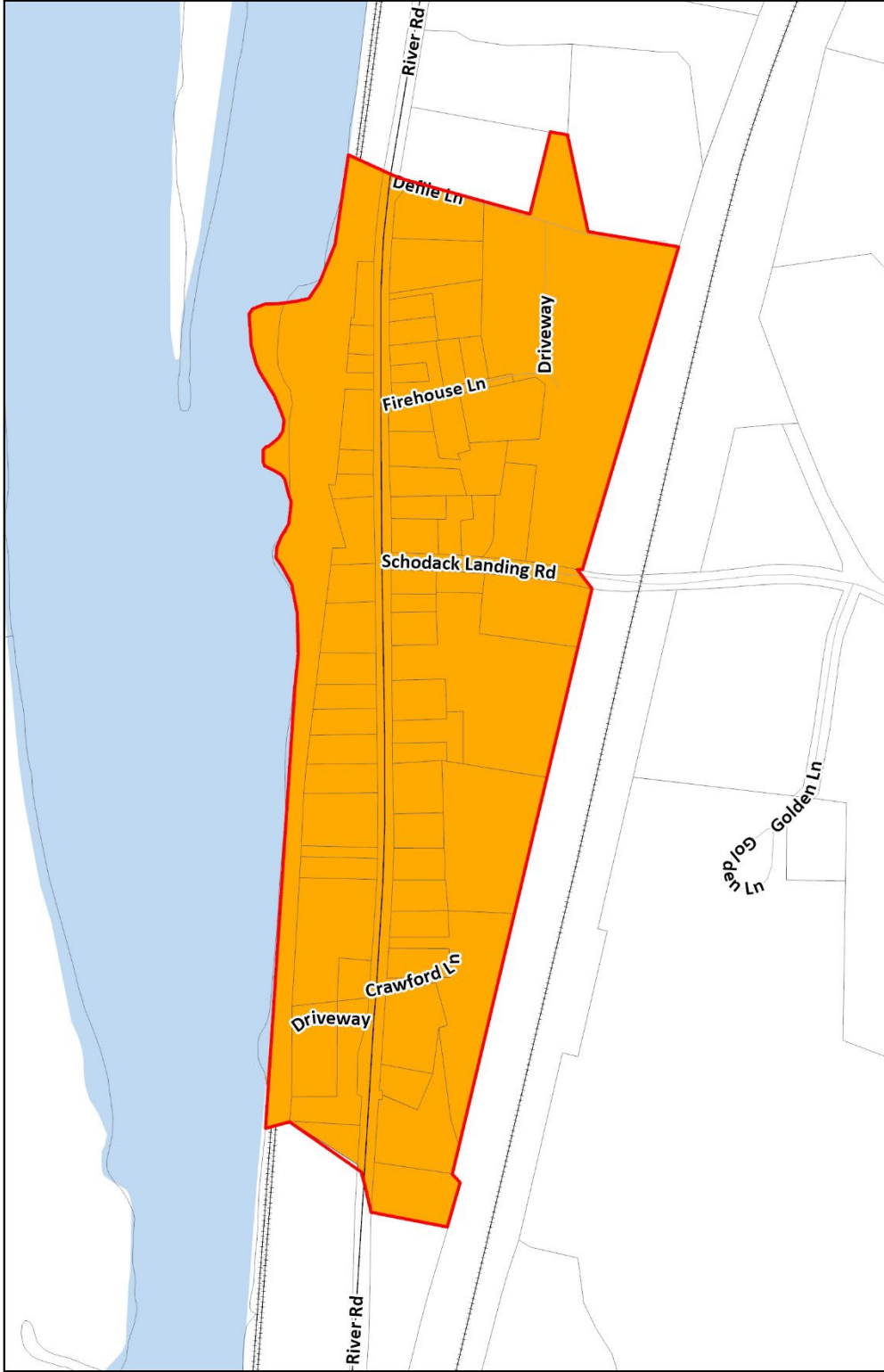
Figure 1: Nonconforming Exemption Locations



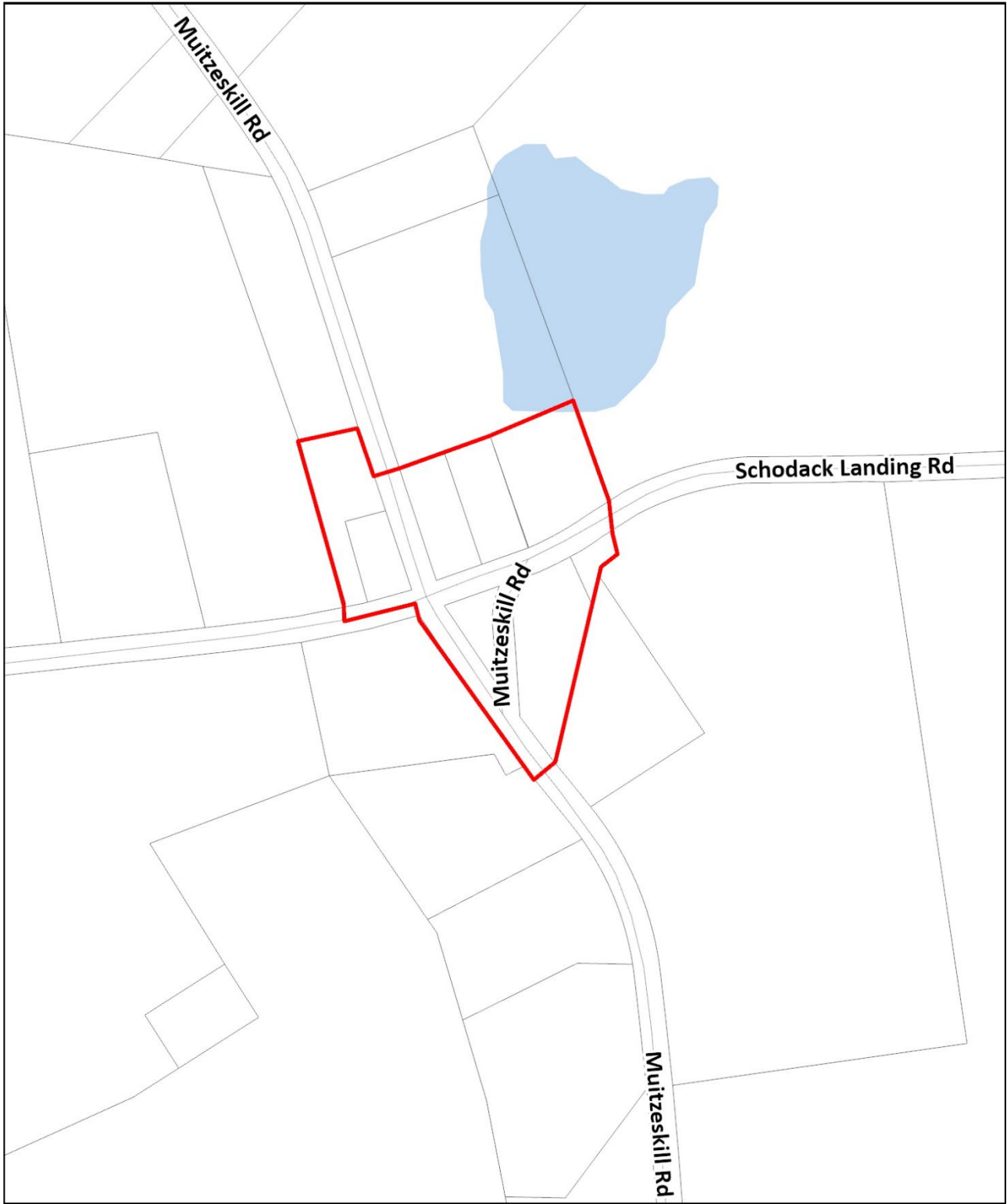
Nassau Lake



South Schodack Station



Schodack Landing



Muitzeskill

§ 219-139. Nonconforming Lots.

- A. If a lot of record lawfully existed prior to the adoption of this Zoning Law, or any applicable amendment thereto, fails to meet applicable coverage, setback, or lot size standards as set forth in this Zoning Law, the lot may be developed with any allowable use listed for the Zoning District in which such nonconforming lot is located provided that it can meet all additional requirements of the Zoning Law.
- B. Any abutting nonconforming lots which are owned by the same owner or owners, notwithstanding any subsequent conveyance(s), shall be considered as one (1) merged lot for the purpose of this Chapter, unless more than one (1) lawful structure exists on the merged lot.

§ 219-140. Reserved.

Article XIV. Administration & Enforcement

§ 219-141. Officials Designated.

- A. The Code Enforcement Officer shall enforce all provisions of this Chapter except where otherwise herein specifically required. Whenever any permit is required herein, the same shall be applied for and shall be issued in the first instance from the Office of the Town Code Enforcement Officer in accordance with the requirements of this Chapter and applicable Town regulations governing building construction and the issuance of Building and Zoning Permits. *[Editor's Note: See Ch. 90, Building Construction.]* The Code Enforcement Officer shall work directly with the Town of Schodack Planning Board, the Town of Schodack Zoning Board of Appeals, and the Town of Schodack Planning Director, all of whom shall serve to uphold the intent of this Zoning Law through the powers and duties granted herein.

§ 219-142. Right of Entry.

The Code Enforcement Officer shall have the right to enter upon, examine and inspect, or cause to be entered, examined and inspected, any building or property at any reasonable time for the purpose of carrying out his/her duties and to determine compliance with the provisions of this Chapter. A written report of each such examination and inspection shall be prepared on an appropriate form and kept on file by the Town Building Department.

§ 219-143. Powers and Duties of Code Enforcement Officer.

In addition to all other authority conferred by law, the Code Enforcement Officer shall have the following powers and duties with respect to this Chapter:

- A. Issuance of Building and Zoning Permits. No building or structure shall be erected, altered, reconstructed or enlarged until the Code Enforcement Officer has issued a Building and Zoning Permit stating that the proposed use and structure comply with all applicable provisions of this Chapter.
- B. Issuance of certificate of occupancy and/or certificate of compliance.
- (1) No use shall be established or land or structure occupied until the Code Enforcement Officer has issued a certificate of occupancy or certificate of compliance stating that the use, land and structure comply with all applicable provisions of this Chapter.
- (2) More particularly, no certificate of occupancy or certificate of compliance shall be issued for any special use of a building or of land requiring special use permit approval by the Planning Board unless and until such special use permit or site plan approval has been granted by the Planning Board. Every certificate of occupancy or certificate of compliance for which a special use permit or site plan approval has been granted, or in connection with which a variance has been granted by the Board of Appeals, shall contain a detailed statement of any condition to which the same is subject and shall include, by attachment, a copy of such Board of Appeals decision.
- C. The Code Enforcement Officer shall administer the Town Center regulations found in Article XIX of this Chapter as follows:
- (1) The Code Enforcement Officer is hereby authorized to undertake the review and approval of all of the following types of applications and shall coordinate such review with any other Town code review requirements emergency responders, highway or other agency officials as deemed necessary:
- (a) Simple renovations such as door and window changes, re-siding, re-roofing, and enclosing entryways as prescribed by the Town Center approval;
- (b) Compliance with conditions of approval as specified in a prior written decision of the Planning Board; and
- (c) Minor amendments to development applications previously approved by the Planning Board where the proposed amendment otherwise qualifies for administrative review and will not substantively alter any findings of fact or Planning Board decision and related conditions of approval.

- D. Issuance of notices of violation. Whenever, in the opinion of the Code Enforcement Officer, after proper examination and inspection, there appears to exist a violation of any provision of this Chapter or of any rule or regulation adopted pursuant thereto, he shall serve a written notice upon the appropriate person(s) responsible for such alleged violation. Such notice shall be served in accordance with the requirements herein.
- E. Issuance of stop work orders. Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure or any use of land is occurring either in violation of the provisions of this Chapter, not in conformity with any application made, permit granted or other approval issued hereunder, or in an unsafe or dangerous manner, the Code Enforcement Officer shall promptly notify the appropriate person(s) responsible to suspend work on any such building or structure or the use of any such land. Such person(s) shall forthwith suspend such activity until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work or use may be resumed and may be served upon the person(s) whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction or premises in use and additionally sending a copy of the same by registered mail.
- F. Emergency action. If, in the opinion of the Code Enforcement Officer, a violation exists which requires immediate action to avoid a direct hazard or imminent danger to the health, safety, morals or welfare of occupants of a building or to other persons, the Code Enforcement Officer may direct such violation immediately remedied or may take direct action on his own initiative to abate the hazard or danger. Any costs incurred by such action shall be paid for by the owner, occupant or person(s) responsible for the violation. The Code Enforcement Officer shall keep on file an affidavit stating, with fairness and accuracy, the items of expense and date of execution of action taken, and is furthermore authorized to institute a suit, if necessary, against the person liable for such expenses or place a lien against property in order to recover said costs.

§ 219-144. Powers and Duties of the Director of Planning and Zoning.

- A. The Director of Planning and Zoning shall have the following powers and duties with respect to the Zoning Law:
 - (1) Shall serve the Town of Schodack Planning Board and the Town of Schodack Zoning Board of Appeals in assisting with the processing of applications prior to and throughout review.
 - (2) The Director of Planning and Zoning shall serve as the Stormwater Officer and/or MS4 officer in accordance with this Chapter.
 - (3) The Director of Planning and Zoning shall administer the Town Center regulations found in Article XIX of this Chapter as follows:
 - (a) Review Process.
 - [1] Schematic Conference. At the very early stages of concept design, prior to developing any detailed architectural/engineering drawings or filing a formal application, the applicant shall schedule an informal (pre-application) Schematic Conference with the Director of Planning and Zoning to discuss the general project intentions and review the code and its procedures. The purpose of this conference is early detection of any potential design or other concerns before the applicant has expended time and funds on design and engineering plans which may require significant changes.
 - [2] A request for a schematic conference shall be accompanied by a very basic site schematic/layout plans and a copy of any additional information the applicant wishes to discuss.
 - [3] After the conference, the Director of Planning and Zoning will provide to the applicant a preliminary list of recommendations related to the development plans, such as: variances or permits required; initial design feedback; guidance on which types of technical studies may be necessary; and identify any additional review that might be necessary before approvals can be granted.
 - [4] If it is determined that the application would qualify for administrative review as submitted, or with only minor modifications, the Director of Planning and Zoning shall inform the applicant of what additional steps, changes, forms and fees would be required to submit a formal application. Once submitted, the formal application may be approved, approved with modifications or denied as part of administrative review. Other applications shall proceed to the Concept Development Meeting.

- [5] Concept Development Meeting. After the Pre-Application Conference, the applicant shall prepare revised design plans, including any suggested modifications, required studies and information requested in the previous meeting. The Director of Planning and Zoning may facilitate a concept development meeting with the applicant prior to the formal application to the Planning Board.
- (b) Formal Application. Formal applications for the Town Center shall be submitted to the Director of Planning and Zoning along with any required plans, forms, fees and studies.
 - [1] Any required variances or special use permits shall be obtained prior to/or in parallel with formal application process.
 - [2] Applications shall be reviewed for completeness. The Director of Planning and Zoning will notify the applicant if their application is complete or not, and identify any missing information which must still be submitted. The applicant must submit the requested information within 60 days of notification or the application will be deemed withdrawn, forfeiting any application fees.
- (4) The Planning Director shall coordinate all zoning and map amendments with the Town Clerk for filing with Rensselaer County and New York State. The Planning Director shall maintain an updated zoning law and map on file in the Planning Department of the Town of Schodack.

§ 219-145. Powers and Duties of the Planning Board.

- A. The Planning Board shall have the following powers and duties with respect to this Zoning Law:
 - (1) Review and approval of Site Plans, Subdivisions, and other boundary line adjustments in accordance with the standards and procedures set forth herein.
 - (2) Review and approval of Special Use Permits in accordance with the standards and procedures set forth herein.
 - (3) Submittal of an advisory opinion to the Town Board for any proposed amendment to this Zoning Law.
 - (4) On the request of the Town Board, or on its own initiative, submittal of an advisory opinion to the Town Board in any matter relating to planning and zoning.
 - (5) Exercise all other powers conferred upon it by the provisions of the New York Town Law and to pass upon all matters which may be referred to it from time to time by resolution of the Town Board.
 - (6) The Planning Board shall adhere to any State mandated training requirements.
 - (7) The Planning Board shall administer the Town Center regulations found in Article XIX of this Chapter as follows.
 - (a) The Planning Board has authority to modify dimensional standards of the Town Center Form Based Code. Recognizing this form-based code is being applied to an existing built-up area where it is expected that strict compliance with every dimensional standard may not be practical or necessary to meet the purposes of this Chapter, the Planning Board is authorized to vote by a super majority vote (majority plus one) to modify or waive the dimensional standards set forth herein within plus or minus 25% range as appropriate provided all of the following findings are made by the Planning Board in rendering its decision that such waiver or modification:
 - [1] Does not create an undue adverse effect on abutting properties or uses, and;
 - [2] Does not increase the number of stories of a building, and;
 - [3] Does not conflict with the intent of the standard being waived or modified, and;
 - [4] Allows for improvement that will add to the overall vitality of the Town center area, and;
 - [5] Advances the purposes of this Chapter of the Town code.
 - (c) Consent Agenda. The Planning Board may require that Administrative Review applications be placed on a consent agenda at the next Planning Board meeting. As part of the consent agenda process, the Planning Board may review and modify previously approved plans without the need for a new site plan or special use application. Such items may include:

- [1] Construction or modification of parking lots or areas affecting ten (10) spaces or fewer.
 - [2] Awnings.
 - [3] Fences, landscape walls and berms.
 - [4] Signs and awnings.
 - [5] Stormwater management improvements of 5,000 square feet or less.
 - [6] Lot Line Adjustment.
 - [7] Additions of no more than 2,500 square feet to existing buildings located 500-feet or more from an abutting residential district that are 50% or less of the existing gross floor area of the principal structure that otherwise comply with all applicable dimensional standards.
- (8) Any other powers and duties as specified elsewhere in this Zoning Law.

§ 219-146. Building and Zoning Permits

- A. No person, firm, corporation or other legal entity shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of the occupancy of any building or structure or excavate or grade land or cause the same to be done without first obtaining a separate Building and Zoning Permit from the Building Department for each such building or structure as required pursuant to the Town of Schodack.
- B. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a Building and Zoning Permit for work in any category set forth in subdivision (a) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- C. Applications for Building and Zoning Permits. Applications for a Building and Zoning Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
 - (1) A description of the proposed work;
 - (2) The tax map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) At least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- D. Construction documents. Construction documents will not be accepted as part of an application for a Building and Zoning Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (c) of this section. Construction documents which are accepted as part of the application for a Building and Zoning Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one (1) set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work,

nor as an indication that a Building and Zoning Permit will be issued. Work shall not be commenced until and unless a Building and Zoning Permit is issued.

- E. Issuance of Building and Zoning Permits. An application for a Building and Zoning Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building and Zoning Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- F. Building and Zoning Permits to be displayed. Building and Zoning Permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- G. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building and Zoning Permit. The Building and Zoning Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building and Zoning Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building and Zoning Permit, such change shall not be made until and unless a new or amended Building and Zoning Permit reflecting such change is issued.
- H. Time limits. Building and Zoning Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building and Zoning Permits shall expire 12 months after the date of issuance. A Building and Zoning Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- I. Revocation or suspension of Building and Zoning Permits. If the Code Enforcement Officer determines that a Building and Zoning Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building and Zoning Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building and Zoning Permit or suspend the Building and Zoning Permit until such time as the Permit Holder demonstrates that (i) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (ii) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- J. Fee. The fee specified in or determined in accordance with the provisions set forth herein of this local law must be paid at the time of submission of an application for a Building and Zoning Permit, for an amended Building and Zoning Permit, or for renewal of a Building and Zoning Permit.

§ 219-147. Records.

- A. All public records shall be open for public inspection during normal business hours upon a FOIL request. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§ 219-148. Fees.

- A. The Town Board shall, by resolution, establish and amend a Schedule of Fees for the applications and permits required or contemplated by this Zoning Law; the current schedule shall be on file with the Code Enforcement Officer and with the Town Clerk. Such fees shall be payable to the Town Clerk at the time of application or, as appropriate, at the time of issuance of a permit.

§ 219-149. State Environmental Quality Review Act (SEQRA).

- A. All actions taken by the Planning Board or the Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act ("SEQRA") under Article 8 of the New York Environmental Conservation Law and its implementing regulations.

§ 219-150. Notice of violation.

A notice of violation of any provision of this Chapter or any rule or regulation adopted pursuant thereto may be served by the Code Enforcement Officer and shall inform the recipient of:

- A. The nature and specific details of such violation.
- B. Recommended remedial action which, if taken, will affect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- C. The date of compliance by which the violation must be remedied or removed.
- D. The recipient's right to a hearing before the Code Enforcement Officer, as provided below.

§ 219-151. Violations & Complaints.

- A. It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building, structure or premises, or portion thereof, in violation of any provision of this Zoning Law, or to construct, alter or use and occupy any building, structure or premises in a manner not permitted by or inconsistent with a permit, approval or variance issued pursuant to this Zoning Law, or to fail to comply with a notice, directive or order of the Code Enforcement Officer or agent thereof.
- B. Where a violation has occurred or exists, the potentially responsible persons shall include the owner of the real property involved or affected; any contractor, subcontractor, builder, construction superintendent, engineer, manager, or other person responsible for undertaking, managing or directing the illegal activity; and any agent of the foregoing.
- C. Whenever a violation of this Zoning Law occurs, any person may file a complaint, which may be anonymous, in regard thereto. Complaints shall be submitted in writing, by email, or by phone with the Code Enforcement Officer, or may be observed directly by the Code Enforcement Officer, who shall properly record all such complaints or potential violations and immediately investigate and report his findings thereon to the Town Board. The Code Enforcement Officer shall have authority to serve upon any person owning, leasing, controlling, or managing any building, structure, or land in which a violation of this Zoning Law exists an order to cease or remove such violation.

§ 219-152. Right to hearing.

Any person served with such notice of violation and who denies the existence of the violation or is allegedly aggrieved by the required action necessary for compliance may, within ten (10) days of service of notice, request in writing a hearing before the Code Enforcement Officer, specifically noting the reasons why such hearing is requested.

- A. Within ten (10) days after receipt of such request for a hearing, the Code Enforcement Officer shall acknowledge receipt in writing and set a time and place for such hearing not later than 30 days after the date such request was received. Such hearing may be postponed beyond the thirty (30) day limit for just cause, with notice of such postponement served. At such hearing, the person requesting the hearing shall be required to show cause or give evidence why he should not be required to remedy the violation or why he is unable to comply with the remedial action outlined in the notice of violation.
- B. After consideration of all testimony given at such hearing, the Code Enforcement Officer shall either sustain, withdraw or modify the notice of violation as originally served. If the notice is sustained or modified, the Code Enforcement Officer shall set a new compliance date either consistent with the original notice of violation or extended, as appropriate. Such extension shall only be permitted if there exists both reasonable evidence of intent to comply and reasonable conditions which prevent compliance by the previously specified date.

§ 219-153. Fines & Penalties.

- A. Criminal Sanctions.
 - (1) Any person violating this law shall be guilty of a misdemeanor punishable as follows:
 - (a) First Offense: Conviction of a first offense shall be punishable by a fine not exceeding \$350- or 15-days imprisonment or both;

- (b) Second Offense: Conviction of a second offense, both of which were committed within a period of five (5) years, shall be punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period of 15 days not to exceed six (6) months, or both; and
 - (c) Third Offense: Conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, shall be punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period of 15 days not to exceed six (6) months, or both.
- (2) Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.
 - (3) The Code Enforcement Officer or agent may commence criminal proceedings in the justice court by issuing an appearance ticket to any alleged violator and/or by filing information and supporting deposition pursuant to the New York Criminal Procedure Law. In the alternative, the Code Enforcement Officer or agent or the Town Board may request the District Attorney to prosecute the violation or to appoint the Town Attorney as a special district attorney for that purpose.
 - (4) Such fines may be compromised or released as part of any disposition.

§ 219-154. Alternative or Additional Actions & Remedies.

- A. In the case of any violation or threatened violation, the Town may institute any appropriate civil action or proceeding against the landowner and/or other responsible person(s) to prevent such unlawful action, to restrain, correct or abate such violation, and to compel compliance with the provisions of this Zoning Law and any permit, approval or variance issued pursuant to its provisions. The relief specified herein may be sought in addition to an action or proceeding for criminal sanctions.
- B. The Town Board may negotiate appropriate corrective, remediation, abatement, and restoration measures by entering into an enforceable settlement agreement or consent order with any violator and/or owner. Such agreements or orders may require the violator and/or owner to pay a monetary penalty which (i) covers exemplary or punitive damages and (ii) reimburses actual costs incurred by the Town in connection with its enforcement action such as attorneys' fees, disbursements and costs of emergency and other corrective and restoration measures.

§ 219-155. Administrative Actions; Stop-Work Orders.

- A. Authority. The Code Enforcement Officer has plenary authority and responsibility to take administrative action to enforce this Zoning Law. The Code Enforcement Officer shall issue a Stop Work Order to halt:
 - (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building and Zoning Permit is required, and without regard to whether a Building and Zoning Permit has or has not been issued for such work, or
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building and Zoning Permit is required, and without regard to whether a Building and Zoning Permit has or has not been issued for such work, or
 - (3) Any work for which a Building and Zoning Permit is required which is being performed without the required Building and Zoning Permit, or under a Building and Zoning Permit that has become invalid, has expired, or has been suspended or revoked.
- B. Whenever the Code Enforcement Officer has reasonable grounds to believe that unlawful development pursuant to this Zoning Law is being undertaken or continued, he/she shall notify the owner of the property or any agent of the owner or any other responsible party and direct that all unlawful activity immediately ceases and that all related building and construction be suspended until the stop-work order has been rescinded or superseded by a court order. Stop Work Orders shall (i) be in writing, (ii) be dated and signed by the Code Enforcement Officer, (iii) state the reason or reasons for issuance, and (iv) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

- C. Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail / certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail / certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- E. Relief or release from any stop-work order may be obtained in the proper circumstance as follows:
 - (1) If all provisions of the Zoning law, together with all other reasonable conditions specified by the Code Enforcement Officer, are satisfied (for site plan review, special use permit, and subdivision review), the Code Enforcement Officer shall rescind the stop-work order.
 - (2) Except in matters pertaining to violations of requirements imposed by site plan review, special use permit, or subdivision review, if a variance is granted by the Zoning Board of Appeals granting permission to maintain violations specified in a stop-work order and to continue such circumstances as thereafter allowable, the final administrative determination of the Code Enforcement Officer or agent shall confirm or rescind the Stop-Work Order in accordance with the requirements of the Zoning Board of Appeals.
- F. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 219-156. Suspension of Administrative Review.

- A. Review of any application pursuant to the provisions of this Chapter may be suspended and the application deemed incomplete where, with respect to any alleged violation of the provisions of this zoning law or of any permit or approval issued pursuant to this Zoning Law or the Subdivision Regulations of the Town of Schodack, the following occurs:
 - (1) A Stop Work Order has been issued by the Code Enforcement Officer or agent thereof to the property owner or applicant.
 - (2) Written notice of such an alleged violation has been provided to property owner or applicant, or
 - (3) A criminal or civil action has been commenced against the property owner or applicant regarding such an alleged violation.

§ 219-157. Misrepresentation.

- A. Any permit, approval, certificate, or variance granted under the provisions of this Zoning Law which was based upon or granted in reliance upon the applicant's false or material misrepresentation in an application or the applicant's failure to make known a material fact or circumstance, any permit or approval may be revoked by the Code Enforcement Officer.
- B. Any permit or approval granted under this Zoning Law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void by the Code Enforcement Officer.

Article XV. Zoning Board of Appeals

§ 219-158. Powers and Duties.

- A. The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this Chapter, as follows:
- (1) Orders, requirements, decisions, interpretations, determinations. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.
 - (2) Use variances.
 - (a) The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
 - (b) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - [2] That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - [3] That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - [4] That the alleged hardship has not been self-created.
 - [5] The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
 - (3) Area variances.
 - (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
 - (b) In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Appeals shall also consider:
 - [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - [3] Whether the requested area variance is substantial;

- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (4) Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 219-159. Procedure.

- A. Meetings, minutes, records. Meetings of such Board of Appeals shall be open to the public to the extent provided in Article seven (7) of the public officer's law. Such Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- B. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board of Appeals shall be filed in the Office of the Town Clerk within five (5) business days and shall be a public record.
- C. Assistance to Board of Appeals. Such Board of Appeals shall have the authority to call upon any department, agency or employee of the Town for such assistance as shall be deemed necessary and as shall be authorized by the Town Board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
- D. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this Article. Such appeal may be taken by any person aggrieved, or by an Officer, Department, or Board of the Town.
- E. Filing of administrative decision and time of appeal.
 - (1) Each order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of the zoning local law or ordinance shall be filed in the office of such administrative official, within five (5) business days from the day it is rendered, and shall be a public record. Alternately, the Town Board may, by resolution, require that such filings instead be made in the Town Clerk's office.
 - (2) An appeal shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination of the administrative official, by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- F. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
- G. Hearing on appeal. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town at least five (5) days

prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

- (1) The applicant shall provide notice, at least five calendar days prior to the date thereof, of the substance of every appeal for a variance, together with a notice of the hearing thereon, by mailing such to the owners of all property abutting that held by the applicant and all other owners within 300 feet or such additional distances as the Board of Appeals may deem advisable, from the boundaries of the land involved in such appeal. Compliance with this notification procedure shall be certified to by the building inspector.
 - (a) The names of owners notified shall be taken as such appear on the last completed tax roll of the town.
 - (b) Provided that there shall have been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Board of Appeals in connection with granting or denying of an appeal for a variance.
- H. Time of decision. The Board of Appeals shall decide upon the appeal within 62 days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board of Appeals.
- I. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the Office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
- J. Notice to park commission and County Planning Board or agency or regional planning council. At least five (5) days before such hearing, the Board of Appeals shall mail notices thereof to the parties; to the Regional State Park Commission having jurisdiction over any State park or parkway within 500 feet of the property affected by such appeal; and to the County Planning Board or agency or regional planning council, as required by 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action and the accompanying petition or application, as defined in subdivision one (1) of section 239-m of the General Municipal Law.
- K. Compliance with State Environmental Quality Review Act. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and it is implementing regulations as codified in Title 6, Part 617 of the New York codes, Rules and Regulations.
- L. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the Board of Appeals not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board of Appeals then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.
- M. Voting requirements.
 - (1) Decision of the Zoning Board of Appeals. Except as otherwise provided in this Article, every motion or resolution of a Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Board of Appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the County Planning Board or County Agency or Regional Planning Council the voting provisions of section 239-m of the General Municipal Law shall apply.
 - (2) Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or resolution to grant a variance or reverse any order requirement, decision or determination of the enforcement official within the time allowed by this Article, the appeal is denied. The Board of Appeals may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in this Article.
- N. Expiration of approval. Unless construction or use is commenced and diligently prosecuted within 12 calendar months of the date of the granting of a variance, such variance shall become null and void.

Article XVI. Miscellaneous Provisions

§ 219-160. Review and Referral of Amendments.

- A. This Chapter or any part thereof, including the Zoning Map indicating the district boundaries, *[Editor's Note: The Zoning Map is on file in the Office of the Town Clerk.]* may be from time to time amended, supplemented, changed, modified or repealed by the Town Board in the manner provided by § 265 of Article 16 of the Town Law.
- B. Every proposed amendment or change shall be referred by the Town Board to the Planning Board for its review and recommendation pursuant to § 274 of Article 16 of the Town Law and pursuant to the specific provisions of this Chapter.
- C. Every such proposed amendment or change shall also be reviewed by the Town in accordance with the procedures established under Article 8 of the New York State Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations, providing for environmental quality review of any action that may have a significant effect on the environment.
- D. The Planning Board may provide recommended amendments to the Town Board of their own initiation for the Town Board's consideration.

§ 219-161. Report of Planning Board on Amendments.

In undertaking such review and making such recommendation on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

- A. Concerning a proposed amendment or change in the text of this Chapter:
 - (1) Whether such change is consistent with the purposes embodied in this Chapter as applied to the particular districts concerned.
 - (2) Which areas and establishments in the Town will be directly affected by such change and in what way will they be affected.
 - (3) The indirect implications of such change in its effect on other regulations.
 - (4) Whether such proposed amendment is consistent with the underlying objectives of the Town Comprehensive Plan.
- B. Concerning a proposed amendment involving a change in the Zoning Map:
 - (1) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
 - (2) Whether adequate public-school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such a change.
 - (3) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
 - (4) The effect of the proposed amendment upon the growth of the Town as foreseen by the Comprehensive Plan.
 - (5) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Town and the probable effect thereof.
- C. The Planning Board shall have 60 (60) days to provide such recommendation to the Town Board. Failure to make a recommendation within the required time period shall be deemed an approval of the Planning Board.

§ 219-162. Town Board Procedure for Amendments.

- A. Public notice and hearing. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows in accordance with Article 16 of the Town Law:

- (1) By publishing a notice at least ten (10) calendar days prior to the time of such hearing in the official newspaper of the Town, specifying:
 - (a) The nature of the proposed amendment.
 - (b) The land or district affected.
 - (c) The date, time and place where the public hearing shall take place.
 - (2) By providing a copy of such notice of any proposed change or amendment affecting property within 500 feet of any other municipality to the Clerk of such municipality at least ten (10) calendar days prior to the date of such public hearing.
- B. Required referral. The Town Board shall transmit a full statement of any proposed amendment that meets the referral requirements of §§ 239-l and 239-m of the General Municipal Law to the Rensselaer County Bureau of Planning for its review. No action shall be taken by the Town Board on such proposed amendment until a recommendation has been received from the Bureau of Planning or 30 calendar days have elapsed since the Bureau received such full statement.
- C. Town Board action. The Town Board may approve any such proposed amendment by a majority vote of said Board, except that a favorable vote of at least four (4) members of the Town Board [a majority plus one] shall be required if:
- (1) Action being taken is contrary to the recommendation received from the Rensselaer County Bureau of Planning under the provisions of §§ 239-l and 239-m of the General Municipal Law; or
 - (2) A protest against such amendment has been signed by the owners of at least 20% of the land area included in such proposed change or of that immediately adjacent extending 100 feet therefrom or that directly opposite.
- D. Conformance with Town Comprehensive Plan. In all cases where the Town Board shall approve an amendment to the Zoning Map, *[Editor's Note: The Zoning Map is on file in the Office of the Town Clerk]* said Board shall find, for reasons fully set in its resolution, such amendment to be in conformity with the Town's Comprehensive Plan.
- E. The Planning Director shall coordinate all amendments with the Town Clerk. The Town Clerk shall file a copy of all amendments in the Office of the Town Clerk and shall file a copy of all amendments with Rensselaer County and New York State.

§ 219-163. Construal of Provisions; Conflict with Other Laws.

- A. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety or the general welfare.
- B. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

Article XVII. Erosion & Sedimentation Control

§ 219-164. Findings of Fact.

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition. These impacts often have a significant impact upon the health, safety and welfare of the community.
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species.
- C. Stormwater runoff often transports sediment and pollutants such as heavy metals, hydrocarbons, nutrients and bacteria to water resources, degrading water quality.
- D. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat.
- E. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation.
- F. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- G. Substantial economic losses can result from these adverse impacts on the waters of the municipality.
- H. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities.
- I. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health.
- J. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§ 219-165. Purpose.

The purpose of this Article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public, protect property, and prevent damage to the environment in the Town of Schodack. This Article will also serve to address the findings of fact by guiding, regulating, and controlling the design, construction, use, and maintenance of any land development activity as it relates to erosion and sediment control and stormwater management. This Article seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of Minimum Control Measures 4 (Construction Site Runoff Control) and 5 (Post-construction Runoff Control) of the NYS Department of Environmental Conservation (NYS DEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit, or as amended or revised.
- B. Require land development activities to conform to the substantive requirements of the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activity, or as amended or revised.
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding and associated flood hazards and flood costs, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels and sustain their hydrologic functions.
- D. Avoid excessive and/or unnecessary tree and vegetation removal.

- E. Minimize windblown soil associated with properties being cleared and graded for development or otherwise associated with development activities.
- F. Minimize decreases in groundwater recharge and stream base flow to maintain aquatic life, assimilative capacity, and water supplies.
- G. Minimize phosphorus loads being delivered to Total Maximum Daily Load (TMDL) designated watersheds.
- H. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality.
- I. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.
- J. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 219-166. Applicability.

- A. The Erosion and Sediment Control requirements of this Article shall be applicable to all land development activities as defined in this chapter without the approval of a Stormwater Pollution Prevention Plan (SWPPP), except as otherwise provided herein.
- B. Applicants shall also obtain all other permits required by State, Federal, and local laws. Whenever the particular circumstances of proposed land development activity require compliance with special use, site plan, or subdivision procedures of the Town of Schodack, the Planning Board shall integrate the requirements prescribed herein as appropriate and determine the adequacy of the SWPPP.
- C. No SWPPP is required for the following exempt activities:
 - (1) Emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (2) Agricultural activity as defined in this Chapter.
 - (3) Routine maintenance activities that disturb less than five (5) acres and are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a stormwater management facility.
 - (4) Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
 - (5) The renovation/replacement of a septic system serving an existing dwelling or structure, except that basic erosion and sediment control measures shall be required and in accordance with the Erosion Control Manual.
 - (6) Landscaping, lawn maintenance and other horticultural activities in connection with an existing structure.
 - (7) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family that disturb less than one (1) acre.
 - (8) Individual Cemetery Graves not part of a larger common plan of development.
- D. The SWPPP shall be retained on the site of the Land Development Activity in accordance with the General Permit. The SWPPP shall be accessible and in usable condition.

§ 219-167. Review and Approval.

- A. No application for approval of a land development activity shall be approved until the Stormwater Management Officer has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications contained herein.
- B. For land development activity not subject to special use permit, site plan, or subdivision requirements, the Town Engineer, or designated agent, shall review the SWPPP to determine its completeness and conformance with the provisions herein.

The Town Engineer, or designated agent, shall make a determination as to whether the SWPPP is complete and the complete SWPPP will be on file with the designated SMO and available for public comment. If the SWPPP is deemed incomplete, the applicant shall be notified in writing as to the deficiencies in the plan and the requirements for completeness. After receiving a complete plan, the Town Engineer, or designated agent shall, in writing:

- (1) Approve the SWPPP;
 - (2) Approve the SWPPP subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the approval subject to these conditions; or
 - (3) Disapprove the SWPPP, indicating the reason(s) and procedure for submitting a revised SWPPP.
- C. Failure of the Town Engineer, or designated agent, to act on a complete original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the Town. Pending preparation and approval of a revised plan, land development activities shall not be allowed to proceed. Nothing herein shall relieve an applicant's need to obtain a Building and Zoning Permit as required by Town Code or to submit a completed Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit to the NYS Department of Environmental Conservation.
- D. For land development activity subject to special use permit, site plan, or subdivision requirements, the Planning Board shall incorporate the required SWPPP into the review process, allowing for public review and comment on the SWPPP. The Planning Board, in consultation with the Town Engineer, or designated agent, shall determine the adequacy of the SWPPP. For projects subject to subdivision requirements, preliminary plat approval shall not be granted until the Planning Board has received a SWPPP prepared in accordance with the specifications contained herein.
- E. In its review of the plan, the Stormwater Management Officer may consult with the Town Engineer, the Rensselaer County Soil and Water Conservation District, the New York State Department of Environmental Conservation, or retain any other licensed/certified professionals qualified in the review and/or design of stormwater management and erosion control plans as are determined to be necessary to carry out the review of an SWPPP. Payment for the services of such professionals shall comply with § 219-131 herein.

§ 219-168. Stormwater Pollution Prevention Plan Contents.

- A. General requirements:
- (1) The SWPPP shall be specifically created to address the unique conditions and issues of the land disturbing activity or other activity that may have an impact on stormwater runoff.
 - (2) The SWPPP shall be a written document with supporting appendices.
 - (3) The SWPPP shall contain the sections with expanded detail of how each component of the site development is addressed to meet the goals of the General Permit and Design Manual as outlined in "Attachment 3: Stormwater Pollution Prevention Plan Contents" of this Chapter.
- B. The SWPPP shall include the following:
- (1) A written narrative identifying the project's scope including the location, type, and size of the project.
 - (2) A site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance/limits of disturbance, areas that will not be disturbed; locations of off-site material, waste, borrow, equipment storage areas; and location(s) of stormwater discharge(s). The specific location(s), size(s), and length(s) of each erosion and sediment control practice shall also be shown. Site maps/construction drawings shall be at a scale no smaller than one (1) inch equals 100 feet.
 - (3) A natural resources map identifying existing vegetation; on-site and adjacent off-site surface water(s), wetlands, and drainage patterns that could be affected by the construction activity; and existing and final slopes.
 - (4) A description of soil(s) present at the site along with any existing data that describes the stormwater runoff characteristics at the site.

- (5) A construction phasing plan describing the intended sequence of construction activities including clearing and grubbing; excavation and grading; utility and infrastructure installation, and any other activity at the site that results in soil disturbance. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation. Consistent with the New York Standards and Specifications for Erosion and Sediment Control, there shall not be more than five (5) acres of disturbed soil at any one (1) time without prior written request and subsequent written approval from the Town of Schodack Stormwater Management Officer.
- (6) A description of the pollution prevention measures / best management practices that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges and runoff.
- (7) A description of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls and best management practices to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- (8) A description of the temporary and permanent structural and vegetative measures and best management practices to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project close-out. Depending upon the complexity of the project, intermediate plans may be required at the close of each stage of the project or before the beginning of the next season.
- (9) The dimensions, material specifications (e.g., seeding mixtures and rates, types of sod, kind and quantity of mulching) and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins. Temporary practices that will be converted to permanent control measures shall be shown and so noted.
- (10) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place.
- (11) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practices, including estimates of the cost of maintenance.
- (12) Name(s) of the receiving water(s) and any existing data that describes the stormwater runoff at the site.
- (13) Identification of the person or entities responsible for implementation of the SWPPP for each part of the site.
- (14) A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
- (15) A site map/construction drawing(s) of each post construction stormwater practice, including a description of each post construction stormwater control practice including specific location(s) and size(s), dimensions, material specifications and installation details.
- (16) Details indicating the text to be used on each stormwater management facility's signs which shall be required for each key component of the stormwater management system. Signs shall conform to the requirements of the Design Manual
- (17) The Design Manual shall serve as the technical design standard. Deviations from this Design Manual are permitted subject to review and approval by the New York State Department of Environmental Conservation.
- (18) A Storm Water Management Facility (SWMF) Maintenance Agreement. The form of the agreement shall be obtained from the SMO, approved and filed by the owner in the registry of deeds. The filed copy shall be contained in the SWPPP along with other requirements for long term operation and maintenance. This inspection and maintenance agreement shall be binding on all subsequent landowners in accordance with this Article.

- C. For Major Projects, the following shall also be provided:
- (1) A hydrologic and hydraulic analysis for all structural components of the stormwater control system in conformance with the Stormwater Design Manual and as may be required by the Stormwater Management Officer.
 - (2) A comparison of post development mitigated and post development stormwater runoff conditions to the pre-development conditions.
 - (3) An operations and maintenance schedule to ensure continuous and effective operation of each post construction stormwater control practice.
 - (4) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property. Easements shall include reference to the required SWMF maintenance agreements.

§ 219-169. Plan Certification.

- A. The SWPPP shall be prepared by a licensed/certified professional in accordance with the General Permit. The SWPPP must be signed by the professional preparing the plan and shall make the following certification:

“I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the Construction State Pollution Discharge Elimination Systems (SPDES) General Permit. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.”

- B. The SWPPP shall also be certified by the owner / operator of the project with the following certification:

“I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as 60 business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.”

- C. If the owner of the property will not be the operator of the project the following delegation of authority certification shall be provided and kept with the SWPPP:

“I hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

- D. The certification shall include the name of the owner delegating authority, the name, company address and telephone numbers of the person to whom authority is delegated to and the continued certification:

“By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in the SPDES General Permit that the designee above meets the definition of a “duly authorized representative” as set forth in the General Permit”

- E. And the final certification to be included shall be:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- F. The certifications must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- G. The certification statement(s) shall become part of the SWPPP for the land development activity and must be kept on-site with the SWPPP.

§ 219-170. Contractor Certifications.

- A. The SWPPP must clearly identify each contractor(s) and subcontractor(s) involved in soil disturbance that will implement each stormwater and erosion control measure. Each contractor and subcontractor identified in the SWPPP shall sign a copy of the following certification statement before undertaking any land development activity:

“I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the *qualified inspector* during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System (“SPDES”) general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I am aware that there are significant penalties for submitting false information that I do not believe to be true, including the possibility of fine and imprisonment for knowing violations.”
- B. Each subcontractor engaged in activities at the construction site that could impact stormwater must also be identified and sign the above certification statement.
- C. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- D. The certification page shall also contain the specific elements of the SWPPP that each contractor and subcontractor will be responsible for and identify the “Trained Contractor” per the General Permit.
- E. The certification statement(s) shall become part of the SWPPP for the land development activity and must be kept on-site with the SWPPP.

§ 219-171. SWPPP Review and Amendment.

- A. The Operator shall amend the SWPPP whenever there is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
- B. The SWPPP proves to be ineffective as follows:
 - (1) Eliminating or significantly minimizing pollutants from sources identified in the SWPPP; or
 - (2) Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity.
- C. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP.
- D. Amendments or changes to the SWPPP as outlined above in Subsections A and B shall be subject to review and approval by the SMO. Written notice to the SMO shall be made indicating the requested SWPPP amendment and shall be upon conditions as may be included in the written response from the SMO.
- E. The SWPPP shall maintain a log of SWPPP amendments indicating the amendment number, description of the amendment and reasons for the amendment, the date initiated, approved and effective. The log shall also include the amendment preparer and qualifications. The preparer shall be a qualified professional per the General Permit.

§ 219-172. Design and Performance Standards.

- A. Best Management Practices / techniques for land disturbing activities, grading, erosion and sediment control and waterway crossings shall meet the criteria set forth in the most recent version of the New York Standards and

Specifications for Erosion and Sediment Control published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of post-construction structures, the technical standards are currently detailed in the publication New York State Stormwater Management Design Manual published by the Department of Environmental Conservation. Projects must meet the both performance and sizing criteria of the technical standards to be in compliance with this law. Deviations from the technical standards that involve the use of an alternative post-construction stormwater management practice or a modification to one (1) of the practices from the list in the technical standard that has been demonstrated to be equivalent to the technical standard may be accepted when demonstrated to be equivalent to the technical standard

- B. Cut and fill slopes shall be no greater than 2:1, except where retaining walls, structural stabilization or other methods acceptable to the Town-designated licensed/certified professional are used. Disturbed areas shall be restored as natural appearing landforms, and shall blend in with the terrain of adjacent undisturbed land. Abrupt, angular transitions shall be avoided.
- C. Clearing and grading shall be substantially confined to designated building envelopes, utility easements, driveways, and parking footprint. Clearing and grading techniques that retain natural vegetation and drainage patterns, as described in the most recent version of Standards and Specifications for Erosion and Sediment Control referenced above shall be used to the satisfaction of the Planning Board. No clearing or grading shall take place within the established 50-foot watercourse buffer area except to provide road crossings where permitted.
- D. Clearing, except that necessary to establish sediment control devices shall not begin until all sediment control devices have been installed and have been stabilized.
- E. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Planning Board. There shall not be more than five (5) acres of disturbed soil at any one (1) time without prior written request and subsequent written approval from the Town Stormwater Management Officer.
- F. The Owner / Operator shall initiate stabilization measures in portions of the site where construction activities have temporarily or permanently ceased by the end of the next business day and complete stabilization measures within a reasonable time period not to exceed 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. Stabilization measures shall occur by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions. Stabilization measures shall be applied to the disturbed area regardless of conditions in anticipation of thawing ground conditions and subsequent erosion.
- G. The mere parking and moving of construction vehicles around the site does not constitute construction or soils disturbance activity. If the Owner/Operator/Contractor is not diligently pursuing the project toward completion as determined by the Town Code Enforcement Officer, Stormwater Management Officer or designated agent, he/she may issue a notice of violation and stipulate that the stabilization measures as outlined above shall be undertaken to prevent site erosion.
- H. If seeding or another vegetative erosion control method is used, it shall become established within 14 days or the applicant may be required to reseed the site or use a non-vegetative option until such time as a vegetative erosion control method is viable.
- I. BMPs and other special techniques that meet the design criteria outlined in the most recent version of Standards and Specifications for Erosion and Sediment Control shall be used to ensure stabilization on steep slopes or in drainage ways. The Stormwater Management Officer may require the submission of calculations to support the Operators selected intended stabilization method.
- J. Soil stockpiles shall have perimeter sediment controls in place each workday and must be stabilized by suitable covered to prevent wind erosion. Haul or access roads to soil stockpiles shall also be so protected.
- K. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season. The inclusion of vegetative seed should be included to permit early establishment when conditions permit.
- L. BMPs and other techniques shall be employed to:
 - (1) Prevent the blowing of dust or sediment from the site;
 - (2) Divert upland runoff past disturbed slopes; and

- (3) Protect adjacent and off-site properties by the use of a vegetated buffer strip in combination with perimeter controls.
- M. In general, wetlands and watercourses should not be filled, graded or altered. The crossing of watercourses should be avoided to the maximum extent practicable. When protection of wetlands, watercourses, trees, steep slopes or other environmentally sensitive area is required, the location shall be shown on the erosion control plan and the method of protection during construction identified (e.g., silt fence, construction fence, stakes, etc.). A vegetative buffer (25 foot minimum) shall be maintained between disturbed areas and protected Federal wetlands that are not proposed to be filled as part of an Army Corps of Engineers wetlands permit. In the case of State designated wetlands, the 100-foot adjacent area shall not be disturbed without a NYS Department of Environmental Conservation permit.
- N. Stabilization measures shall be adequate to prevent erosion located at the outlets of all pipes and paved/riprap or other channels or other points or areas of stormwater runoff.
- O. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- P. Development should relate to site conditions and disturbance of steep slopes avoided. Grading should be minimized by utilizing existing topography whenever possible. Roads and driveways shall follow the natural topography to the greatest extent possible.
- Q. In areas of severe slopes (exceeding 25%), land-disturbing activities are not permitted. A 25-foot buffer must be maintained between any disturbed area and the top of slopes 25% and greater.
- R. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one (1) of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Schodack to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Article. The easement shall be recorded by the grantor in the Office of the County Clerk after approval by the counsel for the Town of Schodack.
- S. Maintenance agreements. The Town of Schodack shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the Office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Attachment 4 of this Article, entitled "Sample Stormwater Control Facility Maintenance Agreement." *[Editor's Note: Said schedule is on file in the Town Offices.]* The Town of Schodack, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 219-173. Water Quality Standard.

Any land development activity shall not result in the following:

- A. An increase in turbidity that will cause a substantial visible contrast to natural conditions in surface waters of New York State;
- B. An increase in suspended, colloidal and settleable solids that will cause deposition or impair the waters for their best uses; or
- C. Residue from oil and floating substances, nor visible oil film, or globules of grease.

§ 219-174. Maintenance During Construction.

- A. The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this Article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

§ 219-175. Pre-Construction SWPPP Review.

- A. The Owner/Operator shall coordinate and attend a pre-construction SWPPP review meeting prior to the start of land disturbing activity. The Owner/Operator shall be prepared to provide documentation to the Stormwater Management Officer at the pre-construction conference as may be required in accordance with the standard form for SWPPP pre-construction meetings available in the Town Offices. The Owner / Operator shall also ensure that the project Contractor, Trained Contractor and Qualified Inspector are present for the meeting.

§ 219-176. Erosion and Sediment Control Inspection.

- A. The Stormwater Management Officer or designated agent may require such inspections as necessary to determine compliance with this Article and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this Article and the SWPPP as approved. To obtain inspections, the applicant shall notify the Stormwater Management Officer or designated agent at least 48 hours before the following as required by the SWPPP:
 - (1) Start of construction and initial installation of sediment and erosion controls.
 - (2) Installation of sediment and erosion measures as site clearing and grading progresses.
 - (3) Completion of site clearing.
 - (4) Completion of rough grading.
 - (5) Completion of final grading.
 - (6) Close of the seasonal land development activity.
 - (7) Completion of final landscaping.
- B. Successful establishment of landscaping in public areas.
 - (1) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. Corrective actions may include the repair/restoration of off-site impacts. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer or designated agent.
 - (2) For land development activities, the Owner/Operator shall have a Qualified Inspector conduct an assessment of the site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented to ensure overall preparedness of the site. Following the commencement of construction, site inspections shall be conducted by a Qualified Professional at least every seven (7) calendar days and as required per the General Permit for Construction Activity. The purpose of such inspections will be to determine the overall effectiveness of the plan and the need for additional control measures. If inspections are deemed to indicate that additional inspections are required to ensure that the Contractor is implementing BMPs and completing corrective measure in a timely manner, the Stormwater Management Office may require the inspections at a frequency to ensure proper construction oversight. During each inspection, the qualified inspector shall record the following information:
 - (a) On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next 14-day period;
 - (b) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
 - (c) Indicate all disturbed site areas that have not undergone active site work during the previous 14-day period;
 - (d) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of the sediment storage volume;
 - (e) Inspect all erosion and sediment control practices and record all maintenance requirements, such as verifying the integrity of barrier or diversion systems and containment systems. Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching. Document any excessive deposition of sediment or water that has ponded along barrier or diversion systems. Record

- the depth of sediment within containment structures, any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated riser pipes to pass water; and
- (f) Digital photographic images with date stamps documenting SWPPP deficiencies and corrective measures required.
 - (g) All deficiencies that are identified with the implementation of the SWPPP.
 - (h) Additional information as may be required per the General Permit for Construction Activities.
- C. A copy of the NOI, the SWPPP, NYS DEC authorization, certifications, training certificates and copies of inspection reports shall be retained at the site of the land development activity during construction from the beginning of construction activities to the date of final stabilization and shall be accessible in accordance with the General Permit for Construction Activity. The SWPPP and inspection reports are public documents that the operator must make available for inspection, review and copying by any person within five (5) business days of the operator receiving a written request by such person to review the SWPPP and/or the inspection reports. Copying of documents will be done at the requester's expense.
 - D. The operator shall maintain a record of all inspection reports and copies of reports in a site logbook. The site logbook shall be maintained on-site and be made available to the Town upon request.
 - E. The Owner/Operator or their Trained Contractor shall be on site at all times when construction or land disturbing activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
 - F. The Stormwater Management Officer, its designated agent or others as may be permitted per the General Permit for Construction Activity and in accordance with the Maintenance Easement and Agreement shall be permitted to enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Subsection **D** above.

§ 219-177. Project Completion.

- A. Inspections of stormwater management practices (SMPs). Under the SPDES General Permit Stormwater Discharges from Municipal Separate Stormwater Sewer Systems, Minimum Control Measure 5: Post-construction Runoff Control, the Town is responsible for conducting routine oversight inspections of stormwater management facilities (aka practices such as permanent water quantity quality management structures). As such:
 - (1) All Operators are required to submit as-built plans certified by a professional engineer for any permanent stormwater management practices located on-site after final stabilization. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
 - (2) Operators shall also provide the owner(s) of such structure(s) and the Town with a manual describing the operation and maintenance practices that will be necessary in order for the structure to function as designed. The operator must also certify that the permanent structure(s) have been constructed as described in the SWPPP. This certification can be accomplished by providing to the Town the Notice of Termination (NOT).
- B. All certified as-built plans, lands, structures, and/or appurtenances, to be dedicated to the Town shall be reviewed, inspected and approved by the Town Engineer or designated agent prior to Town acceptance.
- C. Notice of Termination (NOT). Upon certification by the operator's licensed/certified professional that a final site inspection has been conducted and that final stabilization has been accomplished and all stormwater management practices have been constructed as described in the SWPPP, and that all required maintenance easements and agreements have been filed with the Office of the County Clerk, the Owner/Operator shall complete and file a NOT as proscribed by the NYSDEC with the Town's Stormwater Management Officer to notify them that they have complied with this Chapter and that the project is complete.
 - (1) Final stabilization shall mean that all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 80% over the entire pervious surface has been established or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

§ 219-178. Post Construction Activities.

- A. Maintenance after construction. The Owner or Operator of permanent stormwater management practices installed in accordance with this Article shall ensure they are operated and maintained to achieve the goals of this Article. Proper operation and maintenance also include, at a minimum, the following:
 - (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this Article.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Discharges from the stormwater management practices (stormwater management facilities) shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with this Chapter.
- B. Inspection of stormwater facilities after project completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the SPDES General Permit for Construction Activity; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- C. Submission of reports. Documentation of inspection and maintenance performed shall be submitted by the Owner/Operator of the stormwater management facility to the Stormwater Management Officer annually. The Town of Schodack Stormwater Management Officer may require more frequent reporting, monitoring and reporting from entities subject to this Article as are necessary to determine compliance with this Article.
- D. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Schodack the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in herein.

§ 219-179. Performance Guarantee; Maintenance Guarantee; Recordkeeping.

- A. Construction completion guarantee. The applicant or developer may be required to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Schodack as the beneficiary. The security shall be in an amount determined by the Town of Schodack based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Schodack, provided that such period shall not be less than one (1) year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one (1) year inspection has been conducted and the facilities have been found to be acceptable to the Town. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Schodack with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion control facilities, the Town may, upon notification, draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

- C. Recordkeeping. Entities subject to this Article shall maintain records demonstrating compliance with this Article. Copies of records shall be provided to the Town upon request.

§ 219-180. Retention of Licensed/Certified Professional; Payment.

- A. The Planning Board or municipal official is hereby authorized to retain licensed /certified professionals as are determined to be necessary to carry out the review of a SWPPP or to make regular or final inspections of all control measures, lands, structures, and/or appurtenances, to be dedicated to the Town in accordance with the approved plan.
- B. Payment for the services of such professionals is to be made from funds deposited by the applicant (including the owner/operator) with the Town in escrow accounts for such purposes.
- C. It shall be the responsibility of the applicant to submit to the Town certified check(s) in amounts equal to the estimate of the licensed/certified professional for the cost of services to be rendered. Estimates shall reflect reasonable costs at prevailing rates. The Town shall make payments to said professional for services rendered to it upon acceptance by the Town of said service.

§ 219-181. Enforcement; Penalties for Offenses.

- A. Notice of violation. The operator and all contractors and subcontractors must comply with all conditions of a SWPPP submitted pursuant to this Article. In the event that the Town determines that a land development activity is not being carried out in accordance with the requirements of this Article, the Stormwater Management Officer may issue written notice of violation to the operator/landowner, applicant and all contractors/subcontractors subject to the provisions of this Article. The notice of violation shall contain the following information:
 - (1) The name and address of the operator/landowner, developer, or applicant;
 - (2) The address of the site or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this Article and a time schedule for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that can be assessed against the person to whom the notice of violation is directed;
 - (6) Within 15 days of notification of violation (or as otherwise provided by the Town) the violator shall take the remedial measures necessary to bring the land development activity into compliance with this Article.
- B. Stop-Work Order. The Stormwater Management Officer may issue a Stop-Work Order for violation of this Article. Persons receiving a Stop-Work Order shall be required to halt all land development activities, except those activities that address the violation(s) identified in the Stop-Work Order. The Stop-Work Order shall be in effect until the Town confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a Stop-Work Order in a timely manner may result in civil, criminal, and/or monetary penalties in accordance with this Article.
- C. Violations. The Town of Schodack may require entities subject to this Article to maintain records demonstrating compliance with this Article.
- D. Penalties. Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Article is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$250 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this Article shall be required to bear the expense of such restoration. To the extent that the noncompliance with this Article constitutes a violation of the Clean Water Act and the Environmental Conservation Law, there may be substantial criminal, civil, and administrative penalties, depending upon the nature and degree of the offense.
- E. Withholding certificate of occupancy. If any building or land development activity is installed or conducted in violation of this Article, the Stormwater Management Officer may prevent the occupancy of said building or land.

- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Schodack may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§ 219-182. Reserved.

§ 219-183. Reserved.

§ 219-184. Reserved.

Article XVIII Mining & Excavation Overlay District

§ 219-185. Purpose.

- A. Purpose and intent. The purpose of these regulations is to provide mining and excavation in appropriate locations of the Town through performance criteria that balance the unique characteristics of each site, which include the following for the Mining and Excavating Overlay (ME-O) District:
 - (1) To recognize that earth, sand, gravel, rock, peat and mineral resources within the Town are necessary and beneficial to the economy of the community and welfare of its citizens.
 - (2) To provide for utilization of these resources in a manner compatible with nearby residential areas and to ensure restoration of excavation areas in such a manner as to conform to the land development plan.
- B. Approval Process.
 - (1) All procedures for approving a Mining and Excavation Overlay (ME-O) District shall comply with the regulations for Planned Development Districts (PDD) found in Article XII of this Chapter. In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning Chapter, the particular provisions set forth herein shall take precedence and control. In all instances not specifically addressed in this section or in Article XII of this Chapter, the Zoning Chapter shall apply.
 - (2) In addition to the Mining and Excavation Overlay (ME-O) District approval from the Town Board, a special use permit for the mining activity shall be required from the Planning Board.

§ 219-186. Mining and excavation use regulations.

- A. EXTRACTION, COMMERCIAL. The act of removing more than 750 cubic yards of any natural resources in any one-year period from the land, including, but not limited to, the removal of earth, rock, gravel, sand and underground materials, excluding timber and water; the preparation and processing of those same natural resources, including any activities or processes or parts thereof for the extraction or removal from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; for the purpose of sale. Commercial extraction excludes any other manufacturing processes, or other related commercial activities at the same property location. Commercial extraction shall not include site preparation activities which have Planning Board approval, or excavations in aid of agricultural activities consistent with New York State Agricultural and Markets Law, as amended.[3]
- B. EXTRACTION, PRIVATE. Any extraction from the land of sand, gravel, or topsoil by the owner of the land, or any extraction for the purpose of sale of less than 750 cubic yards of said materials in any one-year period.
 - (1) In the Mining and Excavation Overlay (ME-O) District, no building or premises shall be used and no building shall be erected or altered except for one (1) or more of the following uses.
 - (2) Permitted uses. The following uses may be permitted in the Mining and Excavation Overlay (ME-O) District:
 - (a) Earth, sand, gravel, peat or mineral excavation.
 - (b) Permanent processing plants, handling and storage.
 - (c) Portable processing plants, handling and storage.
 - (d) Manufacturing of concrete products as a ready-mix concrete plant.
 - (e) Ready-mix concrete plants.
 - (f) Uses of the underlying districts shall be permitted when rehabilitation accompanies excavation.

§ 219-187. Special Use Permit Requirements.

- A. In addition to the Mining and Excavation Overlay (ME-O) District approval and conditions, there shall be compliance with all applicable provisions of the New York State Mined Land Reclamation Law *[Editor's Note: See § 23-2701 et seq. of the Environmental Conservation Law]* and other Federal regulations.
- B. The Applicant shall provide:
 - (1) A copy of the Applicant's New York State Department of Environmental Conservation (NYSDEC) Mining Application to the Town of Schodack:(2) A time schedule for completion of either the entire operation or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval.
 - (3) An operations plan, including the number and types of trucks and other machinery to be used on the site, shall be submitted for approval.
 - (4). A buffered area of not less than 200 feet shall be established between all mining activities and the nearest property line.
- C. The special use permit shall be restricted to an active working area not to exceed ten (10) acres and to a time not to exceed five (5) years, unless it conflicts with the approved NYSDEC permit.

§ 219-188. Rehabilitation Plan Required; Performance Bond.

- A. Upon initial application for a permit for operations listed in above, the applicant shall furnish a plan for rehabilitation of his or her existing excavated area (if any) and his or her adjacent areas subject to future excavation, such plan to be acceptable in content according to the general Town Comprehensive Plan, prior to issuance of permit. Format of the rehabilitation plan shall be determined by the Town Board.
- B. The restoration and rehabilitation plan shall show both existing contours and proposed final contours after operations are completed and shall be submitted for approval.
- C. A performance bond or suitable guaranty shall be filed with the Town Clerk to assure restoration and rehabilitation, the amount of said bond to be established by the Town Board.

§ 219-189. Deforestation.

- A. Cutting of forest cover shall be required prior to excavation, but shall not be permitted in the zone outside the setback line, except where provided in accepted rehabilitation plans.

§ 219-190. Reserved.

Article XIX Town Center

§219-191. Purpose of the Schodack Town Center Plan

- A. The Town of Schodack seeks to develop a walkable “town center” along SR 9&20 between exits 10 and 11 on I-90 and across from Town Hall. The goal is to create a rich pedestrian atmosphere with an attractive mix of uses.
- B. It is understood that in order to realize the vision outlined in the Town Center Plan, a form-based zoning will be utilized to place special emphasis on the physical configuration of the built environment and utilize graphics to explain what the desired form and appearance of development should be—with an eye toward creating beautiful, highly livable places.

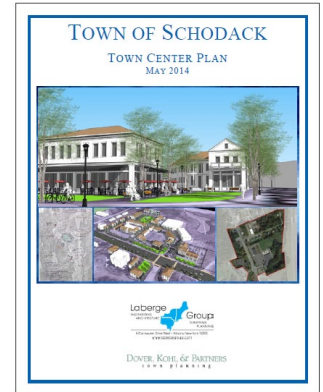


Figure 2: A small pedestrian square on the NE corner of Schuurman Rd and SR 9 & 20.



Figure 2: The heart of the Schodack Town Center facing SR9 & 20.

§219-192. Town Center Districts

A. The Schodack Town Center Code hereby establishes the Town Center Districts, as shown on the Regulating Plan Map herein. Each Town Center District is defined by characteristics that correspond with building placement, building form, and frontage standards, all of which influence the level of walkability and vibrancy in a particular place.

B. The Town Center Districts for the Town of Schodack include:

(1) **TC1: TOWN CENTER CORE**

This district forms the core of Schodack’s Town Center. Priority is placed here on optimizing the physical characteristics of the built environment for increased walkability. While much of the land encompassed by this district was originally built in an automobile- dominant format, the intent is to facilitate a transition of individual parcels over time, each adding up to a vibrant, walkable town center.

To maximize vibrancy and walkability, this district features buildings close to the sidewalk, plentiful shade for pedestrians, and parking lots screened from view.

(2) **TC2: TOWN CENTER CORRIDOR**

This district is located where Schodack’s Town Center extends north along the Columbia Turnpike. Buildings are required to be street-oriented, but their placement is somewhat more flexible than in other Town Center districts, to allow adjustment to accommodate features such as wider outdoor terraces and green spaces.

(3) **TC3: TOWN CENTER GENERAL**

This district governs development near the intersection of Interstate 90 and Miller Road. While oriented primarily toward the highway, the built environment in this area is intended to retain key features of walkability.

(4) **TC4: TOWN CENTER EDGE**

The intent of this district is to facilitate a transition between the vibrant and urbane TC1 Town Center Core and lower intensity development and Preserve areas on the periphery of Schodack’s Town Center.

Among other adjusted details, buildings in this mixed- use district are predominantly residential, are set slightly further back from the street and heights and are somewhat shorter than those in the TC1 District.

(5) **TC5: PRESERVE**

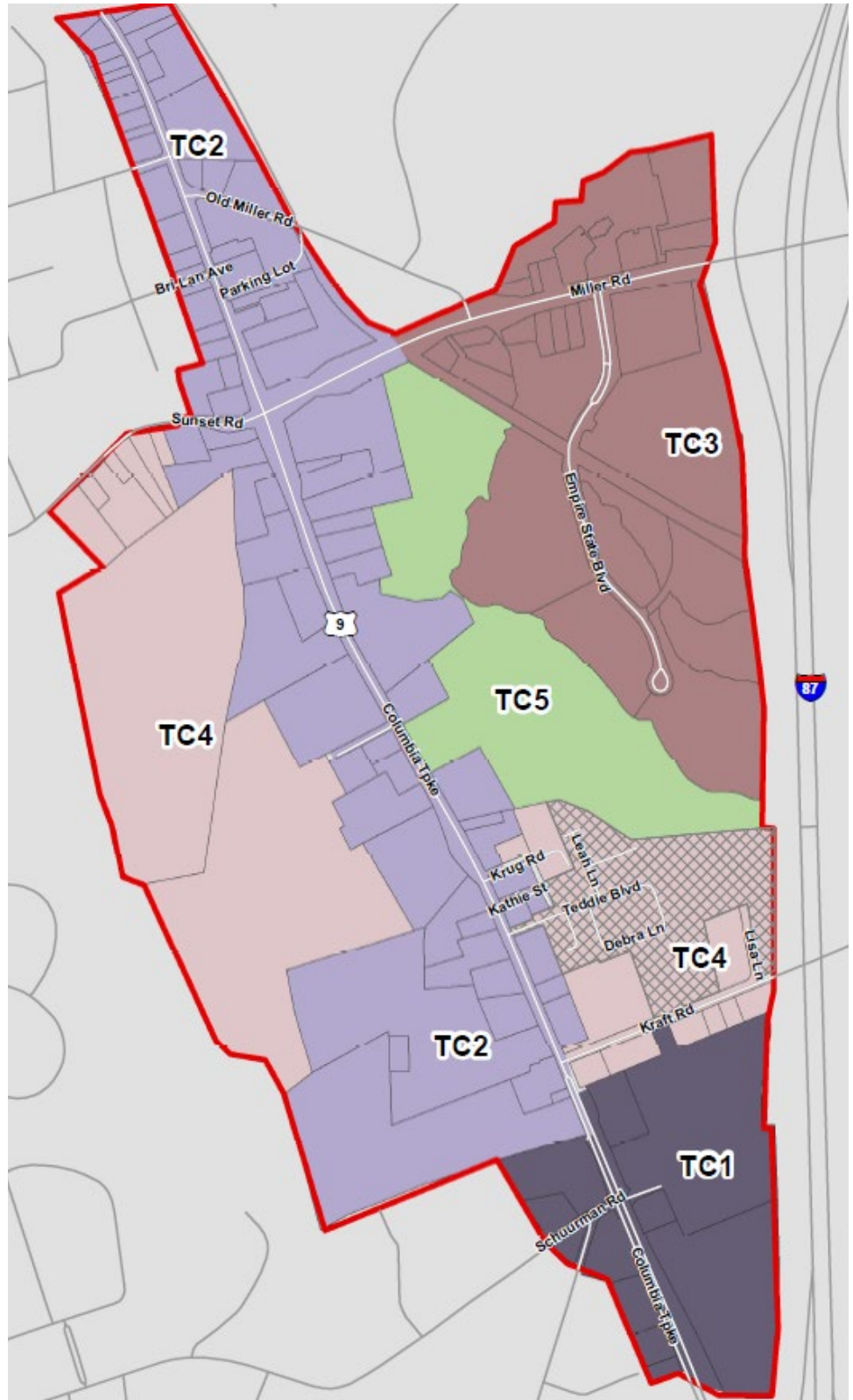
The Preserve district consists of property that is primarily wetland. Development within this area is limited primarily due to wetland requirements, wetland buffers, and steep slopes. Limited boardwalk trails may be developed to access the area for recreational purposes.

§219-193. Permitted Uses Table

A. The allowable uses in each Town Center District are as set forth in Attachment 1: Schedule of Use Table.

§219-194. Regulating Plan Map

- TC1: Town Center Core
- TC2: Town Center Corridor
- TC3: Town Center General
- TC4: Town Center Edge
- TC5: Preserve
- Town Center Form-Based Code Boundary
- Parcels
- Wetland
- Wetland Buffer



§219-195. TC-1 Town Center Core

- A. This district forms the core of Schodack’s Town Center. Priority is placed here on optimizing the physical characteristics of the built environment for increased walkability. While much of the land encompassed by this district was originally built in an automobile- dominant format, the intent is to facilitate a transition of individual parcels over time, each adding up to a vibrant, walkable town center.
- B. To maximize vibrancy and walkability, this district features buildings located close to the sidewalk, plentiful shade for pedestrians, and parking lots screened from view.

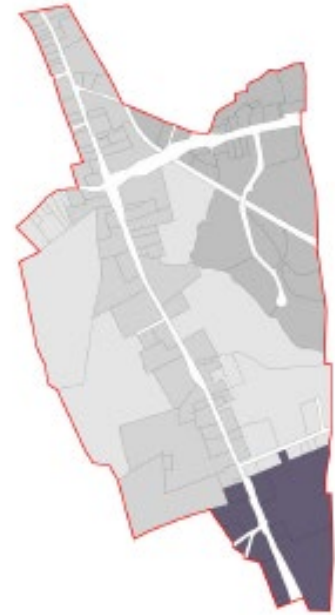


Figure 3 Illustrative example of buildings and site arrangement in the TC1 Town Center Core District.

TC1

Town Center Core
Examples



Mixed-use buildings with simple basic massing, well-designed storefronts, and architecturally rich details.



A single-story commercial building with a generous ceiling height.



A street of commercial block buildings of varying heights and widths.



A shopfront building with pedestrian protection from sun and rain provided by a projecting second floor balcony.

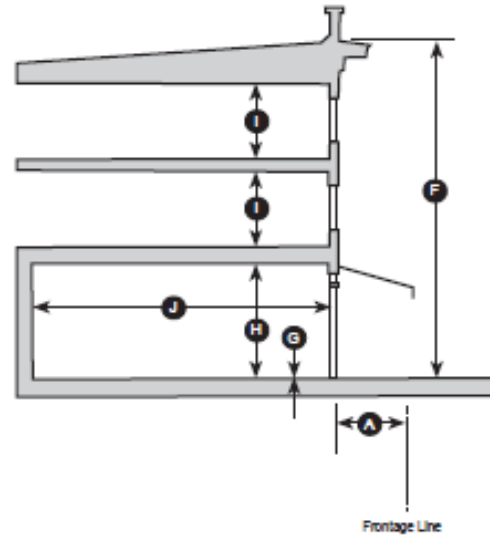
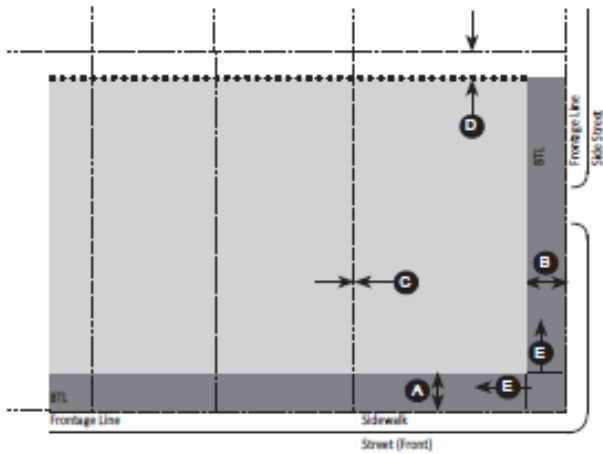


Large shopfront windows provide interesting views for pedestrians.



This civic building, while modest in size, has grand proportions.

TC1 Town Center Core Form



Key
 - - - - - Frontage/Property Line Setback Line
 ■ Build-to Location (BTL) ■ Building Area

Building Placement

Build-to Locations (Distance from Frontage / Property Line)

Front	0' min., 8' max.	A
Side Street	0' min., 8' max.	B
Interior Side Property Line	0' min.	C
Rear	5' min.	D

Frontage Buildout

Building Facade at BTL		
Front	80% min.	E
Side Street	30% min.	

Street Facades must be built to the BTL for the first 30' on a corner.

Dedicated Residential Outdoor Open Space

Each residential unit shall be provided with unrestricted access to dedicated outdoor open space 15 square feet min. per unit

Distance from Residential Unit	50' max.
Permitted Configurations	Balcony, Porch, Yard, Courtyard, or Roof Terrace.

Building Form

Height

Main Building	22' min. ¹	F
	4 Stories max. ²	F
Ground Floor Elev. Above Sidewalk	Comm. 6" max., Res. 24" min.	G
Ground Floor Office / Retail Ceiling	14' min. clear	H
Ceiling Height	9' min. clear	I

¹Measured from grade to eave or parapet base

²See definition of "Story" in Definitions

Footprint

Depth, ground floor commercial space:	15' min.	J
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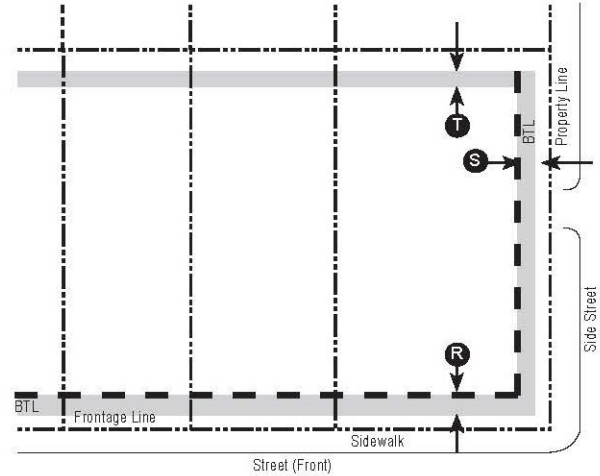
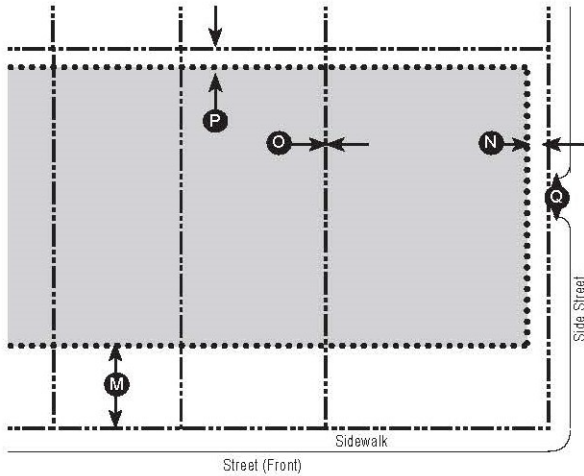
Allowed Frontage Types (See Sec. 3-3 Facades)

- Shopfront
- Forecourt
- Porch
- Gallery
- Stoop

Allowed Use Types (See Sect. 4-3 Permitted Uses Table)

Ground Floor	Office / Retail required within 150' of SR 9&20 Frontage Line	K
All Floors Otherwise	All Permitted Uses Allowed	L

TC1 Town Center Core
Parking & Encroachments



Key

--- Frontage/Property Line Setback Line
█ Parking Area	

Key

--- Frontage/Property Line Setback Line
--- Build-to Location (BTL)	█ Encroachment Area

Parking (See Sect. 3-5 Parking Standards)

Parking Location (Distance from Property Line)

Front Setback	30' min.	M
Side Street Setback	30' min.	N
Side Setback	0' min.	O
Rear Setback	5' min.	P

Other Allowed Encroachments

Balconies, Bay Windows, Awnings, etc.

Front	12' max.	R
Side Street	8' max.	S
Rear	4' max.	T

District Specific Parking Requirements

Parking Curb Cut Width	15' max.	Q
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No parking spaces are required for buildings that are < 500 sf

Bicycle parking must be provided and in a secure environment, except in residential buildings with 4 units or less.

Miscellaneous

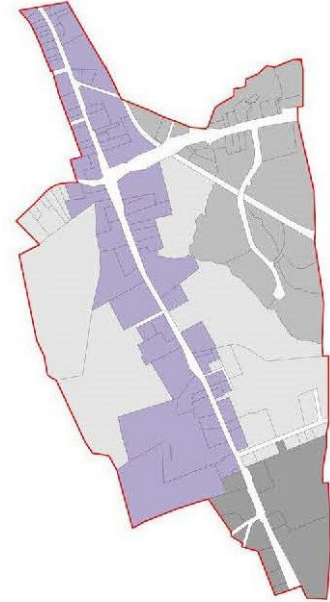
Where a building facade steps back or is absent from the BTL, the BTL line should be maintained and defined by fence, landscape wall or hedge 30"-54" high.

All buildings must have a primary entrance along the front facade.

Loading docks, overhead doors and other service entries shall not be located on street-facing facades and shall instead be located in rear service areas

§219-196. TC-2 Town Center Corridor

A. This district is located where Schodack’s town center extends north along the Columbia Turnpike. Buildings are required to be street oriented, but their placement is somewhat more flexible than in other Town Center Districts, to allow adjustment to accommodate features such as wider outdoor terraces and green spaces needed.



Illustrative example of buildings and site arrangement in the TC2 Town Center Corridor District.

TC2 Town Center Corridor Examples



Rowhouses and shopfront buildings set behind a shared public space.



Shopfront buildings with varying heights lend this street a casual yet urbane feel.



Rowhouses with at-grade ground floor entrances as well as stoops leading to second floor entries.



Simple architectural forms with strong, upright proportions.

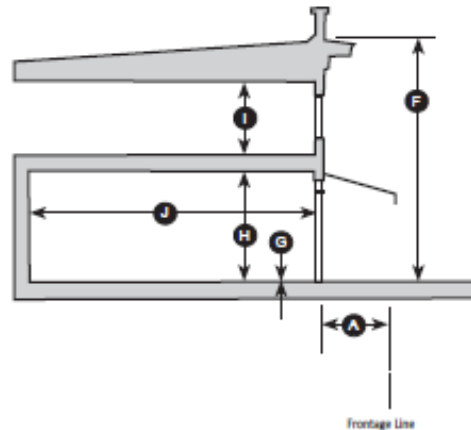
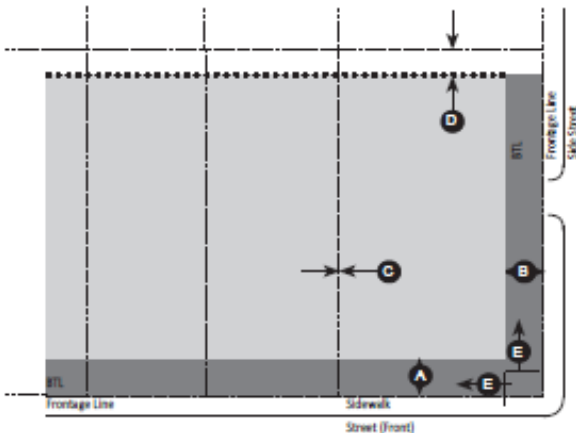


A small apartment building designed to look like a large house.



Rowhouses forming a well-defined edge to the street.

TC2 Town Center Corridor Form



Key

----- Frontage/Property Line Setback Line
■ Build-to Location (BTL)	■ Building Area

Building Placement		
Build-to Locations (Distance from Frontage / Property Line)		
Front	0' min., 20' max.	A
Side Street	0' min., 20' max.	B
Interior Side Property Line	0' min.	C
Rear	5' min.	D

Frontage Buildout		
Building Facade at BTL		
Front	50% min.	E
Side Street	30% min.	
Street Facades must be built to the BTL for the first 30' on a corner.		

Dedicated Residential Outdoor Open Space		
Each residential unit shall be provided with unrestricted access to dedicated outdoor open space		
	20 square feet min. per unit	
Distance from Residential Unit	50' max.	
Permitted Configurations	Balcony, Porch, Yard, Courtyard, or Roof Terrace.	

Building Form		
Height		
Main Building	16' min. ¹	F
	3 Stories max. ²	F
Ground Floor Elev. Above Sidewalk	Comm. 6" max., Res. 24" min.	G
Ground Floor Office / Retail Ceiling	14' min. clear	H
Ceiling Height	9' min. clear	I

¹Measured from grade to eave or parapet base
²See definition of "Story" in Definitions

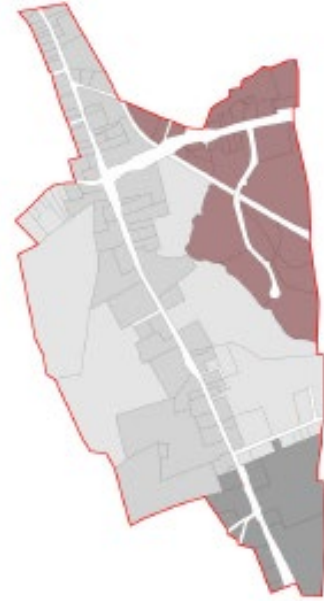
Footprint		
Depth, ground floor commercial space:	15' min.	J

Allowed Frontage Types (See Sec. 3-3 Facades)	
■ Shopfront	■ Gallery
■ Forecourt	■ Stoop
■ Porch	

Allowed Use Types (See Sect. 4-3 Permitted Uses Table)		
Ground Floor	Office / Retail required within 150' of SR 0&20 Frontage Line	K
All Floors Otherwise	All Permitted Uses Allowed	L

§219-197. TC-3 Town Center General

- A. This district governs development near the intersection of Interstate 90 and Miller Road. While oriented primarily toward the highway, the built environment in this area is intended to retain key features of walkability.



Illustrative example of buildings and site arrangement in the TC3 Town Center General District.

TC3 Town Center General Examples



This commercial building features a narrow band of parking.



A strong cornice line and plentiful windows lend this restaurant an urbane feel.



A small commercial building designed in the form of a cottage.



A small apartment building designed to blend with surrounding single family detached houses.

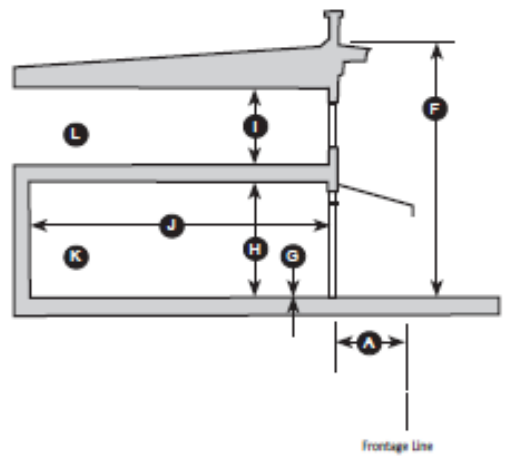
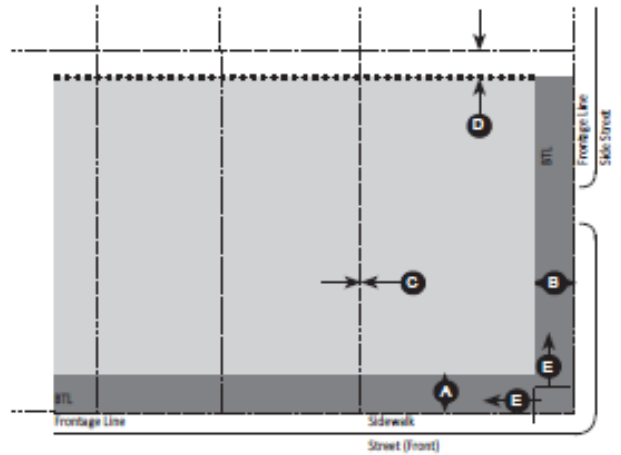


A low garden wall marks the property line.



A small office building designed as a cottage.

TC3 Town Center General Form



Key
 - - - - - Frontage/Property Line Setback Line
 ■ Build-to Location (BTL) ■ Building Area

Building Placement		
Build-to Locations (Distance from Frontage / Property Line)		
Front	0' min., 75' max.	A
Side Street	0' min., 75' max.	B
Interior Side Property Line	0' min.	C
Rear	5' min.	D

Frontage Buildout		
Building Facade at BTL		
Front	30% min.	E
Side Street	30% min.	
Street Facades must be built to the BTL for the first 30' on a corner.		

Dedicated Residential Outdoor Open Space		
Each residential unit shall be provided with unrestricted access to dedicated outdoor open space		
	30 square feet min. per unit	
Distance from Residential Unit	50' max.	
Permitted Configurations	Balcony, Porch, Yard, Courtyard, or Roof Terrace.	

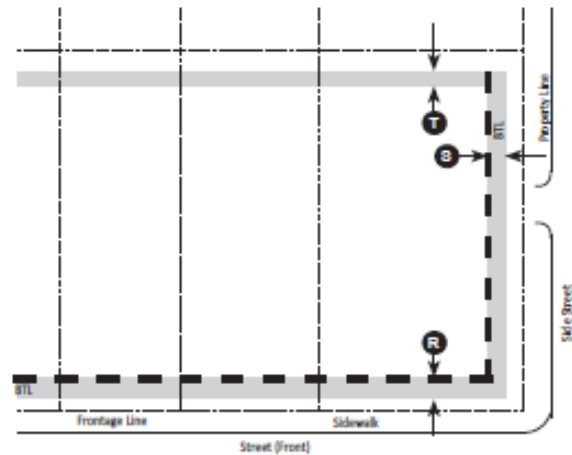
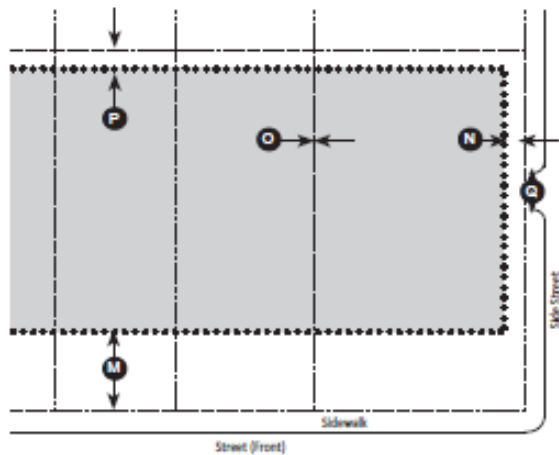
Building Form		
Height		
Main Building	22' min. ¹	F
	3 Stories max. ²	F
Ground Floor Elev. Above Sidewalk	Comm. 8" max., Res. 24" min.	G
Ground Floor Office / Retail Ceiling	14' min. clear	H
Ceiling Height	9' min. clear	I
¹ Measured from grade to eave or parapet base		
² See definition of "Story" in Definitions		

Footprint		
Depth, ground floor commercial space:	15' min.	J

- | Allowed Frontage Types (See Sec. 3-3 Facades) | |
|---|-----------|
| ■ Shopfront | ■ Gallery |
| ■ Forecourt | ■ Stoop |
| ■ Porch | |

Allowed Use Types (See Sect. 4-3 Permitted Uses Table)		
Ground Floor	All Permitted Uses Allowed	K
All Floors Otherwise	All Permitted Uses Allowed	L

TC3 Town Center General
Parking & Encroachments



Key

-----	Frontage/Property Line	Setback Line
■	Parking Area		

Key

-----	Frontage/Property Line	Setback Line
- - - - -	Build-to Location (BTL)	■	Encroachment Area

Parking (See Sect. 3-5 Parking Standards)

Parking Location (Distance from Property Line)

Front Setback	0' min., 30' max.	M
Side Street Setback	0' min., 30' max.	N
Side Setback	0' min.	O
Rear Setback	5' min.	P

Other Allowed Encroachments

Balconies, Bay Windows, Awnings, etc.

Front	12' max.	R
Side Street	8' max.	S
Rear	4' max.	T

District Specific Parking Requirements

Parking Curb Cut Width	15' max.	Q
No parking spaces are required for buildings that are < 500 sf		
Bicycle parking must be provided and in a secure environment, except in residential buildings with 4 units or less.		

Miscellaneous

Where a building facade steps back or is absent from the BTL, the BTL line should be maintained and defined by fence, landscape wall or hedge 30"-54" high.

All buildings must have a primary entrance along the front facade.

Loading docks, overhead doors and other service entries shall not be located on street-facing facades and shall instead be located in rear service areas

§219-198. TC-4 Town Center Edge

- A. The intent of this district is to facilitate a transition from the vibrant and urbane heart of the Schodack's Town Center to the lower intensity residential and Preserve areas on the periphery. Buildings in this mixed-use district are predominantly residential, are set slightly further back from the street and heights and are somewhat shorter than those in the heart of the Town Center.

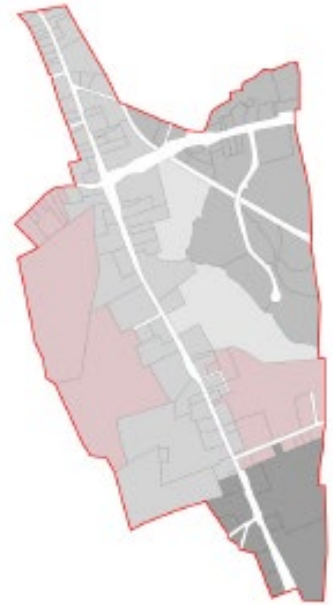


Figure 4 Illustrative example of buildings and site arrangement in the TC4 Town Center Edge District.

TC4 Town Center Edge
Examples



This fourplex building type has individual unit entrances, marked by stoops, that are accessible from the sidewalk.



Attached live-work units are a unique building type that can introduce a mix of commercial and residential uses in small increments.



A duplex contains two separate housing units.



Pitched roofs help to give this mansion apartment building a comfortable scale.

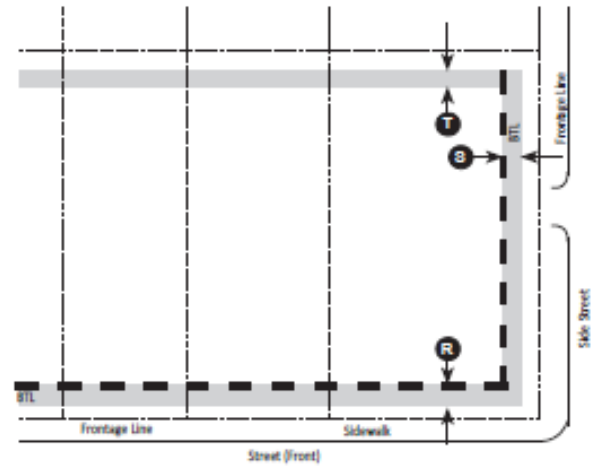
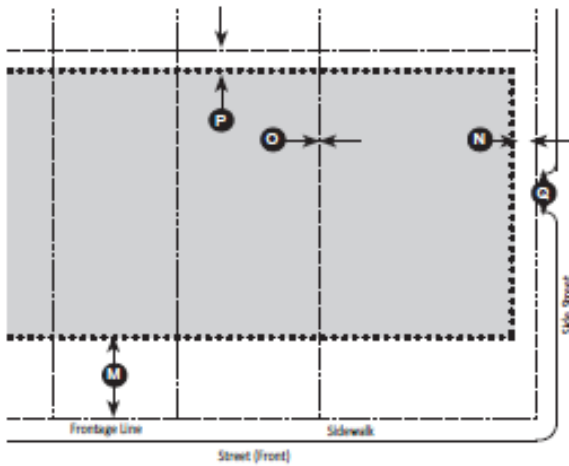


Townhouses are attached to neighboring units, forming a well-defined street edge.



A single-family house structure containing a business.

Town Center Edge
Town Center Edge
TC4 Parking & Encroachments



Key

-----	Frontage/Property Line	-----	Setback Line
■	Parking Area		

Parking (See Sect. 3-5 Parking Standards)

Parking Location (Distance from Frontage Line)

Front Setback	30' min.	M
Side Street Setback	5' min.	N
Side Setback	0' min.	O
Rear Setback	5' min.	P

District Specific Parking Requirements

Parking Curb Cut Width	15' max.	Q
No parking spaces are required for buildings that are < 500 sf		
Bicycle parking must be provided and in a secure environment, except in residential buildings with 4 units or less.		

open space	
Distance from Residential Unit	50' max.
Permitted Configurations	Balcony, Porch, Yard, Courtyard, or Roof Terrace.

Key

-----	Frontage/Property Line	-----	Setback Line
--- --	Build-to Location (BTL)	■	Encroachment Area

Other Allowed Encroachments

Balconies, Bay Windows, Awnings, etc.		
Front	12' max.	R
Side Street	8' max.	S
Rear	4' max.	T

Miscellaneous

Where a building facade steps back or is absent from the BTL, the BTL line should be maintained and defined by fence, landscape wall or hedge 30"-54" high.

All buildings must have a primary entrance along the front facade.

Loading docks, overhead doors and other service entries shall not be located on street-facing facades and shall instead be located in rear service areas

Allowed Use Types (See Sect. 4-3 Permitted Uses Table)

Ground Floor	Office / Retail required within 150' of SR 9&20 Frontage Line	K
All Floors Otherwise	All Permitted Uses Allowed	L

§219-199. TC-5 Town Center Preserve

- A. The preserve district consists of property that is primarily wetland. Development within this area is limited primarily due to wetland requirements, wetland buffers, and steep slopes. Limited boardwalk trails may be developed in order to access the area for recreational purposes.



TC5

Town Center Preserve
Examples



Sample boardwalks through preserved areas.

§219-200. Town Center General Standards

- A. Purpose. These general standards apply to the Town Center Districts, specifying standards for buildings that impact walkability and the quality of the public realm as well as parking requirements and the design of signage, lighting, and public open space.
- B. Buildings Standards. New or substantially renovated buildings shall comply with the following:
 - (1) Primary Entrances. The primary entrance of every building must directly face a street or a public space. A public space may include a central garden or courtyard when that public space opens directly onto the primary street. Additional building entrances are permitted.
 - (2) Entry / Exit Doors. Public entry and exit doors which swing outward shall be recessed into the facade a minimum of three feet where the sidewalk abuts the building.
 - (3) Window And Door Openings. Window and door openings in masonry facades should express a structural lintel above to express the conveyance of building weight. A similar method using wood trim can be used on wood-clad facades.
 - (4) Columns / Posts. The proportion of structural elements such as columns or posts should be appropriate to the weight they appear to be carrying.
- C. Facades.
 - (1) Material Changes.
 - (a) When materials are combined on a building façade horizontally, heavier materials should occur below lighter materials.
 - (b) Changes from one material or color to another along the horizontal direction should occur at “inside corner” transitions.
 - (c) Changes in material or color along the vertical direction should occur at a hard-edge “bump-out” transition which gives materials a surface to terminate into.
 - (d) Facades with an overabundance of different materials or colors are generally discouraged.
 - (2) Wide Façades. Building façades longer than 150 feet shall be varied with at least one change of architectural expression.
 - (a) These changes in expression may be a vertical element running from the ground plane to the roof, a change in fenestration, color, or texture, or a break in building façade plane or roof line.
 - (b) These changes may be subtle or significant, but should soften the visual effect of very wide buildings, especially those directly across the street from narrower buildings.
 - (c) Strive for an appearance of authenticity when subdividing a large façade into multiple smaller façades resembling distinct buildings.

- (3) Façade Transparency. All building façades which face onto a street or public space shall meet the minimum transparency requirements outlined herein. The percentage of transparency per Story shall be calculated within the area between finished floor and finished ceiling and shall be a total percentage of doors and windows along that portion of the façade.
- (a) Minimum building façade transparency for ground Story (retail): sixty (60) percent and should allow a view of at least five (5) feet of interior space.
 - (b) Minimum building façade transparency for ground Story (uses other than retail): thirty (30) percent
 - (c) Minimum building façade transparency for upper stories: thirty (30) percent



Façade transparency requirements for buildings with a retail ground Story

D. Frontage Types

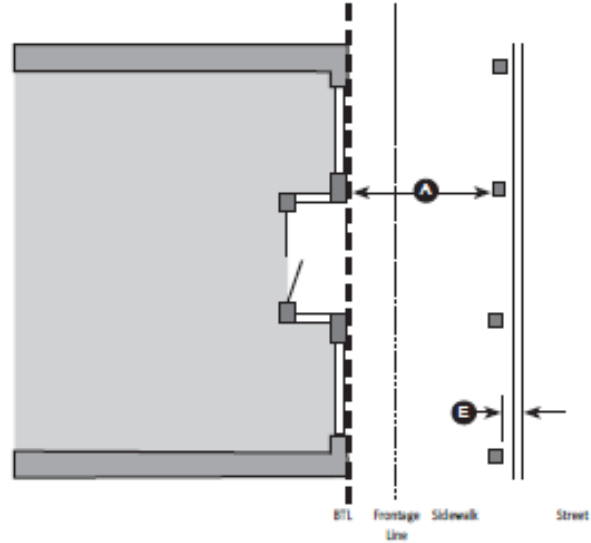
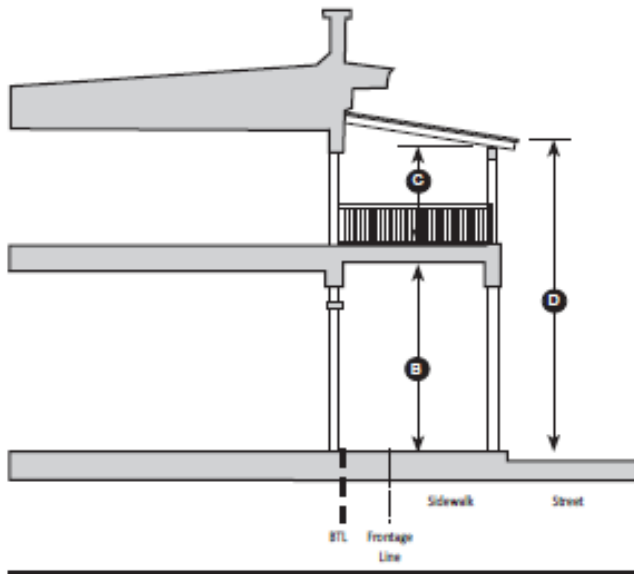
- (1) Building frontages in new construction or to enhance existing buildings shall conform with the basic Frontage Types set forth in this section.
- (2) The illustrations and photographs provided are for illustrative purposes, and need not be interpreted literally with regard to architectural styles.
- (3) Individual descriptions and form requirements of each Frontage Type are detailed on the following pages.



Façade transparency requirements for buildings with a non-retail ground Story

Frontage Types:

Gallery



Key

- Build-to Location (BTL)
- - - - - Frontage Line

A. Description

The main façade of the building is at the Build-to Location and the Gallery element overlaps the sidewalk, eliminating the need for an awning. This Frontage Type is intended for buildings with ground-floor commercial or retail uses and may be one or two stories in height.

B. Size

Depth, Clear	8' min.	A
Ground Floor Height, Clear	11' min.	B
Upper Floor Height, Clear	9' min.	C
Height	3 stories max	D
Setback from Curb	2' min.; 3' max.	E

C. Miscellaneous

Galleries must also follow all the rules of the Shopfront Frontage Type.



A gallery with slender metal columns.



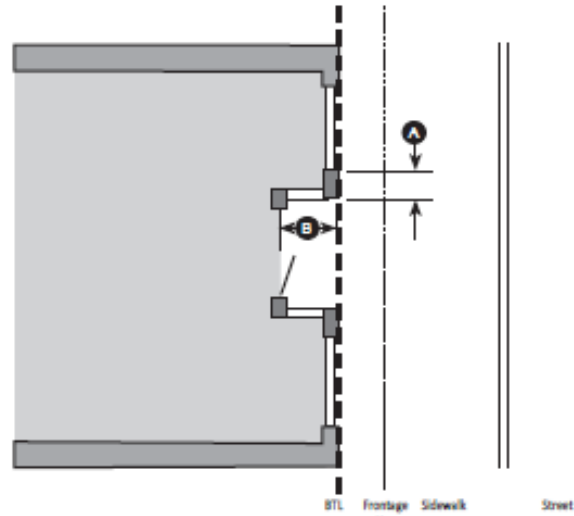
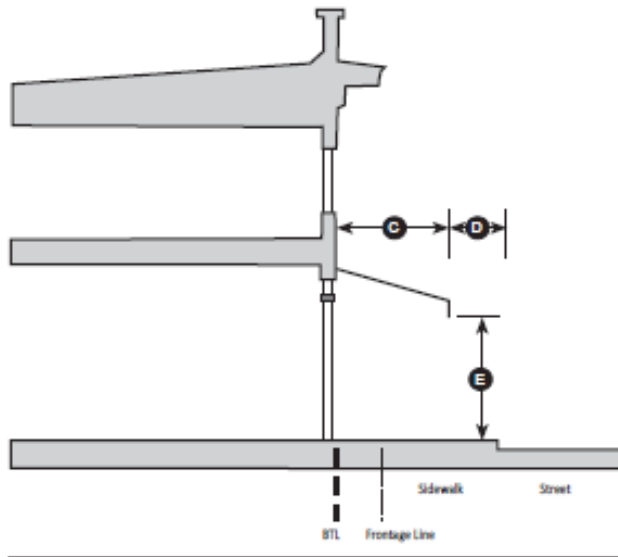
A wood framed gallery.



A masonry gallery with habitable space on the second floor.

Frontage Types:

Shopfront



Key
 ■■■■ Build-to Location (BTL)
 - - - - - Frontage Line

A. Description

The main facade of the building is at or near the frontage line and shall include a canopy or awning element that overlaps the sidewalk along the majority of the frontage. The canopy is a structural cantilevered shed roof and the awning is canvas or similar material and is often retractable.

B. Size

Distance between Glazing	2' max.	A
Ground Floor Transparency	See General Standards	
Door Recess	5' max.	B

C. Canopy or Awning

Depth	4' min.	C
Width, Cumulative	70% of facade width min.	
Setback from Curb	2' min.	D
Height, Clear	8' min.	E

D. Miscellaneous

Doors may be recessed as long as main facade is at BTL.
 Open ended awnings are encouraged.
 Rounded and hooped awnings are discouraged.



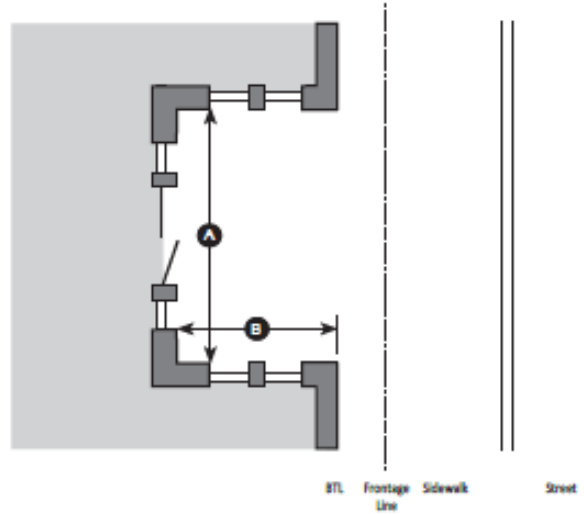
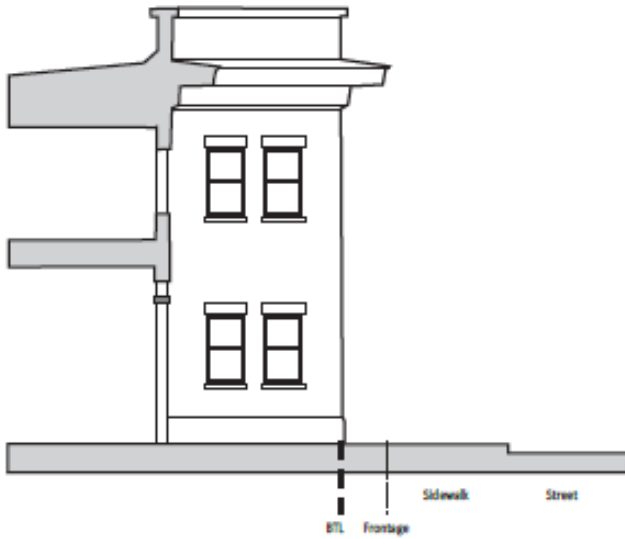
A shopfront with a recessed doorway.



A shopfront with a chamfered corner entry.

Frontage Types:

Forecourt



Key

- Build-to Location (BTL)
- Frontage Line

A. Description

The primary portion of the building’s main facade is at the Build-to Location while a small percentage is set back, creating a court space. This space can be used as an apartment entry court, garden space, or for restaurant outdoor dining.

B. Size

Width, Clear	12' min.	A
Depth, Clear	12' min.	B

C. Miscellaneous

Forecourts are especially useful along larger, more auto-dominant thoroughfares in order to provide well-shaped, intimately sized public outdoor spaces.



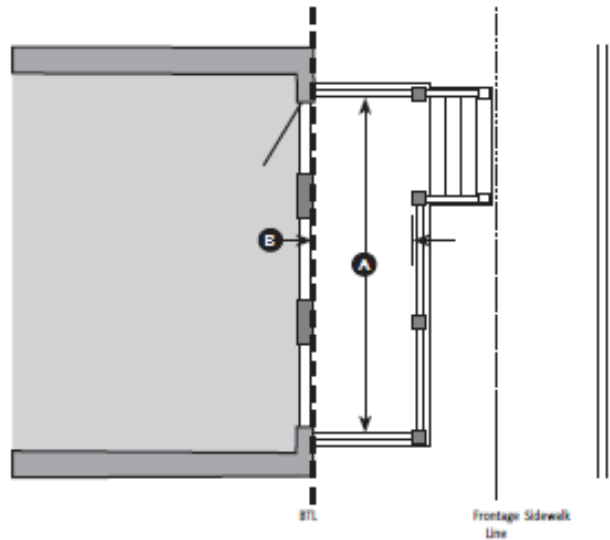
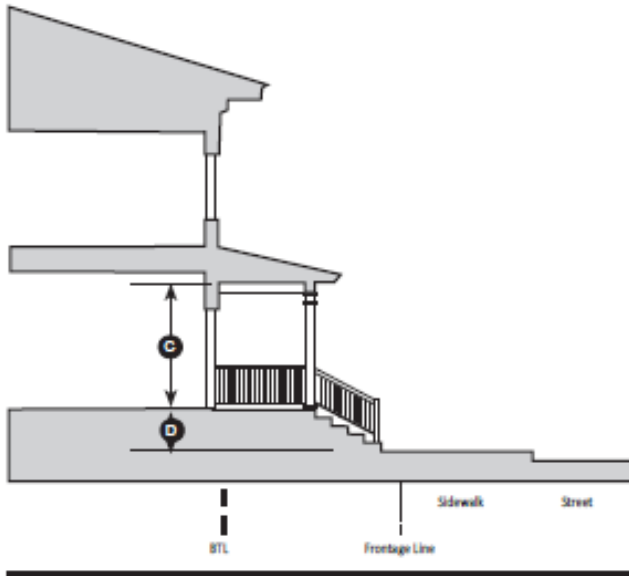
An elevated forecourt.



An elevated forecourt forming a dining terrace.

Frontage Types:

Porch



Key

- Build-to Location (BTL)
- Frontage Line

A. Description

The main facade of the building is at the build-to Location and the porch projects forward. The porch is used to access a first floor that is elevated above the sidewalk to ensure privacy within the building. A porch is large enough to function as an outdoor living space.

B. Size

Width, Clear	10' min.	A
Depth, Clear	8' min.	B
Height, Clear	8' min.	C
Height	3 stories max.	
Finish Level Above Sidewalk	18" min.	D



A 2-story porch on an apartment building.



A wraparound porch located close to the sidewalk.

E. Appurtenances.

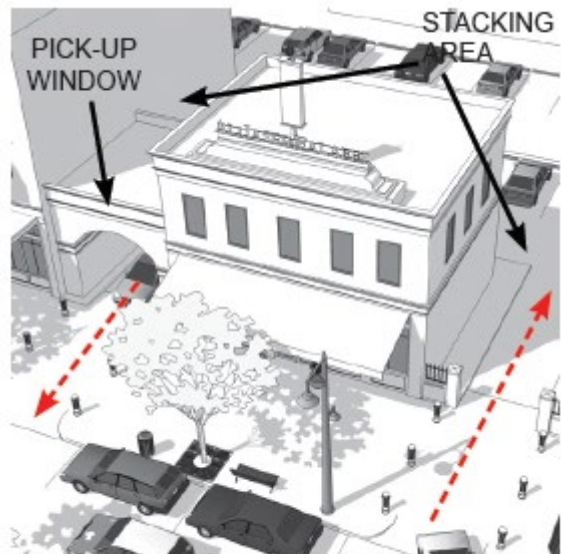
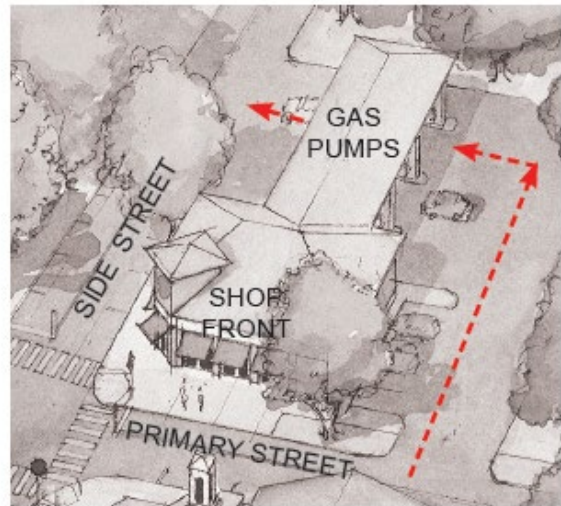
- (1) Each building with a shopfront on the ground story is required to have awnings, balconies, colonnades, or arcades facing the primary streets. See General Standards - Frontage Types for dimensional requirements.
- (2) When appurtenances are to extend over public sidewalks, the property owner may be required to enter into a right-of-way agreement establishing the property owner’s responsibility for repairing any damage that may result from public maintenance or improvements.

F. Roofs

- (1) Flat Roofs. Flat roof structures shall be bounded by an articulated parapet design which provides a noticeable “cap” to the building.
 - (a) The parapet on a single-story facade should express at least six inches in overhang depth, and be at least 18 inches tall. Parapet overhang depth and height for taller facades should be increasingly larger.
- (2) Sloped Roofs. Sloped roof structures are encouraged to maintain a pitch between 6:12 minimum and 12:12 maximum for all primary roof areas (not including dormers, entry canopies or similar accessory elements.)
 - (a) Roof overhangs are encouraged to be at least 6 inches deep.
 - (b) Dormers and gables are encouraged along front facades to help maintain a prominent facade, reduce the scale of long runs of roof and divert rainwater and snow from entry areas.

E. Specialty Buildings. Within the Town Center Districts, it is anticipated that some automotive-oriented uses may be provided to serve the daily needs of residents. The following criteria shall be used to ensure these uses do not detract from the overall walkability of the district.

- (1) Gas Stations. A ground-floor shopfront shall face the street and define the frontage of the lot. All pumps, parking, and drive-through areas must be located behind the shopfront building.
- (2) Drive-thru. A ground-floor shopfront shall face the Primary Street. All parking shall be located in the rear and accessed from a rear alley when present. Drive-thru windows shall be located to the side or rear of the building.



§219-201. Site Standards

- A. Service Areas & Loading Docks. Trash and recycling dumpsters or similar collection areas shall be located in the rear or to the side of buildings and screened from view from adjacent public right-of-ways, properties and pedestrian walkways (not including service alleys).
- B. Mechanical Equipment.
 - (1) Mechanical equipment, including roof-mounted, facade mounted, or ground level mounted, shall be screened from view from adjacent public spaces, (does not include alleys).
 - (2) Screening shall be achieved with non-deciduous landscape plantings, architectural building elements or parapet walls.

§219-202. Sign Standards

See Article VI Signs of this Chapter.

§219-203. Parking Standards

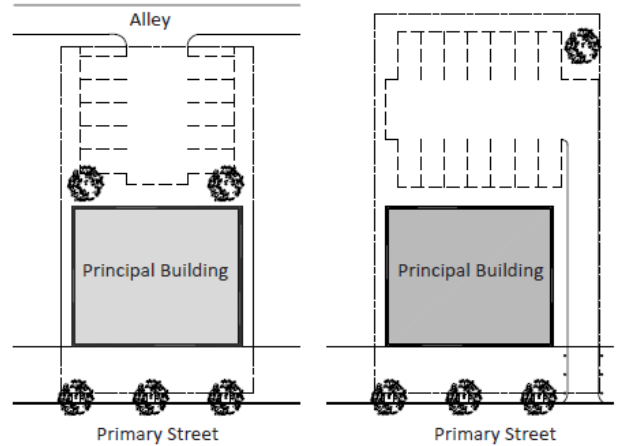
The parking requirements of this section apply to all properties applying for a permit for the construction, renovation, addition, site plan alteration, or change of use. The intent of the parking standards is to encourage a balance between pedestrian-oriented development and necessary car storage for the Town Center. The goal is to construct neither more nor less parking than is needed.

- A. Parking Requirements
 - (1) Parking shall be provided for each use based upon the minimum and maximum requirements outlined by use in the Parking Requirement Chart.
 - (2) Parking may be located on the same lot as the use it serves. Required parking may also be located on-street, provided the on-street parking space is directly adjacent to the business within a street, or in a non-adjacent parking lot, provided the space is within a quarter (1/4) mile of the building’s front door.
 - (3) A minimum of one bicycle parking space within a bicycle rack shall be provided for every three vehicular spaces.
 - (4) Shared and reduced parking is encouraged in the Town Center. The minimum number of parking spaces required for uses may be reduced with Planning Board approval, if the reduction for these uses can be justified through a parking analysis.

Parking Requirement Chart	
Use	Max # of Spaces Permitted in TC1; Min # of Spaces Required TC2-TC5:
Residential	1 per dwelling unit in mixed-use buildings
	1.25 per dwelling unit in multi-family residential buildings
	2 per single or two family dwelling
Lodging	1 per guest room
Office	3 per 1,000 sq. ft. of office space
Retail	3 per 1,000 sq. ft. of retail space
Civic	TBD by the Town of Schodack
Education	1 per 12 students
Automotive / Transportation	2 per 1,000 sq. ft. of floor area
Other: General	TBD by the Town of Schodack
Other: Agricultural / Industrial	1 per employee on largest shift

B. Parking Access

- (1) All parking shall be accessed from rear alleys where they exist and/or from side streets if the lot is located on a corner. If no rear alley or side street exists, then efforts should be made to gain access across neighboring properties.
- (2) When access to rear parking must be directly from the primary street, driveways shall be located along the sides of the property lines and designed such that pedestrians crossing on sidewalks always have the right-of-way.



Parking: access by alley

Parking: access by street

§219-204. Lighting Standards

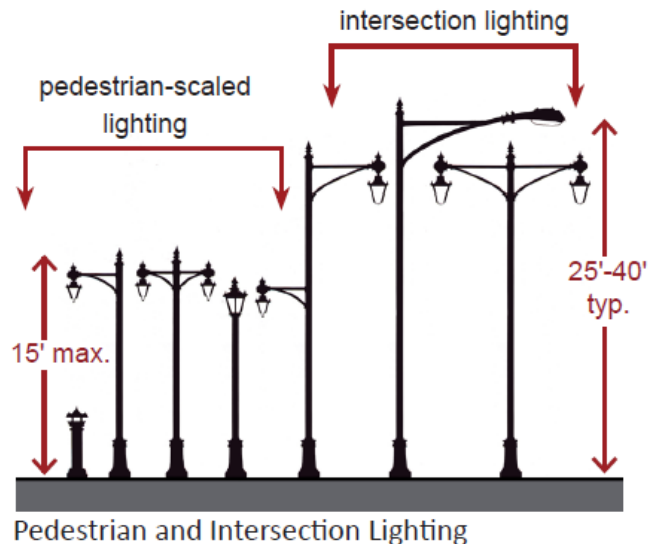
Adequate and quality lighting of the sidewalk and street area is essential to creating a safe and inviting streetscape. In addition to Town of Schodack regulations regarding lighting, the following standards and guidelines shall also apply to Town Center Districts.

A. General Lighting Standards

- (1) Lighting fixtures shall be appropriately chosen for the Town Center. There shall also be consistency within the Town Center in creating a unifying scheme of illumination that is appropriate to the scale of the street and the level of evening activity. Lamp styles should not be mixed along any one particular block of a street.
- (2) Light fixtures shall be downcast or low cut-off fixtures to prevent glare and light pollution.
- (3) In order to conserve energy and reduce long-term costs, energy-efficient lamps shall be used for all public realm lighting.

B. Street Lighting

- (1) A combination of pedestrian-scaled street light fixtures and intersection street light fixtures may be required to ensure a well-lit street area and to establish a unifying element along the street.
- (2) Pedestrian-scaled fixtures shall be used on all streets in Town Center District frontage areas.
- (3) Intersection-scaled lighting may be used in addition to pedestrian-scaled lights where required by the Town of Schodack.
- (4) Street lights shall be aligned with street tree placement (generally between two and a half (2.5) feet and four (4) feet from the back of the curb). Placement of fixtures shall be coordinated with the organization of sidewalks, landscaping, street trees, building entries, curb cuts, signage, etc.
- (5) The height of light fixtures shall be kept low (generally not taller than fifteen (15) feet to promote a pedestrian scale to the public realm and to minimize light spill to adjoining properties. Light fixtures shall be closely spaced (generally not more than thirty (30) feet on center) to provide appropriate levels of illumination.
- (6) Light poles may include armature that allows for the hanging of banners or other amenities (e.g., hanging flower baskets, artwork, etc.).



C. Parking Lot Lighting

- A. All fixtures shall be full cutoff, downward facing. B. Light fixtures located within the interior asphalt area of a parking lot shall not exceed 30 feet in height.
- B. Light fixtures located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 15 feet.

D. Pedestrian Walkway Lighting

- (1) Light fixtures located along pedestrian walkways adjacent to parking lots shall not exceed 15 feet in height.
- (2) Light fixtures located along internal pedestrian walkways or paths not adjacent to a parking area shall not exceed 10 feet in height.

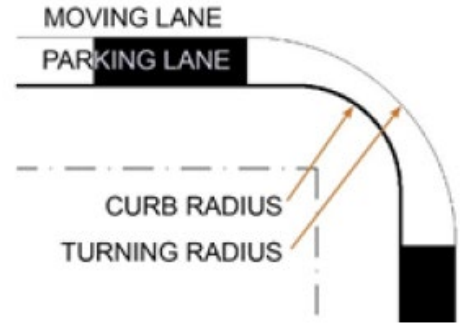
E. Building and Security Lighting

- (1) All exterior building or security lighting must be full cutoff, shielded and/or angled downward to focus the light only on the intended doorway or walkway as necessary.
- (2) Security lighting is encouraged to be provided with regular pedestrian light fixtures where visible from the street or public way to match others used on site.
- (3) Building mounted architectural “accent lights” are encouraged to emphasize architectural character and signage.
- (4) Business owners are encouraged to assist with lighting the sidewalk and to accent their business location by leaving display window and interior lighting on at night. Lighting shall be designed in such a way as to prevent the direct view of the light source to neighboring residential areas.

§219-205. Future Streets

- A. Future Streets General Standards. Street configurations, public or private, shall be as designated on the Future Streets and Civic Spaces Map or as otherwise approved. The precise location and alignment of new streets may be adjusted to allow flexibility in the design of the site plan, but the number of connections provided to surrounding parcels shall not be reduced. The design of new streets and modifications to existing streets shall adhere to the following requirements:
 - (1) Improvements to existing thoroughfares shall be coordinated with the Planning and Zoning Director. Some dimensional flexibility is permitted for street types to account for varying ROW widths, however they shall be designed to have all the basic functional characteristics including roadway width, on street parking, sidewalks, trails, street trees and landscaped areas shown for their type.
 - (2) All streets shall connect to other streets.
 - (3) Cul-de-sacs, and T-turnarounds are not permitted.
 - (4) Dead-end streets are only permitted for those shown on the Future Streets and Civic Spaces Map when the adjacent property has not been developed or redeveloped.
 - (5) All streets shall have at least two (2) travel lanes, one (1) in each direction; however, streets around squares may have one (1) travel lane with one-way traffic.
 - (6) Where possible, there shall be parking lanes which in addition to on-street parking may be used for “drop off” areas or bus stops.
 - (7) On-street parking lanes shall not be closer than twenty-five (25) feet to intersections measured from the curb line.
 - (8) All streets shall have sidewalks which are a minimum width of five (5) feet, and have a continuous unobstructed path of a width no less than sixty (60) inches. This path shall be unobstructed by utility poles, fire hydrants, benches or any other temporary or permanent structures.

- (9) With the exception of fire hydrants, utilities shall run underground and above-ground projections of utilities shall be placed in rear service areas wherever practicable.
- B. Curb Radius. Corner curb radius designs fall into two distinct categories: corners with, and without, on-street parking.
 - (1) Streets with on-street parking shall have curb radii of fifteen (15) feet maximum. Tight curb radii inhibit drivers from turning corners at high speeds, enhancing safety for pedestrians. The effective turning radius is larger than the curb radius when parking is present. Thus, the effective turning radius can be thirty (30) plus feet when the curb radius is fifteen (15) feet.
 - (2) Corners without parallel parking require the curb radii to be similar to the turning radii, with the curb radius between twenty (20) feet and thirty (30) feet.
- C. Rear Service Lanes. Where possible, rear service lanes shall be used for access to parking and services at the rear of lots. See Rear Service Lane Chart for required dimensions.
 - (1) Rear service lanes providing access to residential buildings shall be built to residential standards.
 - (2) Rear service lanes providing access to nonresidential uses shall be built to non-residential standards.
 - (3) Where a rear service lane provides access to a block with both residential and non-residential uses, it shall be built to a non-residential standard.
 - (4) Rear service lanes should meet streets with a gutter pan, allowing the sidewalk to continue uninterrupted across a drive.



Rear Service Lane Type	Right-of-Way	Pavement Width
Residential	20' Min.	12' - 18'
Non-Residential	20' Min.	18' - 24'

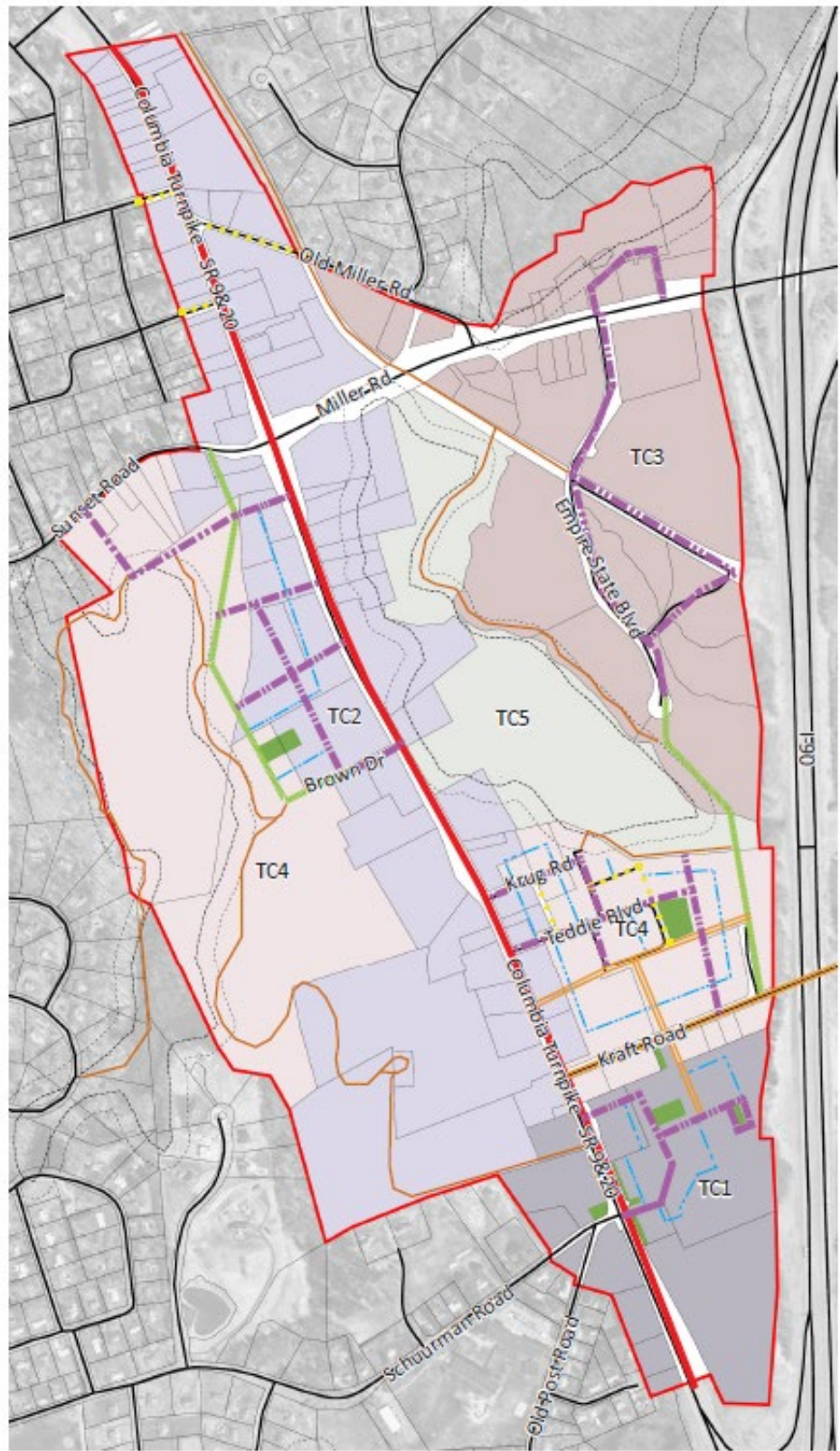
§219-206. Civic Spaces

- A. Civic space in the form of parks, greens, squares, plazas, playgrounds, or community gardens shall at a minimum be located according to the Future Streets and Civic Spaces Map. All designated civic spaces shall be at grade level and shall be accessible to the public.
- B. Location and size of the designated civic spaces shall conform with the Civic Open Space Standards.
- C. Squares and plazas shall be densely shaded and provide seating. Trees and shrubs shall be of sufficient quantity and located as to define a specific geometry of open space and shall promote security by allowing visibility through all areas.
- D. Ground surface shall be a combination of paving, lawn or ground cover integrated in design with trees and shrubs. Fountains, sculpture, and works of art are encouraged. Street furniture shall not obstruct sight visibility triangles at street intersections.
- E. New civic open spaces may be of the following types, which are allowable in various Town Center Districts as indicated by the letter “X” in the following table:

Civic Space Type	Must Front at Least:	Typical Size	Town Center District			
			TC1	TC2	TC3	TC4
Park	1 street	min. 8 acres			x	x
Green	2 streets	0.5 to 5 acres		x	x	x
Square	3 streets	0.5 to 2 acres	x	x	x	
Plaza	1 street	0.1 to 2 acres	x			
Playground	0 streets	0.1 to 1 acre	x	x	x	x
Community Garden	0 streets	0.1 to 1 acre	x	x	x	x

§219-207. Future Streets and Civic Spaces Map

- TC1: Town Center Core
- TC2: Town Center Corridor
- TC3: Town Center General
- TC4: Town Center Edge
- TC5: Preserve
- Town Center Form-Based Code Boundary
- Parcels
- Wetland
- Wetland Buffer
- Existing Road
- Neighborhood Street, Type 1
- Neighborhood Street, Type 2
- Neighborhood Street, Type 3
- Edge Street
- SR 9&20
- Potential Alley Segment
- Potential Trail Segment
- Designated Civic Space Location



Neighborhood Street, Type 1



Application	
Movement Type	Slow
Design Speed	20 mph
Pedestrian Crossing Time	10.2 seconds

Overall Widths	
Right-of-Way (ROW) Width	60' - 70' A
Curb Face to Curb Face Width	36' B


Lanes	
Traffic Lanes	10' C
Bicycle Lanes	sharrows
Parking Lanes	8' D
Medians	n/a

Note: On-street parking may be replaced with bicycle lanes on one or both sides with approval.

Edges	
Curb Type	6" Raised
Planter Type	4'x4' tree well adjacent to curb
Landscape Type	Medium Trees, evenly spaced @ 30' o.c. avg. 12' - 17' sidewalk. E (A 6' wide tree lawn may be incorporated adjacent to the curb in TC2, TC3, TC4 & TC5 zones).
Walkway Type	
Lighting	Aligned with street trees

Intersection	
Curb Radius	10'
Distance Between Intersections	100' min. See Regulating Plan

Note: Building placement and form requirements vary depending on Town Center District. **F**

Neighborhood Street, Type 2 



Application	
Movement Type	Slow
Design Speed	20 mph
Pedestrian Crossing Time	9.7 seconds

Overall Widths	
Right-of-Way (ROW) Width	70' - 80' A
Curb Face to Curb Face Width	34' B

Lanes	
Traffic Lanes	10' C
Bicycle Lanes	6' sidewalk cycle track D
Parking Lanes	7' E
Medians	6' F

Note: Both bicycle lanes may be grouped together on one side of the street with approval.

Edges	
Curb Type	6" Raised
Planter Type	4'x4' tree well
Landscape Type	Medium Trees, evenly spaced @ 30' o.c. avg.
Walkway Type	6' - 11' sidewalk G
Lighting	Aligned with 4'x4' tree wells

Intersection	
Curb Radius	10'
Distance Between Intersections	100' min. See Regulating Plan

Note: Building placement and form requirements vary depending on Town Center District. **G**

Neighborhood Street, Type 3 ◆◆◆◆◆◆◆◆◆◆



Application	
Movement Type	Slow
Design Speed	20 mph
Pedestrian Crossing Time	8 seconds

Overall Widths	
Right-of-Way (ROW) Width	48' - 60' A
Curb Face to Curb Face Width	28' B

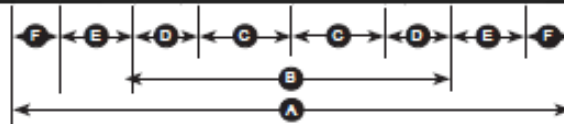
Lanes	
Traffic Lanes	10' C
Bicycle Lanes	sharrows
Parking Lanes	8' D
Medians	n/a

Edges	
Curb Type	6" Raised
Planter Type	4x4 tree well
Landscape Type	Medium Trees, evenly spaced @ 30' o.c. avg.
Walkway Type	10' - 16' sidewalk E
Lighting	Aligned with 4'x4' tree wells

Intersection	
Curb Radius	10'
Distance Between Intersections	100' min. See Regulating Plan

Note: Building placement and form requirements vary depending on Town Center District. **F**

Edge Street 



Application

Movement Type	Slow
Design Speed	30 mph
Pedestrian Crossing Time	10.2 seconds

Overall Widths

Right-of-Way (ROW) Width	60' - 70'	A
Curb Face to Curb Face Width	34'	B

Lanes

Traffic Lanes	10'	C
Bicycle Lanes	7' buffered bike lane*	D
Parking Lanes	n/a	
Medians	n/a	

Edges

Curb Type	6" Raised
Planter Type	6'-8' swale E
Landscape Type	Medium Trees, evenly spaced @ 40' o.c. avg.
Walkway Type	6-8' sidewalk F
Lighting	Within 6'-8' swale

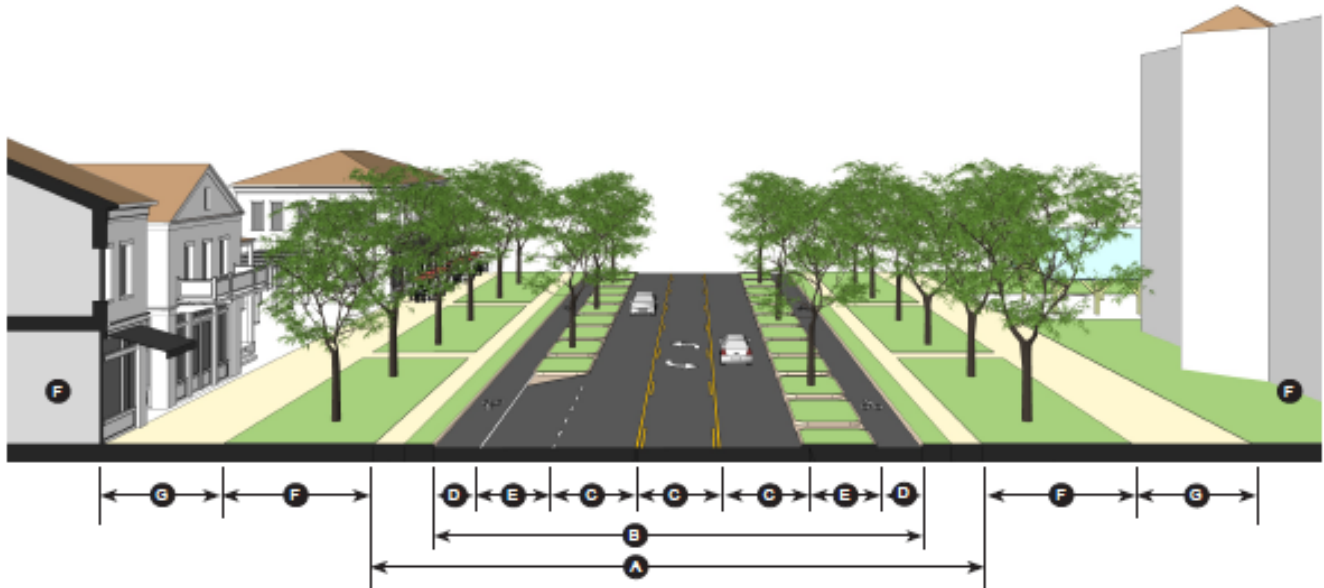
Intersection

Curb Radius	15'
Distance Between Intersections	200' min. See Regulating Plan

Note: Building placement and form requirements vary depending on Town Center District. **G**

* The 7' buffered bike lane may alternatively be replaced with a 7' wide lane of parallel on-street parking, and either a travel lane narrow or a cycle track.

SR 9&20 —————



Application	
Movement Type	Medium
Design Speed	35 mph
Pedestrian Crossing Time	15 seconds

Overall Widths	
Right-of-Way (ROW) Width	62'-81' A
Curb Face to Curb Face Width	46'-65' B

Lanes	
Traffic Lanes	11' C
Bicycle Lanes	sharrows D
Parking Lanes	n/a
Medians	10' E

Edges (located within easement adjacent to R.O.W.)	
Curb Type	6" Raised
Planter Type	30' swale F
Landscape Type	Medium Trees, evenly spaced @ 30' o.c. avg.
Walkway Type	18' sidewalk min. G
Lighting	Aligned with trees

Intersection	
Curb Radius	Existing Configuration
Distance Between Intersections	Existing Configuration
Note: Building placement and form requirements vary depending on Town Center District. F	

§219-207. Town Center Definitions

Appurtenances.

Porches, balconies, patios, seating areas, canopies awnings, etc., which extend outward from the facade of a building which do not count as an extension of the facade itself for the purposes of measuring setbacks and build-to locations.

Building Height.

Building height is measured from the average front facade grade level to the mean height between the eaves and the roof peak (for sloped roof structures) and to the top of the parapet (for flat roof structures.)

Build-To Location.

The specific location or flexible area where the facade of a building must be located, measured as both a minimum and maximum setback distance from the Frontage Line.

Civic Space.

A natural or landscaped outdoor area provided for the purpose of active or passive public recreation. May include publicly accessible outdoor amenities such as a playground, seating area, picnic area, multi-use path and temporary or permanent small outdoor performance space or religious facility.

Facade Transparency.

The amount of transparent window glass or other openings in the facade of a building, relative to the overall surface area of the facade. Facade transparency is measured separately for the ground floor levels and upper floor levels. The ground floor area is measured between 2 feet above the ground to 12 feet above the ground. Facade transparency for upper floors is measured from second finished floor level to the ceiling of the topmost floor.

Frontage Line.

The front of a presumed property where a development parcel or property meets with either a public or private right-of way, street, or public space and is where the front of a building is to be located.

Frontage Buildout.

The percentage of the lot width which must be occupied by building facade along the Build-To Location. For example, a property which is 100 feet wide with a frontage width percentage of 60% would require that at least 60 feet of facade length be maintained in the build-to location. Any additional length of front facade would be allowed to step back further from the frontage line, if desired. The intent of this requirement is to encourage development to maximize their front facade exposure along the street or public space.

Regulating Plan.

A map or set of maps that shows the physical locations and boundaries of regulatory items such as Zone Districts, Future Streets, and Civic Spaces subject to regulation by this Code.

Setbacks.

The minimum distance a building facade or parking area must be located from a frontage line or public right-of-way. Similar to a Build-To Location, except the building or parking can be located anywhere behind that line.

Town of Schodack
Chapter 219 Zoning Law
Attachment 2: Schedule of Area and Bulk Regulations

District	Development Criteria Type	Minimum Lot Area (SF)	Minimum Lot Area Per Dwelling Unit (SF)	Minimum Lot Width/Depth (ft) ¹	Minimum Setbacks (feet) ¹			Minimum Open Area (%)	Maximum Structure Coverage (%)	Maximum Height (feet)
					Front	Side	Rear			
RA	A. One-family	60,000 sf	60,000 sf	200/200	50	30	35	50	15%	35
	B. Two-family	75,000 sf	37,500 sf	200/200	50	30	35	50	15%	35
	C. Other Permitted Use	60,000 sf	60,000 sf	200/200	50	30	35	50	15%	35
R	A. One-family	40,000 sf	40,000 sf	150/200	50	30	35	50	15%	35
	B. Two-family	75,000 sf	37,500 sf	200/200	50	30	35	50	15%	35
	C. Multifamily	40,000 sf	4 du/acre	150/200	50	30	35	50	20%	35
	D. Townhouse	40,000 sf	4 du/acre	150/200	50	30	35	50	20%	35
	E. Other Permitted Use	40,000 sf	40,000 sf	150/200	50	30	35	50	15%	35
HM	A. One-family	30,000 sf	30,000 sf	100/150	40	20	35	25	50%	35
	B. Multifamily	30,000 sf	6 du/acre	100/150	40	20	35	25	50%	35
	C. Townhouse	30,000 sf	6 du/acre	100/150	40	20	35	25	50%	35
	D. Other Permitted Use	20,000 sf	20,000 sf	100/150	40	20	35	25	50%	35
CM	A. Multifamily	30,000 sf	6 du/acre	100/150	40	20	35	25	50%	35
	B. Townhouse	30,000 sf	6 du/acre	100/150	40	20	35	25	50%	35
	C. Mixed-Use Developments	30,000 sf	6 du/acre	100/150	40	20	35	25	50%	35
	D. Other Permitted Use	30,000 sf	30,000 sf	100/150	40	20	35	25	50%	35
C	A. Multifamily	30,000 sf	6 du/acre	125/150	35	20	35	10	65%	35
	B. Townhouse	30,000 sf	6 du/acre	125/150	35	20	35	10	65%	35
	C. Mixed-Use Developments	30,000 sf	6 du/acre	125/150	35	20	35	10	65%	35
	D. Other Permitted Use	30,000 sf	30,000 sf	125/150	35	20	35	10	65%	45
RC	Permitted Use	40,000 sf	NA	125/150	35	20	35	10	70%	45
MC	Permitted Use	20,000 sf	NA	80/100	30	20	25	10	20%	35
PW	Permitted Use	60,000 sf	60,000 sf	200/200	50	30	35	50	15%	35
M	Permitted Use	40,000 sf	NA	125/150	50	20 (or building height)	50	10	70%	45

Notes:

1. See Section 219-27 Modifications to lots and setbacks

Town of Schodack
Chapter 219 Zoning Law - Attachment 1: Schedule of Use Table

AGRICULTURAL		RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
	Accessory Use (Customary)	A	A	A	A	A	A	A	A	A				
	Agriculture, Farm	P	P	P	P	P	P	P	P	P				
	Agricultural Activity; Agricultural Use, Animals; Agricultural use, Crops	A	A	A	A	A	A	A	A	A				
	Agribusiness	A	A	SP	SP	SP	SP	SP	A	SP				
	Agritourism	A	A	A	A	A	A	A	A	A				
	Farm Labor Housing	A	A	A	A	A	A	A	A	A				
	Farm Market	A	A	A	A	A	A	A	A	A	SP	SP	SP	
	Roadside Stand	A	A	A	A	A	A	A	A	A	A	A	A	A
	Timber Harvesting & Forestry	SP	SP	SP	SP	SP	SP	SP	SP	SP				
RESIDENTIAL		RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
	Accessory Use (Customary)	A	A	A	A	A		A	A	A				
	Accessory Apartment	SP	SP	SP							A	A	A	A
	Dwelling, Multifamily, Townhouses and Senior Congregate		SP	P	P						P	P	P	P
	Dwelling, One Family	P	P	P					P		A	P		P
	Dwelling, Townhouse		SP	P	P						P	P	P	P
	Dwelling, Two Family	P	P								P	P		P
	Group Homes	SP	SP											
	Mixed-Use Development, Residential			SP	P	P					P	SP		
OFFICE		RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
	Accessory Use (Customary)	A	A	A	A	A	A	A	A	A				
	Offices, Business and Professional			P	P	P	P			P	P	P	P	P
	Offices, Corporate Center and Park				SP	SP	SP			SP			P	P
	Medical Facility - Large			SP	SP	SP	SP				P	P	P	SP
	Medical Facility - Limited		SP	P	P	P	P				P	P	P	P
	Veterinarian Facility	SP	SP	P	P	P					SP	P	SP	
LODGING SERVICES		RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
	Accessory Use (Customary)	A	A	A	A	A	A	A	A	A				
	Bed and Breakfast	P	SP	P							P	P	P	P
	Hotel/Motel & Extended Stay Hotel/Motel			SP	SP	SP	SP				SP	SP	SP	SP
	Renting of Rooms	A	A								A	A	A	A
	Recreational Vehicle Parks	SP												
INDUSTRIAL		RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
	Accessory Use (Customary)	A	A	A	A	A	A	A	A	A				
	Cogeneration Plant									SP				
	Compressor Station						SP							
	Research & Development Facility				SP	SP	SP			SP				
	Manufacturing, Heavy						SP			P				
	Manufacturing, Light				P	P	P			P	SP		P	
	Mining and Excavation	See Article XVIII												

Town of Schodack
Chapter 219 Zoning Law - Attachment 1: Schedule of Use Table

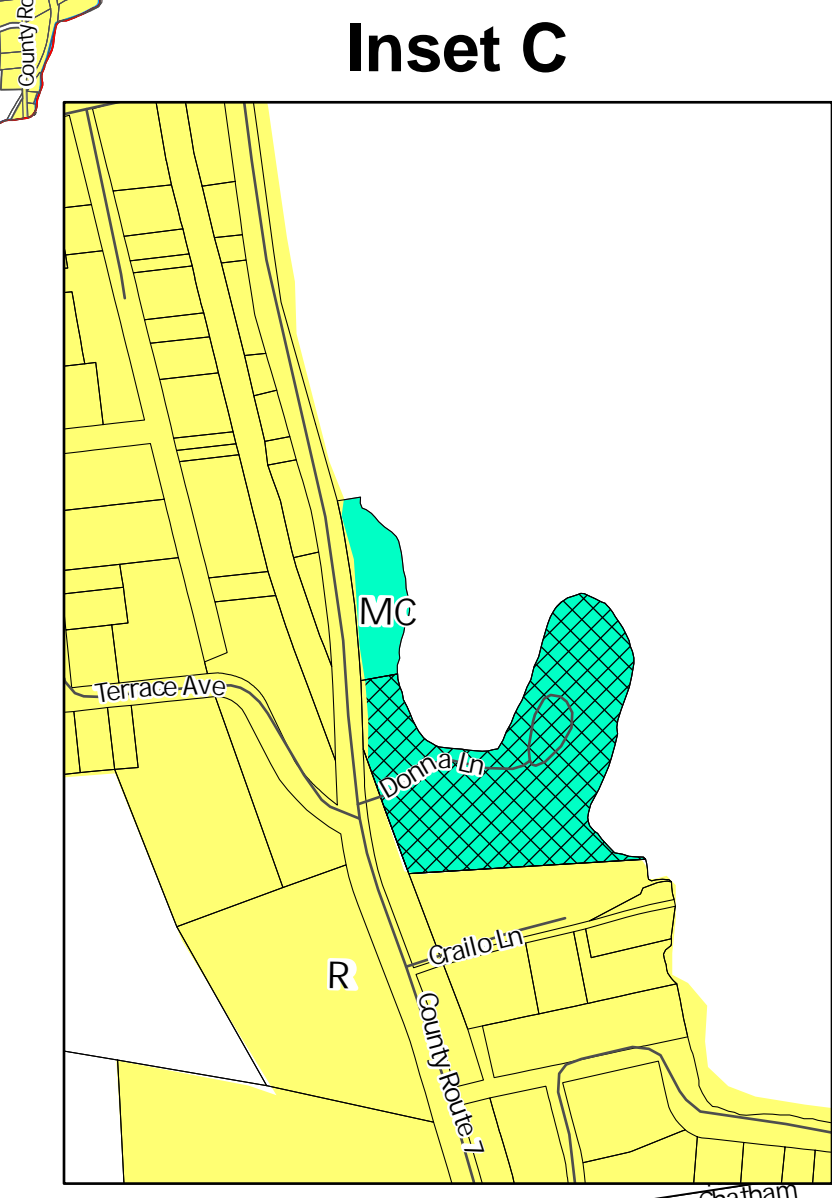
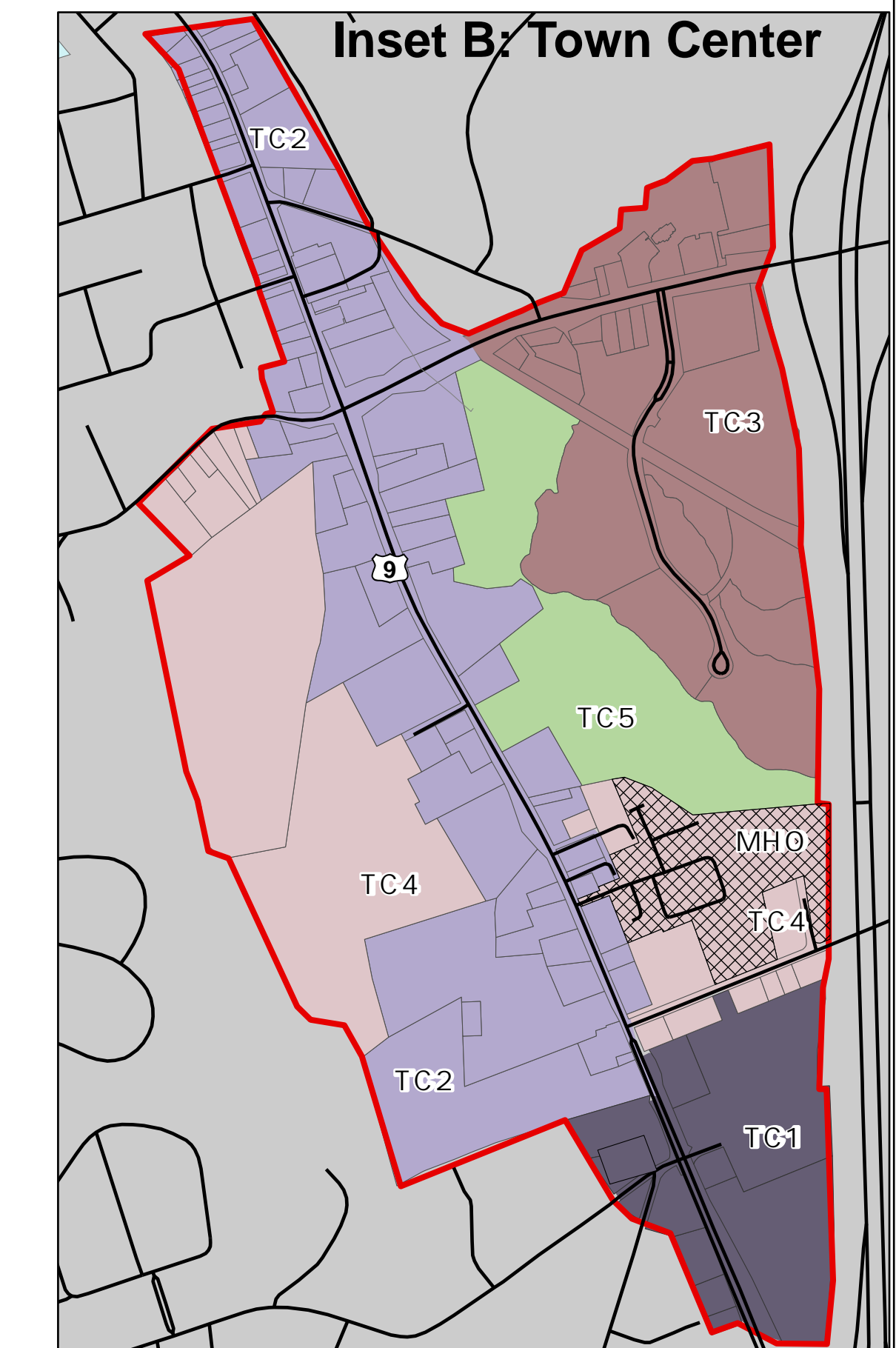
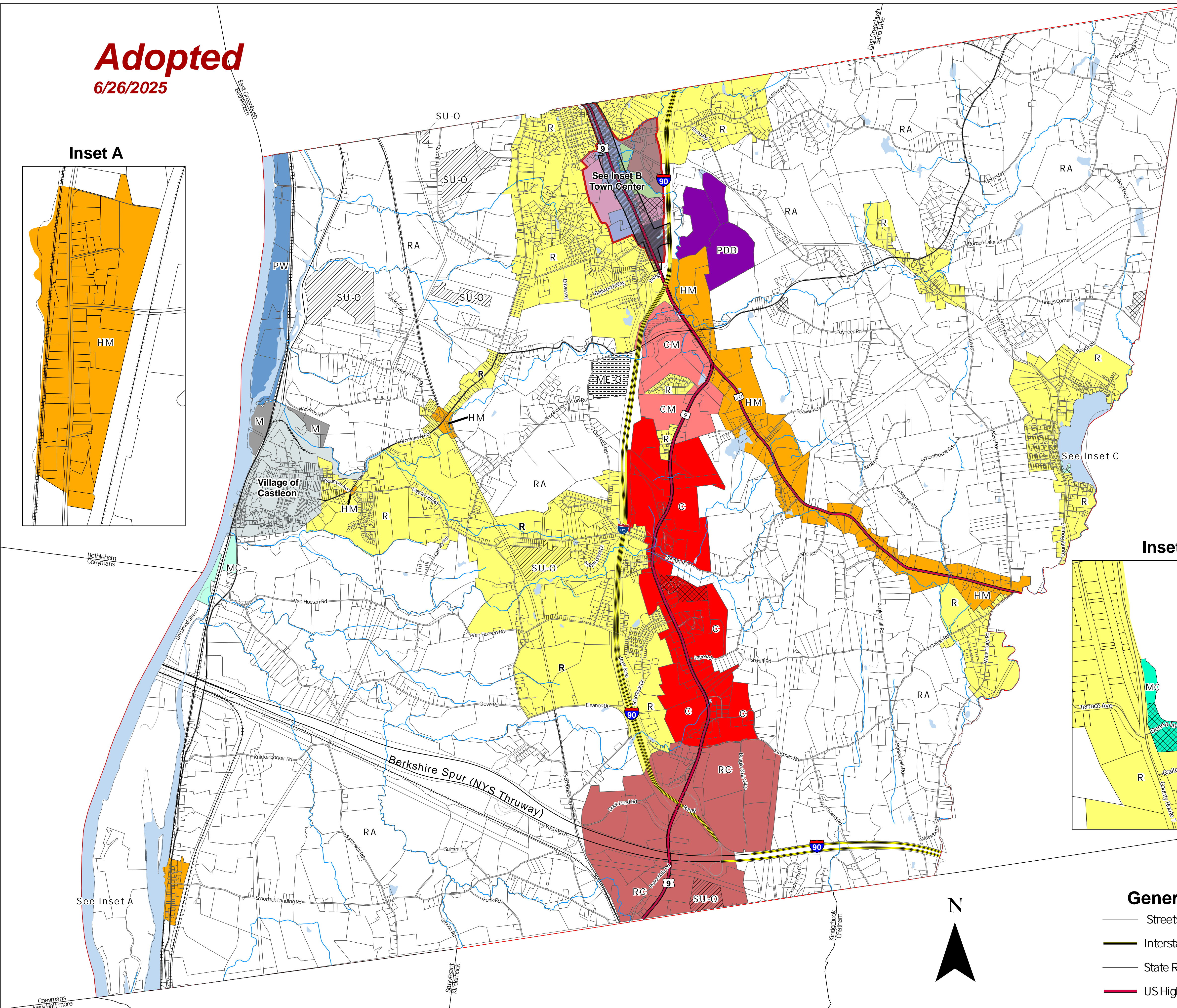
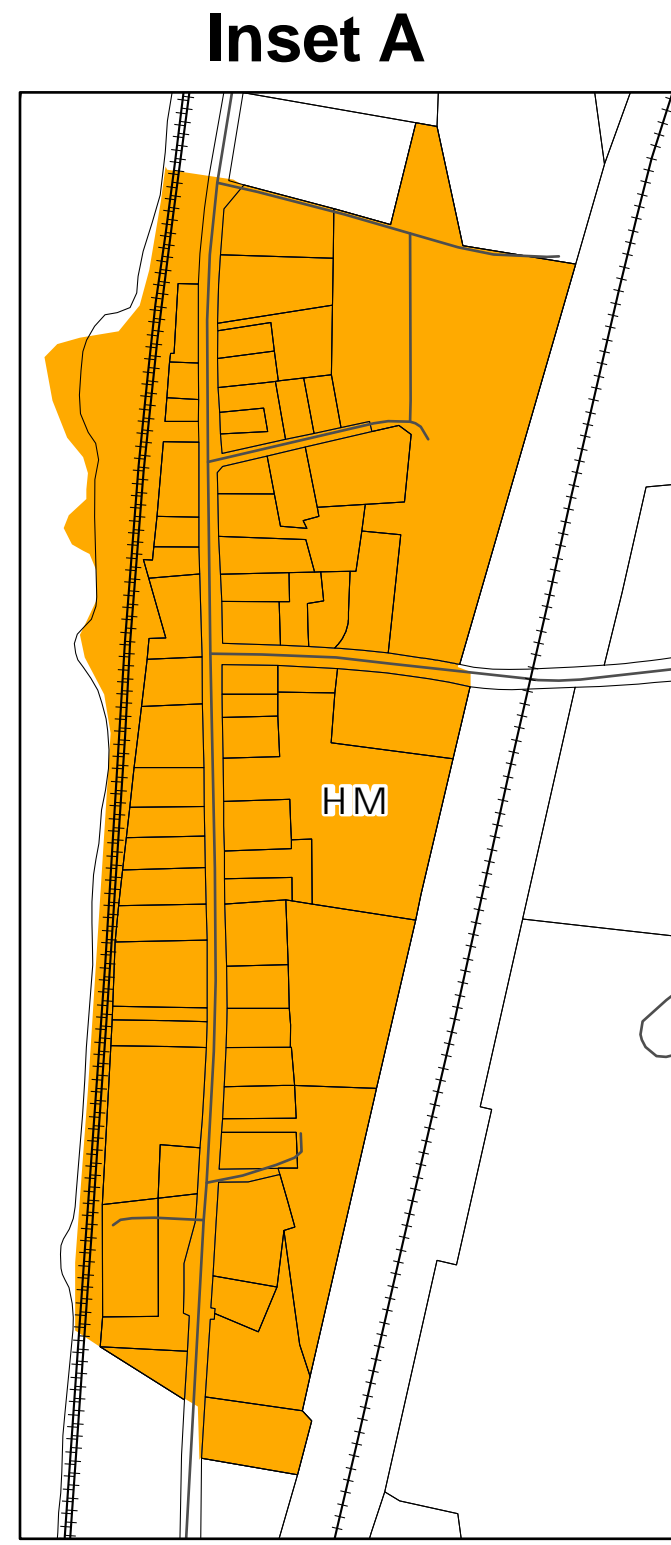
COMMERCIAL	RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
Accessory Use (Customary)	A	A	A	A	A	A	A	A	A	A	A	A	A
Adult Business						SP							
Antique Shop	SP	SP	SP	P	P	P				P	SP	SP	SP
Bank or Financial Institution			P	P	P	P				P	P	P	
Bar or Tavern			P	P	P	P	P	SP		P	P	P	
Building Supply Facility			SP	SP	SP	SP				SP		SP	
Clothing/Material Bins ²	A	A	SP		SP					A	A	A	A
Construction, Landscaping Services & Storage - Major			SP	SP	SP	SP				SP		SP	SP
Construction, Landscaping Services & Storage - Minor	SP	SP	P							SP	SP	SP	SP
Day Care Center - Adult and/or Child		SP	SP	SP	SP					SP	SP	SP	SP
Day Care Home - Adult and/or Child	SP	SP	SP										
Dry Cleaning and Laundry Service			SP	SP	SP					SP	SP	SP	
Drive-Through Services			A	A	A	A				SP	SP	SP	
Food Truck			SP	SP	SP	SP				A	A	A	
Funeral Home			P	P	P								
Home Occupations	A	A						A					
Kennel	SP	SP	SP	SP	SP	SP							
Mixed-Use Development, Non-Residential				P	P	P				P	P	P	P
Outdoor Sales			A	A	A	A	A	A	A	A	A		
Outdoor Storage Yards					SP	SP	SP		SP	SP			SP
Recreation Facility				SP	SP	SP		SP					
Restaurant - Accessory				A	A	A	A			A	A	A	A
Restaurant			P	P	P	P	P	SP		P	P	P	P
Retail and/or Service Establishment - Accessory			A		A	A		A	A				A
Retail and/or Service Establishment - Large				P	P	P		SP	A	P	P	P	
Retail and/or Service Establishment - Limited			P	P	P	P		SP	A	P	P	P	
Shopping Center				SP	P	P				P	P		
Theater					P	P				P			
Warehouse / Distribution Center				SP	SP	SP			SP			SP	SP

Town of Schodack
Chapter 219 Zoning Law - Attachment 1: Schedule of Use Table

CIVIC / COMMUNITY SERVICES	RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
Accessory Use (Customary)	A	A	A	A	A	A	A	A	A				
Battery Energy Storage Systems	See § 219-72												
Camp, Day	SP							SP					
Cemetery	SP	SP											
Club, Membership, Civic & Social/Fraternal	SP	SP	P	P	P	SP				P	P	P	P
Club, Membership, Country	SP												
Club, Membership, Sportsman	SP												
Club, Membership, Yacht			SP				P	SP					
Civic Center					SP	SP		SP					
Community and Government Use	P	P	P	P	P	P	P	P	P	P	P	P	SP
Fishing Docks	A						A	A	A				
Schools, Private	SP	SP		SP	SP								
Schools, Public	P	P	P	P	P	P	P	P	P				
Solar Collector System, Small Scale (Flush & Rooftop Mounted)	A	A	A	A	A	A	A	A	A	SP	SP	SP	SP
Solar Collector System, Small Scale (Ground Mounted & Freestanding)	A	A	SP	SP	SP	SP	SP	SP	SP				
Solar Collector System, Utility Scale	See § 219-66												
Solar Collector System, Utility Scale - Rooftop Mounted				SP	SP	SP							
Religious Use or Assembly	SP	SP	P	P	P	SP				P	P	P	A
Telecommunications Service	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Utility Station of Substation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Wind Energy Conversion System	A	A	A	A	A	A	A	A	A				
TRANSPORTATION/VEHICLE	RA	R	HM	CM	C	RC	MC	PW ¹	M	TC1	TC2	TC3	TC4
Accessory Use (Customary)	A	A	A	A	A	A	A	A	A				
Boat Launch							A	SP					
Boat Sales and Repairs			SP		SP		P	SP					
Boat Storage							P	SP					
Boat Yard							P	SP					
Car Wash			SP		SP	SP				P	P	P	
Equipment Facility, Sales & Service, Heavy					SP	SP	SP						
Equipment Facility, Sales & Service, Light			P	P	P								
Garage, Commercial					SP	SP	SP						
Marina or Boat Basin							P	SP					
Motor Vehicle Autobody Shop			SP		SP						P		
Motor Vehicle Sales Establishment			SP	SP	SP						P		
Motor Vehicle Service Station			SP	SP	SP	SP					P		
Shipbuilding							P	SP					
Storage of Construction Vehicles	SP		A		A	A						SP	SP
Terminal, Bus, Rail and Truck						P			SP				

KEY:
P = Permitted (Requires Site Plan Approval except for uses excluded in Chapter 219 of the Town of Schodack Zoning Law.)
A = Permitted Accessory Uses
SP = Special Permit (Requires Special Permit Approval and Site Plan Approval)
¹ See § 219-20 Planned Waterfront Development
² See § 219-45 Clothing Bins

Adopted
6/26/2025



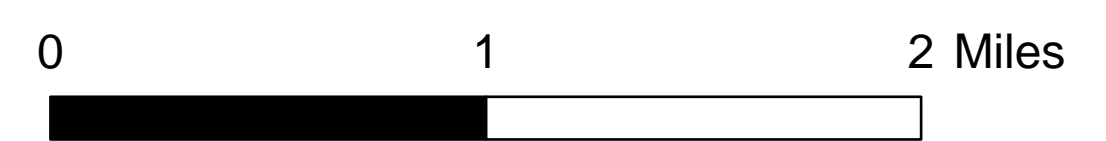
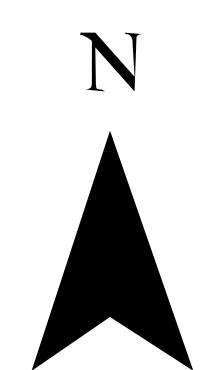
Zoning Districts

- RA- Residential Agricultural
 - R- Residential
 - HM-Hamlet Mixed Use
 - CM-Commercial Mixed Use
 - C-Commercial
 - RC-Regional Commercial
 - MC-Marine Commercial
 - PW-Planned Waterfront
 - M-Manufacturing
 - PDD-Planned Development District
- Town Center Zoning Districts**
- TC1 - Town Center Core
 - TC2 - Town Center Corridor
 - TC3 - Town Center General
 - TC4 - Town Center Edge
 - TC5 - Preserve

- Overlay Districts**
- ME-O Mining and Extract on Overlay
 - MHO Mobile Home Overlay
 - SU-O Solar Utility Overlay

General Map Legend

- Streets
- Railroads
- Interstate
- State Route
- US Highway
- Streams
- Water Bodies
- Tax Parcels



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Town Zoning Districts

Town of Schodack, Rensselaer County, NY

Town of Schodack

Chapter 223. Water Quality Control

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§ 223-1. Findings, purpose and intent.

- A. The Town Board of the Town of Schodack (the "Town"), hereby determines that the public order, safety, health and welfare of the Town requires the reasonable regulation of the manner in which commercial, industrial, agricultural and residential use and development occurs within the Town.
- B. The purpose and intent of this Chapter is to establish, protect, preserve, and promote the safe use of the existing and potential groundwater supply from development activities that may adversely affect the quality or availability of water from the Town aquifers; to protect and preserve potential sources of future water supply for the public health, safety and general welfare; and to assure an adequate supply of suitable drinking water for the residents of the Town.
- C. This Chapter establishes the Water Quality Control District which shall overlay all districts established in Chapter 219. This Chapter also modifies the regulatory review requirements and permitted uses in Chapter 219, and establishes additional use conditions.

§ 223-2. Definitions.

Definitions of terms used in this Chapter shall be consistent with those contained in Chapters 188 and 219. However, for the purposes of this Chapter only, the following words shall be interpreted and defined as follows:

AGRICULTURAL ANIMAL WASTE

Manure and other animal waste derived from agricultural industries.

AQUIFER

In the context of these regulations, that body of gravel and sand (shown on the “Water Quality Control Map”¹) directly below the land surface which will yield groundwater to wells in sufficient quantity to satisfy the users' needs. Both the unsaturated and saturated zones are considered to be the aquifer.

BEST MANAGEMENT PRACTICES

Best management practices for nonpoint source pollution prevention and water quality protection shall include practices established by NRCS standards, grower groups or contained within the Agricultural Management Practices Catalogue,

¹ Editor's Note: The “Water Quality Control Map” is on file in the Town offices.

prepared by the Agricultural Management Practices Subcommittee of the New York State Nonpoint Source Management Practices Task Force (April 2014), and as modified in the future.

BULK STORAGE

The holding or containment of dry, semidry or liquid materials in large quantities, either packaged or loose, usually dispensed in smaller quantities for sale, use or consumption.

CHLORIDE SALTS

The solid compounds or solutions of potassium chloride (commonly used as fertilizer), calcium chloride or mixtures of chloride salt with aggregates (commonly used for road maintenance during the winter) or sodium chloride (commonly used for water-softener regenerations, road maintenance).

COMMUNITY WATER SYSTEM

A public water system which serves at least five service connections used by year-round residents or regularly serves at least twenty-five-year-round residents. A groundwater production well serving such system shall be known as a "community supply well."

CONSTRUCTION AND DEMOLITION LANDFILL

A site used for the deposition of wastes resulting from construction, remodeling, repair and demolition of structures, road building and land-clearing. Such wastes include, but are not limited to, roofing shingles, bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material, tree and brush stumps.

DIRECT RECHARGE AREA

This area includes the gravel and sand aquifer and any land within 1,000 feet of the edge of the aquifer. The boundary of this area is shown on the "Water Quality Control Map".² For the purposes of aquifer protection, the aquifer and the immediately adjoining area are considered one and the same.

DRY CLEANERS

A facility that utilizes dry-cleaning equipment to clean fabrics and/or garments. Such equipment avoids saturating fabrics with water, and instead uses chemicals such as perchloroethylene (PERC) and petroleum-based solvents.

GROUNDWATER

Subsurface water that saturates pore and fracture space in the unconsolidated deposits and bedrock.

HAZARDOUS MATERIAL

Any hazardous substance or hazardous waste listed in NYSDEC regulations 6 NYCRR Parts 371 and 597.

² Editor's Note: The "Water Quality Control Map" is on file in the Town offices.

LINEAR DISTANCE

The shortest horizontal distance from the nearest point of a structure or object to the edge, margin or steep bank forming the ordinary high water line of a surface water body.

METAL FABRICATION

A business engaged in the manufacturing of products that are primarily composed of metallic raw materials. Included are the three general functions of forming metal shapes, surface preparation and metal finishing. Specific metal fabrication operations include: forming, cutting, rolling, surface cleaning, anodizing, chemical conversion coating, electroplating, electroless plating, painting, polishing, hot dip coating, and etching.

NRCS

The Natural Resources Conservation Service of the United States Department of Agriculture.

NYSDEC

The New York State Department of Environmental Conservation. Water quality standards for the Department are listed in 6 NYCRR Part 703.

NYSDOH

The New York State Department of Health.

ON-SITE DISPOSAL SYSTEM

Any system used for the disposal of sewage, industrial waste, as defined in § 17-0105 of Article 17 of the New York State Environmental Conservation Law, and 10 NYCRR Part 75 of the NYSDOH, including but not limited to sewerage system and sewage treatment works, on a site or parcel of land.

OPEN STORAGE

The storage of a material in such a way which permits exposure to the elements of nature, degradation of storage containers, and potential release of the stored materials.

PETROLEUM

Any petroleum-based product of any kind which is liquid at 20° C. (68° F.) under atmospheric pressure and has been refined, or otherwise processed for the purpose of being burned as a fuel to produce heat or usable energy, or which is suitable for use as a motor fuel or lubricant in the operation or maintenance of an engine. Waste oil which had been reprocessed or re-refined and which is being stored for sale or use as fuel or lubricant is considered petroleum for purposes of this Chapter.

PESTICIDE

Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; including herbicides, fungicides and insecticides.

RADIOACTIVE WASTE

Any discarded or waste material that emits ionizing radiation.

RCDOH

The Rensselaer County Department of Health.

REPORTABLE QUANTITY

The amount of material which, if spilled and released into the environment, is required to be reported to the applicable local, state and federal agencies, as specified in 40 CFR Parts 302.4 and 355 (Appendix A) and 6 NYCRR Parts 595 and 613. Examples of NYSDEC reportable quantities for releases to land/water for some common materials are:

- A. Petroleum: any escape of petroleum from the ordinary container (only applicable at NYSDEC regulated facilities).
- B. Sulfuric acid: 100 pounds.
- C. Chlorine: 10 pounds.

D. Sodium hydroxide: 100 pounds.

E. Ammonia: 100 pounds.

SEPTAGE

Residue removed from wastewater disposal systems.

SEWAGE

Any liquid or solid waste matter, together with such groundwater infiltration and surface water as may be present, including mixtures of sewage with industrial wastes or other wastes.

SLUDGE

Any solid, semisolid or liquid waste generated from a public, quasi-public, private, commercial or industrial wastewater treatment plant, water supply treatment or air pollution control facility.

SOLID WASTE

All discarded materials or substances, including but not limited to garbage, refuse, industrial and commercial waste, sludge, ashes, incinerator residue, demolition and construction debris, discarded automobiles but not including domestic sewage or hazardous waste.

SPDES PERMIT

A New York State pollution and discharge elimination system permit issued by the NYSDEC.

SPILL

Any intentional or unintentional action or omission resulting in an unpermitted releasing, spilling, discharging, leaking, or dumping of petroleum product, or hazardous material so that such substances may enter the environment.

STORAGE

The aboveground or belowground storage of any material for a time period greater than 48 hours.

SUPPLY WELL

Any well now used as a source of groundwater supply.

SURFACE WATER BODY

Any stream, spring, pond, lake, reservoir, wetland, or channel of water which ultimately flows over the aquifer, including but not limited to the Moordener Kill, Vlockie Kill, Muitzes Kill, Valatie Kill and their tributaries.

UNDERGROUND STORAGE TANK

Any one or a combination of tanks that are used to contain an accumulation of hazardous materials or to store petroleum product and whose volume is 10% or more beneath the surface of the ground.

UPLAND WATERSHED AREA

This area of protection borders the Direct Recharge Area on the upgradient side. It is typically composed of bedrock or glacial till and is shown on the "Water Quality Control Map".³

USDOT

United States Department of Transportation.

USEPA

United States Environmental Protection Agency.

WATER QUALITY CONTROL DISTRICT

³ Editor's Note: The "Water Quality Control Map" is on file in the Town offices.

4. Editor's Note: The "Water Quality Control Map" is on file in the Town offices.

All areas lying within the boundaries of the Town of Schodack that are composed of the Wellhead Protection Area, Direct Recharge Area and the Upland Watershed Area, as shown on the “Water Quality Control Map”.⁴

WELLHEAD PROTECTION AREA

The portion of the Direct Recharge Area that includes an inner well zone (five-hundred-foot radius) of a community well system, and the area upgradient (maximum distance of one mile) from the system through which groundwater may travel to the cone of depression. The Wellhead Protection Areas for existing and potential future community water systems are shown on the “Water Quality Control Map”.⁴

§ 223-3. Scope, authority and applicability.

- A. The Water Quality Control District shall overlay all other zoning districts within the Town of Schodack. Any uses permitted in the zoning districts established in Chapter 219 shall also be subject to the provisions of this overlay district. In any case where conflicts arise between the Water Quality Control District regulations and any other existing regulations, the more restrictive regulations shall apply. Unless otherwise indicated, this Chapter applies only to portions of the Town located within the Water Quality Control District, which is composed of the Wellhead Protection, Direct Recharge and Upland Watershed Areas, shown on the “Water Quality Control Map”.⁵ The provisions and requirements of this Chapter shall be in addition to any other applicable local, state or federal requirements.
- B. The actual location of a proposed activity or intended use, rather than the parcel boundary, on which the activity or use occurs, shall be used to determine the applicable requirements of this Chapter.
- C. The lawful use of any buildings or use of land existing at the time of adoption of this Chapter may continue although such use or building may not conform to the provisions of this Chapter. Future repair and maintenance, or structural alteration of an existing use may occur, provided that the health and safety of the public will be protected, NYSDEC water quality standards will not be violated, and a new nonconformity is not created. This right shall extend to the new property owner, in the event of a change in ownership.
- D. Nothing contained herein shall be deemed to limit the right to farm as set forth in Article 25-AA of the New York State Agriculture and Markets Law. Specific agricultural-related provisions are contained in this Chapter to reduce or eliminate impacts associated with agriculture.
- E. The Town Board may, by resolution, adopt guidelines governing site plan review, special permits, wastewater treatment, monitoring, wells and water supply.
- F. This Chapter shall be reviewed and modified, as necessary, whenever Chapter 219 is modified.

§ 223-4. Agency actions.

No federal, state, or local governmental agency shall grant any permit or approval for any use or activity potentially affecting water quality within any of the protection zones without prior notice to the Town, unless otherwise preempted by law.

§ 223-5. Site plan review and special permits.

- A. The site plan review and special permit procedures established by this Chapter shall be conducted in conjunction with the requirements in Chapter 219 of the Town Code.
- B. Special permits within the Water Quality Control District may be granted by the Planning Board upon a finding that the proposed project is consistent with the provisions of this Chapter. A special use permit application shall contain the information required by Chapter 219 and additional requirements as may be identified herein.
- C. Reimbursement for consultant fees incurred by the Planning Board shall be in conformance with Chapter 219.
- D. The Planning Board may require in its resolution of approval that a special use permit be renewed periodically. Such renewal may be withheld only after public hearing and upon determination by the Planning Board that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been or are being no longer

⁴ Editor's Note: The “Water Quality Control Map” is on file in the Town offices.

⁵ Editor's Note: The “Water Quality Control Map” is on file in the Town offices.

complied with. In such case, a period of 60 days shall be granted for full compliance by the applicant prior to revocation of the special use permit. New conditions may be imposed by the Planning Board in its review of a previously issued special use permit.

- E. If there is a change of ownership or occupancy, the special permit will extend to the new owner, provided that the use does not change and the new owner complies with existing permit conditions. Any new activity that requires a building permit under Chapter 219 shall be subject to the requirements of this Chapter, other than a use subject to § 223-3C.

§ 223-6. Permitted and prohibited uses.

The following uses are permitted or prohibited within the Water Quality Control District, provided that all other governmental permits, orders and approvals shall have been obtained.

- A. Uses permitted under the Town of Schodack Zoning Law (Chapter 219) are permitted in the Water Quality Control District subject to the provisions of this Chapter.
- B. Upland Watershed Area. Requirements in this section pertain to the portion of the Upland Watershed that is more than 1,000 feet from the aquifer.
 - (1) All uses listed in Chapter 219 are allowed within the Upland Watershed Area subject to the following conditions:
 - (a) It shall be unlawful for any person or commercial/industrial entity to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town, substances that cause an exceedance of NYSDEC water quality standards, unless such activity is authorized by a permit from the appropriate regulatory authority.
 - (b) Bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate shall only be allowed within watertight structures. Any outside loading or handling area shall have a base of impervious material that is graded or diked in such a manner to prevent seepage and runoff. These storage, loading and handling areas shall not be allowed within a linear distance of 200 feet from a surface water body.
 - (c) Solid waste landfills, construction and demolition waste landfills, junkyards (including motor vehicle), vehicle salvage operations, or metal salvage operations shall not be located within a linear distance of 200 feet from a surface water body.
 - (d) Septage waste and sewage sludge shall not be deposited within a linear distance of 200 feet from a surface water body, unless it is permitted by NYSDEC.
 - (e) There shall be no commercial or industrial storage of petroleum or hazardous materials within a linear distance of 200 feet of a surface water body.
 - (2) Site plan review for municipal buildings and uses is not required.
 - (3) Hazardous and radioactive waste disposal are prohibited.
- C. Direct Recharge and Wellhead Protection Areas.
 - (1) All uses permitted under Town zoning (Chapter 219) are allowed subject to the following conditions:
 - (a) It shall be unlawful for any person or commercial/industrial entity to directly or indirectly throw, drain, or otherwise discharge into the groundwater or surface water of the Town, substances that cause an exceedance of NYSDEC water quality standards, unless such activity is authorized by as permit from the appropriate regulatory authority.
 - (b) Bulk storage of coal, chloride salts, or mixtures of chloride salts with aggregate shall only be allowed within watertight structures. Any outside loading or handling area shall have a base of impervious material that is graded or diked in such a manner to prevent seepage and runoff. These storage, loading or handling areas shall not be located within 200 feet of any surface water body or 500 feet from a community supply well.
 - (c) Permits for wastewater disposal shall be obtained from the RCDOH or the NYSDEC, as required and provided to the Town.

- (d) The introduction into an existing on-site disposal system of any material for which the system was not designed, or permitted, that will potentially cause an exceedance of NYSDEC groundwater standards is prohibited.
- (e) On-site disposal systems shall not be located within 200 feet of a community supply well.
- (f) There shall be no open storage of hazardous material or petroleum.
- (g) Activities at service repair shops involving the use or potential spillage of hazardous materials or petroleum shall be conducted on an impervious surface that is bermed or otherwise constructed to contain spills or leaks.
- (h) Hazardous material storage for commercial/industrial uses that is not regulated by NYSDEC shall only occur on an enclosed, impervious surface that is bermed or otherwise constructed to contain spills or leaks.
- (i) Petroleum shall be stored in individual containers with a capacity less than 60 gallons or in aboveground tanks. The tanks shall be installed on an impervious surface and be fully enclosed by a structure that prevents exposure to outside weather or have secondary containment with a minimum capacity equal to that of the tank(s). Alternatively, petroleum may be stored belowground in tanks with a combined capacity of over 1,100 gallons, if such storage conforms to the requirements of 6 NYCRR Part 614. Any tank with a capacity exceeding 1,100 gallons will require Planning Board review.
- (j) For parking lots and vehicle storage or sales areas regularly holding 100 vehicles or more for at least five days per week, or at vehicle washing facilities, gasoline sales and motor vehicle service stations, an impervious surface (e.g., asphalt or concrete) with water flow directed towards an appropriately designed and maintained stormwater quality facility shall be required. Collected petroleum product and other waste materials shall be removed as needed by a hauler licensed by the NYSDEC. The Planning Board may require oil/ water separators or water quality inlet structures for other uses where petroleum is stored or transferred or where less than 100 commercial trucks or construction vehicles are stored. This provision may be waived if the site requires and has obtained a stormwater permit.
- (k) Agricultural animal waste and fertilizer shall not be landspread on the ground surface within 200 feet of a community supply well.
- (l) Industrial, commercial and agricultural storage and application of pesticides shall be consistent with NYSDEC standards.
- (m) Excavations or cut-ins that expose groundwater within the Wellhead Protection Area are prohibited. This provision does not apply to temporary (less than 60 days) construction-related excavations or cut-ins.
- (n) Establishment of a centralized disposal area for snow or ice removed from salted roadways or parking lots is prohibited within the Wellhead Protection Area.

§ 223-7 Site Plan and Special Use Permit Requirements

- A. Applicants requiring site plan review or a special use permit in the Water Quality Control District shall submit all information required in Chapter 219. Furthermore, the following additional information should be provided to the Planning Board, as necessary, for review and recommendation:
 - (1) A description of all wells to be installed, the anticipated peak and daily withdrawal required, stated in gallons per minute, the proposed location of wells and anticipated discharges to the waters in the Water Quality Control District.
 - (2) A description of the types and volumes of hazardous materials or petroleum that will be stored or used at the site and the volume and nature of wastes that will be generated. For retail businesses selling products for household or individual consumption, a general description of the types of products will be adequate.
 - (3) A sketch plan showing all features of the system necessary for the satisfactory conveyance, storage, distribution, and disposal of sanitary wastes, stormwater runoff, hazardous materials, solid wastes and petroleum within the property boundaries.

- (4) Such other information as may be requested by the Planning Board.

§ 223-8. Groundwater monitoring wells and water supplies.

- A. The Planning Board shall have the authority to establish individual monitoring, inspection, and reporting requirements for specific projects within the Water Quality District.
- B. The Planning Board may require any use authorized pursuant to a permit issued under this Chapter to install one or more groundwater monitoring wells in a direction downgradient and/or upgradient from on-site uses, only upon a finding that such monitoring is necessary to assess impacts that are associated with on-site disposal systems or petroleum/hazardous material storage areas. The specific location of these groundwater monitoring wells shall be determined by a geologist, engineer or other qualified professional, trained and experienced in hydrogeology.
- (1) Within the Direct Recharge and Wellhead Protection Areas, upgradient and downgradient monitoring wells are required for human waste disposal systems that have an average design flow exceeding 5,000 gpd and all industrial waste disposal systems. A minimum of one upgradient and one downgradient groundwater monitoring well with testing and monitoring is required. Additional monitoring wells may be required, at the Planning Board's discretion.
- C. The frequency and chemical analyses of required water quality sampling from monitoring wells shall be determined on a site-specific basis by the Planning Board.
- D. Access to wells shall be provided to the employees of the Town for purposes of any additional water quality testing.
- E. Well Abandonment. Any monitoring well, community supply well, or supply well that is abandoned shall be sealed in a manner appropriate for the geologic conditions to prevent contaminant migration through the borehole. The method of sealing should be approved by the RCDOH. Prior to abandonment activities the Town shall be notified of such activity through submission of notice.

§223-9. Disposal of Human and Industrial Wastes

- A. Subsurface Disposal.
- (1) The subsurface discharge of wastes from industrial processes is prohibited unless the approval of the NYSDEC or RCDOH has been obtained and the Town has been provided a written copy of such approval.
- (2) The average soil percolation rate to be used in the design of any industrial subsurface disposal system and human waste disposal system with an average design flow exceeding 2,500 gpd should be 10 minutes per inch or slower in the Direct Recharge and Wellhead Protection Areas. In cases where the percolation rate does not meet the suggested 10 minutes per inch, the absorption field subsoil should be amended for a depth of two (2) feet from the bottom of the bed to produce a revised in site percolation rate of 10 minutes per inch or slower. In other areas of the Town, the standard requirements of RCDOH and NYSDEC should apply.
- B. Surface Disposal.
- (1) The surface discharge of wastes from industrial processes is prohibited unless the approval of the NYSDEC has been obtained and the Town has been provided a written copy of said approval.
- (2) Agricultural animal wastes and fertilizers shall be applied and managed in accordance to Best Management Practices as defined herein.

§ 223-10. Reporting requirements.

- A. Any person or entity that is required to report to the federal or state government a spill or leak which exceeds the reportable quantity shall also report such spill or leak to the Town no later than the earlier within two hours of obtaining knowledge of the spill/leak; or within one hour of reporting such spill/leak to any other agency that is entitled to receive such notice. Spills during nonbusiness hours should be reported through the nonemergency Town Police number.
- B. Any soil borings, well logs, groundwater quality sampling results and aquifer pump test data collected during site development activities shall be submitted to the Town Building Department for review during the permit process.

- C. With respect to any well installed within the Water Quality Control District after the effective date of this Chapter, the following information should be submitted to the Building Department:
- (1) Well logs produced by a driller licensed in New York State. All well logs should contain drilling information as observed in the field, including locations of the water level after drilling, depth to water bearing units and significant changes in material and rock, method of drilling anomalous features such as gas in the well and the use and description of drilling fluids or additives.
 - (2) Location of the well, the location of all wells should be plotted on the foundation location to record their position on accurate scale drawings. Wells should be located by survey.
 - (3) As-built sketch of the well. Such sketch should include casing diameter and type, depth of well, depth to groundwater, type of screen installed, depth and length of well screen, and pump depth.
 - (4) The following additional requirements shall apply to well establishment for major subdivisions, commercial and industrial uses:
 - (a) Well yield and drawdown.
 - [1] For groundwater supply wells servicing individual lots, the well should be tested for yield and drawdown for at least four (4) hours at a minimum sustained yield of five (5) gallons per minute (gpm), if achievable. If the well cannot sustain a yield of five (5) gpm, it should be tested at its maximum rate that provides stable drawdown. Results of the well testing should be reported.
 - [2] For well yields greater than two (2) gallons per minute (gpm) but less than five (5) gallons per minute (gpm), a storage and pumping system designed by a licensed professional engineer or other appropriately trained/qualified professional may be necessary, depending upon expected demand.
 - [3] For groundwater supply wells serving more than one individual lot, multiple dwellings, commercial, or industrial purposes, an eight- to twenty-four-hour pump test should be performed. Results of the pump test, including yield, static level, and drawdown, should be reported.
 - (b) Water quality testing. Analytical testing should be provided to the Town and RCDOH of the following groundwater parameters should be done for at least:
 - [1] Nitrates.
 - [2] Chlorides.
 - [3] Iron.
 - [4] Manganese.
 - [5] pH.
 - [6] Coliform.
 - [7] Hardness.

§223-11. Wells exclusive for geothermal heat pump systems.

- (A) All closed-loop ground source heat pump systems should utilize an intermediate fluid between the groundwater and the refrigeration system heat exchanger to prevent groundwater contamination. This intermediate fluid should be either water, a potassium acetate and water solution (e.g., Chevron (38-4), a propylene glycol and water solution, isopropynol or other environmentally approved, low-toxic, biodegradable antifreeze approved by the Town Engineer.
- (B) Vertical bores which do not extract groundwater directly as a heat source or sink should be appropriately grouted with a bentonite mixture to encase the heat transfer piping and to seal the intermediate layers within the aquifer.

§ 223-12. Waivers; enforcement; penalties for offenses.

- A. Waivers to this Chapter may be granted by the Zoning Board of Appeals after a review and recommendation by the Planning Board. The Planning Board shall review whether the health and safety of the public will be protected and that NYSDEC water quality standards will not be violated by any waiver.

- (1) With regard to appeals of the Wellhead Protection Area, the inner well zone requirements can only be waived by demonstrating that the proposed use is more than 500 feet from a community supply well. Beyond the inner well zone, waivers can be made if groundwater flow maps, supported by at least three groundwater measurements, can establish that a specific land area does not contribute groundwater to the five-hundred-foot inner radius. The Wellhead Protection Zone can also be modified by a demonstration that a particular area is beyond a distance of 1,000 feet outside the edge of the aquifer or beyond one mile of the supply well(s).
- B. The “Water Quality Control Map” shall control the location of the Wellhead Protection, Direct Recharge and Upland Watershed Areas, unless modified by the Town Board after a request from the owner of said property. This request shall include (as applicable) survey data and pertinent subsurface hydrogeologic information such as boring logs, groundwater depth, a description of the nature and thickness of the unconsolidated deposits, depth to bedrock, as determined by borings, wells, or test pits. This information shall be accompanied by a written opinion prepared and signed by an engineer, geologist, or other qualified professional in support of the modification.
- C. Upon conviction, a violation of this Chapter shall be deemed an offense as set forth in § 135 of the New York State Town Law and shall be punishable by a fine of \$350 to \$5,000 for each and every such offense or imprisonment for a period not to exceed 15 days, or both. Each day of violation shall constitute a separate and additional violation. In addition to the above-provided penalties and punishment, the Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction the violation of, this Chapter. In addition, any party who discharges or causes to be discharged pollutants in violation of this Chapter shall be liable to the Town for all costs incurred by the Town in taking remedial or corrective action to halt or correct such illegal discharge, whether these costs are incurred directly by the Town or indirectly through the Town's contracting for such activities.

Appendix A: Water Quality Control Use Table

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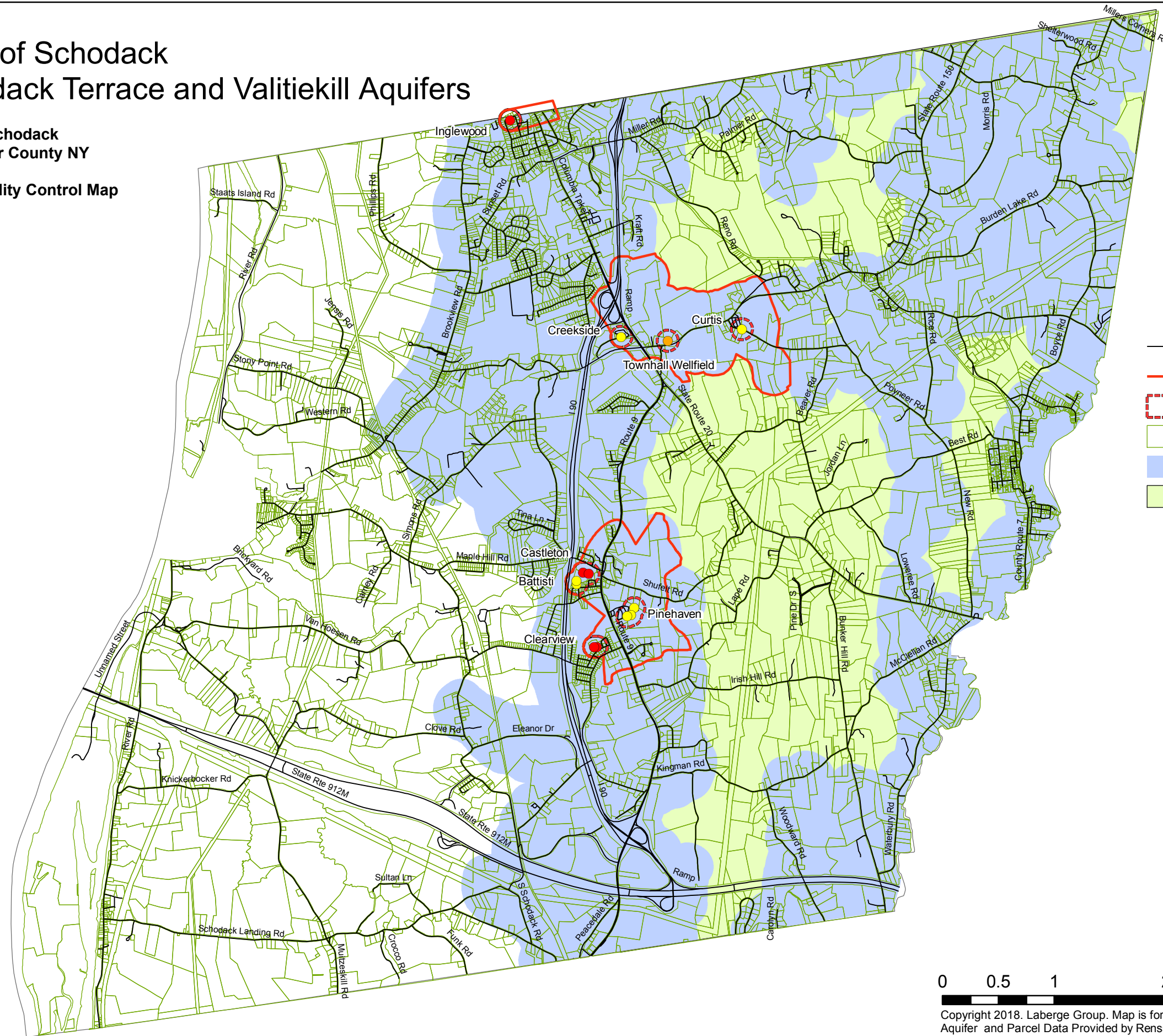
Appendix B: Water Quality Control Map

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Town of Schodack Schodack Terrace and Valitiekill Aquifers

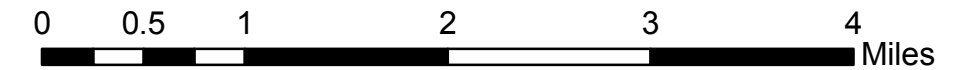
Town of Schodack
Rensselaer County NY

Water Quality Control Map



Legend

- Future Potential Water Supply
- Private System
- Municipal System
- Roads
- Well Head Protection Areas
- ⬜ Inner Well Zone
- ⬜ Tax Parcels
- ⬜ Direct Recharge Area
- ⬜ Upland Watershed Area



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Aquifer and Parcel Data Provided by Rensselaer County
Other Data Provided by NYSGIS Clearinghouse. Job# 2013066 Revised September 2018

Town of Schodack
Chapter 233 Water Quality Control
Water Quality Control Additional Use Restrictions Table

Uses	Special Permits		Prohibited	
	Direct Recharge	Wellhead Protection	Direct Recharge	Wellhead Protection
Agribusiness	SP	SP		
² Asphalt Storage or Manufacturing Facility			X	X
Boat Sales and Repair (w/o Fuel Sales)	SP	SP		
Building Supply Facility	SP	SP		
Car Wash	SP	SP		
Civic Center	SP	SP		
² Chemical Manufacturing			X	X
² Cogeneration Plants			X	X
² Commercial Petroleum Storage Facility			X	X
Compressor Station			X	X
² Construction and Demolition Landfill			X	X
Construction and Landscaping Services Major	SP	SP		
Warehouses/ Distribution Centers	SP	SP		
Dry Cleaning and Laundry Service				X
Equipment Facility, Sales and Services, Heavy	SP	SP		
² Fossil/Nuclear Power Plants (Public or Private)			X	X
² Hazardous Waste Disposal			X	X
Hotel/Motel & Extended Stay, Hotel/Motel	SP	SP		
² Junkyard			X	X
² Junkyard- Motor Vehicle			X	X
Kennel	SP	SP		
² Land Application of Septic or Sewage Sludge (Unless Assoc. w Agricultural use and Permitted by NYSDEC)			X	X
Manufacturing, Heavy	SP	SP		
² Mining and Excavation			X	X
Medical Facility - Large	SP	SP		
Motor Vehicle Autobody shop	SP	SP		
Motor Vehicle Sales Establishment (w/o Fuel Sales)	SP	SP		
Motor Vehicle Service Station (w Fuel Sales)			X	X
Motor Vehicle Service Station (w/o Fuel Sales)				X
Offices, Corporate Center and Park	SP	SP		
² Oil and Gas Exploration				X
Outdoor Storage Yards	SP	SP		
² Radioactive Waste Disposal			X	X
Recreational Vehicle Parks				X
Recreation Facility	SP	SP		
Research & Development Facility	SP	SP		
Retail and/or Service Establishment (w Fuel Sales)			X	X
² Solid Waste Landfill			X	X
Solar Collector System, Small Scale (Ground Mounted & Freestanding)	SP	SP		
Solar Collector System, Utility Scale - Rooftop Mounted	SP	SP		
Shopping Center	SP	SP		
Telecommunications Service	SP	SP		
³ Terminal, Bus, Rail and Truck			X	X
Timber Harvesting & Forestry	SP	SP		
¹ Utility Station or Substation	SP	SP		
² Vehicle Salvage			X	X

1 Required only for utilities (public or private) that store or use hazardous materials or petroleum. It does not include utility poles.

2 These uses are not specifically enumerated in Chapter 219.

3 These uses are allowed without gas sales by Special Permit in the Direct Recharge Area if allowed by Zoning Chapter 219.