

# **Town of Stuyvesant Zoning Ordinance**

**Adopted on May 10, 2001  
As Local Law #1-01**

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

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## **SECTION 1 – PURPOSE**

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

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

- NYS Fire Prevention & Building Code
- NYS Department of Environmental Conservation Freshwater Wetlands Act
- State Environmental Quality Review Act
- Army Corp. of Engineers’ Wetlands Program
- Town of Stuyvesant Subdivision Regulations
- NYS Department of Transportation
- Columbia County Highway Department
- Town of Stuyvesant Highway Department
- National Flood Insurance Administration
- Town of Stuyvesant Fire Department/Fire Marshall
- Regulation of Automobile Junk Yards, per G.M.L. Section 136

## SECTION 2 – DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Extractive Operation – Class 2** – Any Class 1 Extractive Operation where more than 1,000 tons or 750 cubic yards of materials are removed within any 12 successive calendar month period or where more than 100 cubic yards of minerals are removed from or adjacent to a body of water

does require a Mined Land Reclamation Permit from N.Y.S. D.E.C. but does not include any on-site processing of the mined material.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***Permitted Use*** – A specific use of a building, structure, lot or land, or part thereof, which this Local Law provides for in a particular District as a matter of right. Any use not listed in the Table of Use Regulations shall be deemed a prohibited use.

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

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

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

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

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

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

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

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

***Summer Camps*** – An area of land not less than 25 acres used for the assembly of persons for the purpose of instruction and/or recreation and including structures such as dormitories, central kitchen and dining facilities and recreational and activity centers. All structures and activities shall be located not closer than 200' from any property line.

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

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

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

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

### **SECTION 3 – ESTABLISHMENT OF DISTRICTS**

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

***Hamlet (H-1 & Landing)*** – These districts encompass the existing areas generally referred to as Stuyvesant Land (H-1) and Stuyvesant Falls (H-2). These areas have a broad mix of uses and are easily recognized by residents and visitors as the centers of activity within the Town. A concentration of mixed land uses will maintain a tight-knit community feeling, keep these hamlets as identifiable Town centers, minimize sprawl and conversion of farmland, and allow for more effective investment in infrastructure and result in lesser amounts of generated traffic. New residential, business, civic and residential supportive services will be encouraged to develop within these areas.

***Agriculture (A)*** – This district, with the largest land area, is created in an effort to promote agriculture within the Town. Large and medium scaled farms along with associated agricultural and residential uses make up the predominate theme of this district. Not only has agriculture been a major part of the history of the Town, but also its continued existence provides many qualities deemed not only necessary, but also essential to maintaining the beauty of the Town. Developmental bonuses and incentives are offered in this district for those developers and landowners choosing to avoid development on lands containing prime agricultural soils.

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

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

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

**SECTION 4 – USE REGULATIONS**

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

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

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

**COMMUNITY FACILITIES**

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

**COMMERCIAL/INDUSTRIAL USES**

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

**Legend**

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

**SECTION 5 – DENSITY CONTROL SCHEDULE**

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

- \* To be determined by the Columbia County Health Department. In the “H-1” and “H-2” zones the minimum lot size including a 30’ x 50’ residence, would be 150’ wide x 120’ deep or .41 acres.
- \*\* Density Average is determined by dividing the total developable area of a parcel by the acres required per use. Minimum lot size is determined by applying the Health Department standards for the on-lot well & septic system to the parcel and then adding the minimum required setbacks.
- \*\*\* Dimensional requirements will be determined on a case-by-case basis via the State Site Plan Review Process.

## **SECTION 6 – GENERAL STANDARDS**

### **Sign Regulations**

The following regulations concerning permitted signs shall apply to all uses:

1. No sign shall be erected or installed prior to the issuance of zoning and/or building permit by the Z.E.O. and/or the Building Inspector. Temporary signs used for the advertising of seasonal goods and services may be erected without a zoning/building permit, provided such signs do not exceed ten (10) square feet in size and are not displayed for more than one (1) thirty (30) day period within any twelve (12) consecutive months. Real Estate and construction signs may be displayed, without the necessity of obtaining a zoning/building permit provided that they do not exceed eight (8) square feet in size.
2. Election signs shall not be erected more than thirty (30) days prior to the primary or general election date and must be removed within five (5) days after the date of the election process and must comply with all of the provisions of the sign regulations.
3. All signs may be double faced and illuminated either by internal or shielding external lighting sources in a manner that ensure no glare shall extend beyond the property limits nor shall disturb the vision of passing motorist. Flashing or animated signs shall be prohibited in all Districts.
4. The permitted area of the sign shall be determined by the smallest geometric shape that encompasses the letters, symbols and background of the sign whether free standing or attached to a building or structure.
5. No sign shall be so located as to distract from or obstruct the public's view of historic buildings.
6. No sign shall rest or be attached to any vehicle as a means to circumvent the provisions of this section.
7. Billboards are prohibited in all Districts.
8. Any business, commercial or industrial facility may establish a free-standing identification sign in addition to any sign attached to the structure containing such use, provided that the free standing sign shall be used for identification purposes only and each sign shall not exceed the maximum permitted size, not be greater than twelve (12) feet in height.
9. Any sign attached to a commercial or business structure shall not extend more than twelve (12) inches from the face of the structure.
10. All freestanding signs, whether permanent or temporary in nature, shall be set back a minimum of ten (10) feet from any street line and a minimum of twenty-five (25) feet from all other property lines.

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

12. Maximum Size Signs Permitted:

<b><i>USE</i></b>	<b><i>MAX. AREA PER SIDE</i></b>
Home Occupations	2 square feet
Home Professional Offices	6 square feet
Church Announcement Signs	18 square feet
Public & Semi-public Announcement Signs	18 square feet
Business & Commercial Uses	18 square feet
Real Estate & Construction Signs	8 square feet
Subdivision Signs (unlighted only)	24 square feet
Temporary, Seasonal Signs (unlighted only)	10 square feet

**On-Lot Water & Sewer Facilities**

No permit shall be issued for any new structure or enlargement of an existing structure that would require on-lot water and sewer facilities, until such time as the applicant for such action presents to the Zoning Enforcement Officer, in writing, approval for such facilities from either the New York State Department of Environmental Conservation or the Columbia County Health Department.

**Driveways**

No permit shall be issued for any new construction that requires the installation of a new driveway or any replacement of any existing driveway, until such time as the applicant for such action presents to the Zoning Enforcement Officer, in writing, approval for such driveway by the highway authority having jurisdiction of the roadway on which the driveway shall adjoin.

**Open Developmental Areas**

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

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

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

1. each parcel to be created shall be limited in use to one single family residence per parcel;
2. each parcel to be created shall exceed two hundred (200) percent of the minimum parcel size as determined by the Columbia County Department of Health;

3. an improved driveway accessing each of the parcels shall be shown on the plat and shall be installed prior to the issuance of a building permit for any parcel;
4. prior to the issuance of a building permit for any parcel, the Fire Chief or other top official of the Fire District responsible for serving each of the parcels shall inspect the property and the improved driveway and he or she shall determine that all firefighting equipment of the district has adequate ingress and egress to each of the parcels;
5. prior to the issuance of a building permit for any parcel, the top official or designee of the rescue squad and/or other emergency service that serves each of the parcels shall inspect the property and the improved driveway and he or she shall determine that emergency vehicles have adequate ingress and egress to each of the parcels;
6. the proposed driveway shall serve only the parcels to be created and shall not be shared with any other parcel;
7. upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further subdivided;
8. the right of way or the easement used to access the parcels shall be a minimum of twenty four (24) feet in width along its entire length, sixteen (16) feet of which must be travel-way, and shall be bank run gravel nine (9) inch base or as determined by the applicant's licensed engineer to be adequate subject to the review and approval of the Planning Board;
9. the maximum number of parcels to be created from any one pre-existing lot (which may or may not have the required frontage on a public road) shall not exceed four (4) parcels, the number of parcels to be created is subject to approval by the Planning Board in its sole discretion upon consideration of all relevant factors;
10. the number of parcels to be created is also subject to the following requirements: no lot that has 120 feet or more of road frontage shall be eligible for the creation of two lots; no lot that has 180 feet or more of road frontage shall be eligible for the creation of three lots; and no lot that has 240 feet or more of road frontage shall be eligible for the creation of four lots;
11. each parcel to be created shall have Columbia County Board of Health approval of both the location of the well and the location of the septic system, both of which shall be shown on the plat;
12. each parcel to be created shall be Columbia County Board of Health approved for a designated septic system type based upon a satisfactory percolation test of the soil;
13. each parcel to be created shall be subject to a deeded road maintenance agreement, approved by the Planning Board, and/or a home owner's association as approved by, or

exempted by, the New York State Attorney General's Office pursuant to General Business Law Section 352-e or other applicable law; and

14. all other requirements of the Town of Stuyvesant Zoning Law and the Town of Stuyvesant Subdivision Law (unless waived), or of any other applicable law, shall be satisfied.

*Parcels in the Agricultural District.*

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

1. a maximum of two (2) parcels may be created from one pre-existing parcel (which may or may not have the required frontage on a public road) and both parcels to be created shall be limited in use to one single family residence per parcel;
2. each of the two parcels to be created shall be at least five acres;
3. an improved driveway accessing each of the two parcels shall be shown on the plat and shall be installed prior to the issuance of a building permit for any parcel;
4. prior to the issuance of a building permit for either parcel, the Fire Chief or other top official of the Fire District responsible for serving each of the parcels shall inspect the property and the improved driveway and he or she shall determine that all firefighting equipment of the district has adequate ingress and egress to both parcels;
5. prior to the issuance of a building permit for either parcel, the top official or designee of the rescue squad and/or other emergency service that serves each of the parcels shall inspect the property and the improved driveway and he or she shall determine that emergency vehicles have adequate ingress and egress to both parcels;
6. the proposed driveway shall serve only the two parcels to be created and shall not be shared with any other parcel;
7. upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further subdivided;
8. the right of way or the easement used to access both parcels shall be a minimum of twenty four (24) feet in width along its entire length, sixteen (16) feet of which must be travel-way, and shall be bank run gravel nine (9) inch base or as determined by the applicant's licensed engineer to be adequate subject to the review and approval of the Planning Board;

9. both parcels to be created shall have Columbia County Board of Health approval of both the location of the well and the location of the septic system, both of which shall be shown on the plat;
10. both parcels to be created shall be Columbia County Board of Health approved for a designated septic system type based upon a satisfactory percolation test of the soil;
11. both parcels to be created shall be subject to a deeded road maintenance agreement, approved by the Planning Board, and/or a home owner's association as approved by, or exempted by, the New York State Attorney General's Office pursuant to General Business Law Section 352-e or other applicable law; and
12. all other requirements of the Town of Stuyvesant Zoning Law and the Town of Stuyvesant Subdivision Law (unless waived), or of any other applicable law, shall be satisfied.

**Off-street Parking & Loading**

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

*Parking Space Size:* 9' x 18' minimum

*Location of Parking Areas:*

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

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

*Handicapped and Visitor Parking for Business Uses:*

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

*Required Number of Spaces:*

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

*Off-street Loading:*

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

### **Fences**

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

1. No fencing described above shall be installed without first obtaining a zoning permit from the Zoning Enforcement Officer.
2. The following setbacks are required for all fencing described above:  
Frontyard – Ten (10) feet  
Sideyards – A distance equal to the height of the fence but not less than four (4) feet  
Rearyards – Same as sideyards
3. No fence shall be installed that exceeds eight (8) feet in height and no fence shall be erected on a berm as a means of circumventing the height requirements.
4. Fence height shall be measured from the existing grade of the parcel to the highest point of either posts and/or the fence itself.
5. All fencing shall be installed so that the finished or “good” side shall face outward from the parcel, towards the abutting properties.
6. All fencing shall be maintained in a manner that does not permit it to fall into a state of disrepair.

### **Mobile Homes & Mobile Home Parks**

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

### **Parking & Storing of Commercial Vehicles**

No person shall park or store any commercial vehicle, having a gross vehicle weight in excess of 18,000 pounds, on any residential lot or parcel unless such vehicle is parked or stored in compliance with the standards outlined for a Class 3 Home Occupation on page 23 of this ordinance.

### **Property Maintenance**

All lands and structures within the Town shall be maintained in accordance with the standards as outlined in Parts 1244, 1245 and 1246 of the New York State Uniform Fire Prevention and Building Code.

## **SECTION 7 – SUPPLEMENTAL REGULATIONS**

### **Accessory Apartment Within Existing Structures**

1. Apartment shall not exceed 800 square feet of gross floor area.
2. May only be established within a single-family residence or an accessory structure that existed prior to the effective date of this ordinance.
3. If the accessory apartment is located within a detached accessory structure, a separate on-lot septic system, approved by the Columbia County Health Department must be installed.

### **Agriculture – including Animal Husbandry**

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

1. All structures used for the housing of the animal(s) shall be located in the rear yard only and shall be set back a minimum of fifty (50) feet from any property line.
2. All paddocks and pasturing areas shall be enclosed by a fence sufficient to contain the animal(s). The fence shall be set back a minimum of ten (10) feet from any property line.
3. Outdoor storage of manure or other animal wastes shall be located not less than 100 feet from any adjacent residence and shall be removed at regular intervals to minimize the associated impact.
4. Agriculture including animal husbandry shall be subject to a Site Plan Review as outlined in Section 9.

### **Bed & Breakfast Facility**

1. Can only be established within an existing structure and only minor alterations of that structure shall be permitted. No additions may be constructed to an existing structure and then utilized for this use.
2. No facility shall contain more than five (5) rooms for use by guests. In addition, the owner, operator or an employee of the owner or operator must reside within the structure containing the Bed & Breakfast.
3. Meals shall be served only to the guest occupying the facility and no Bed & Breakfast shall hold any type of Alcoholic Beverage Control license.

4. Off-street parking shall be provided as follows:
  - o 1 space for each room available to guests
  - o 1 space for each employee working at any given time at the facility
  - o 2 spaces for the owner/operator or the employee residing within the facility.
5. No exterior lighting shall be permitted that produces glare to any abutting properties or public highways.
6. If the facility is located within accessory structure, no subdivision of the property shall be permitted that results in the creation of a separate parcel containing only the Bed & Breakfast facility.
7. All Bed & Breakfast facilities shall have on-lot water and sewage services approved by the Columbia County Health Department.
8. Bed & Breakfast facilities shall be subject to a Site Plan Review as outlined in Section 9.

**Commercial Light Industrial Project**

1. The Commercial Light Industrial Project shall be established on a parcel of land containing a business, commercial, light industrial and agricultural structure existing at the time of the adoption of this ordinance.
2. The minimum lot size of this use shall be five (5) acres. For each additional use within the structure, an additional one (1) acre of land area shall be required. The maximum lot area devoted to a Commercial Light Industrial Project shall be ten (10) acres.
3. The expansion or enlargement of the existing structure or the establishment of a second or subsequent structure shall be permitted pursuant to the following requirements:
  - o The exterior finishes of the addition or new structure(s) must match those of the original structure. The compliance with the exterior finish requirements shall be determined by the Planning Board as part of the Site Plan Review.
  - o The maximum lot coverage for the footprints of all structures shall not exceed 20% of the total parcel size devoted to this use and in no case shall it exceed 80,000 square feet.
  - o Each addition to an existing structure and any new structures proposed within the project area shall be subject to separate Site Plan Reviews by the Planning Board.
  - o The total lot coverage including buildings, drives and parking areas shall not exceed 30% of the total parcel devoted to this use.
  - o Additional structures shall only be permitted to be occupied by light industrial uses and such structures and all land devoted to the light industrial use shall remain in common ownership and shall not be subdivided nor leased or rented to a second or subsequent business or use. Campus style settings occupied by commercial or business uses shall be exempt from this requirement.
4. Any area devoted to retail sales of the products produced with the Commercial Light Industrial Project shall be limited to 5% of the gross floor area of the structure. Business

or commercial uses, not involving the manufacture of any products on site, shall be exempt from this requirement.

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

**Communication Facilities including Cellular Towers**

1. Shared use of existing communication towers and use of other existing structures shall be preferred to the construction of new towers.
2. The proposed tower shall be structurally capable of accommodating shared use and the applicant shall make the tower available to other users at a reasonable charge, based on generally accepted accounting principles.
3. The minimum lot size for a new communication facility shall be the same as that required for any principle use within the district where it is proposed for location, but in no case shall the setbacks to the tower be less than the tower height plus ten (10) feet.
4. No communication tower shall be locate within five hundred (500) feet of a residence, school, day care center, children's camp or other facility regularly used by minors.
5. Communications towers shall not be artificially lighted or marked except to ensure public safety if required by the Federal Aviation Administration (FAA).
6. Communication towers and related accessory facilities shall be enclosed by a fence not less than eight (8) feet in height above grade level.

7. Clear cutting of all trees in a single contiguous area exceeding twenty thousand (20,000) square feet shall be prohibited, except as necessary for construction of an access road.
8. Adequate emergency and service access and parking shall be provided, making use of existing roads, public or private, to the maximum extent possible.
9. The applicant must demonstrate at the time of the application that a local or regional need for the tower in the proposed location is a public necessity, is essential for the safe and adequate provision of the service and that shared service on an existing tower or structure is not adequate to fulfill the documented need.
10. In the event a communication tower ceases operations and/or is abandoned for a period of three (3) months, the tower, structures and facilities shall be dismantled by the owner and removed from the site within sixty (60) days of the receipt of a written notice from the Zoning Enforcement Officer. The applicant must provide, as part of the application, a bond, line of credit or other security in the amount of fifty thousand dollars (\$50,000) that could be used by the Town to cover the costs of the dismantling if the applicant fails to fulfill his obligation to remove the structures after so ordered by the Zoning Enforcement Officer.

**Extractive Operation – Class 3**

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

**Home Occupation – Class 1**

1. May only be established within the dwelling unit and operated by the residents thereof.
2. One sign, not exceeding 2 square feet shall may e established accessory to this use.
3. The use shall be of a nature that does not attract large numbers of clients/customers not generates any increase in normal traffic.
4. No special purpose vehicles shall be allowed or stored on the parcel as part of this use.
5. The use shall not occupy more than 10% of the gross lot area.

### **Home Occupation – Class 2**

1. May be established within the dwelling unit or an on-lot accessory structure and operated by the resident(s) thereof.
2. No more than two (2) persons, not residing on the premises may be employed.
3. One sign not exceeding 2 square feet may be established accessory to the use.
4. The use shall not substantially increase traffic in the neighborhood and sufficient off-street parking shall be provided for the residents, employees and customers/clients.
5. The use may have one specialized vehicle on the premises, provided it is screened from view or under cover.
6. No exterior storage of materials or exterior variations from the residential character of the neighborhood shall be permitted.
7. No unusual appearances, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that exceed those normally produced by a residence shall be permitted.
8. Storage, use or disposal of hazardous materials must comply with all applicable State or Federal Regulations.
9. The use shall not occupy more than 10% of the gross lot area.
10. This use shall be subject to a Site Plan Review as outlined in Section 9.

### **Home Occupations – Class 3**

1. May be established within the dwelling unit or an on-lot accessory structure and must be operated by the resident(s) thereof.
2. No more than five (5) persons, not residing on the premises may be employed.
3. One sign not exceeding 2 square feet may be established accessory to the use.
4. The use shall not cause a major increase in traffic in the neighborhood and sufficient off-street parking shall be provided for the residents, employees and customers/clients.
5. The use may have more than one specialized vehicle store on the premises provided that area screened from view or under cover.
6. Exterior storage of materials shall be permitted provided that they are screened from view and no substantial exterior variations from the residential character of the neighborhood shall be permitted.
7. No unusual appearances, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that exceed those normally produced by a residence shall be permitted.

8. Storage, use or disposal of hazardous materials must comply with all applicable State or Federal Regulations.
9. The use shall not occupy more than 10% of the gross lot area.
10. This use shall be subject to a Site Plan Review as outlined in Section 9.
11. The Class 3 Home Occupation Permit, if approved, shall be valid for one (1) year only. Annual renewals will be granted only after inspection by the Zoning Enforcement Officer for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Zoning Enforcement Officer may extend an existing permit for seven (7) days to allow the applicant to remove the violation. Failure to make application to the Zoning Enforcement Officer for the permit renewal shall be presumptive evidence that such use has ceased.

**Multi-Family Residence**

1. The minimum lot size for this use shall be the smallest parcel that meets the Health Department approval for on-lot well and septic and the appropriate highway authority's approval for a driveway plus 20,000 square feet for each dwelling unit.
2. Minimum off-street parking requirements shall be three (3) spaces per dwelling unit.
3. The off-street parking area shall be paved with asphalt or oil penetrated stone and all spaces shall be clearly delineated.
4. Multi-family residence(s) shall be subject to a Site Plan Review as outlined in Section 9.

**Temporary Residence, Health or Age-Related**

1. Such permit application shall be accompanied by a physician's statement showing that health/age-related need exists.
2. Such permit must be renewed annually by the Town Clerk. Each renewal requires an updated physician's statement indicating that such need continues to exist.
3. Health/Age-related temporary residences shall only be occupied by either persons providing health related or other services necessary to allow the continued on-site residency of the owner of the parcel or receiving such services from the resident land owner.
4. The Columbia County Health Department shall inspect and approve the on-lot septic and water supply, whether a second series of systems are established or whether the existing facilities are being used.
5. The temporary residence must be discontinued within sixty (60) days after such need no longer exists. The failure to renew a permit shall be presumptive evidence that such use has ceased.

6. The applicant/owner/resident cannot use the costs incurred in establishing this temporary residence as ground for obtaining a permanent variance that would allow for the continuation of this second residence.
7. The use shall be subject to a Site Plan Review as outlined in Section 9.

## **SECTION 8 – FARMLAND & OPEN SPACE PROTECTION**

In order to preserve the rural character of the Town including the preservation of agriculture and open space, the following incentives are offered for all persons wishing to develop land within the Agricultural (A) District:

### **Clustered Residential Subdivision**

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

### **Prime Agricultural Land Set Aside**

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

### **Density Averaging**

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

### **Purchase of Developmental Rights**

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

1. The seller shall have prepared by a licensed land surveyor, a plat showing the entire parcel under his/her ownership. This plat shall contain the same information as required for a minor subdivision as outlined in Article V, Section 2-A of the Town of Stuyvesant Subdivision Regulations. In addition, the area of the parcel for which the development rights will be sold must be clearly delineated and must include a computed acreage.

2. The seller shall also prepare or cause to be prepared a new deed or a deed covenant, including a metes and bounds description of the area for which the development rights will be sold.
3. The seller will appear before a regular scheduled meeting of the Town Planning Board and present a minimum of four (4) copies of the plat and the new deed or the deed covenant.
4. After review and approval by the Planning Board for compliance with these regulations, those of Article V, Section 2-A of the Town's Subdivision Regulations and the Town's Comprehensive Plan, the Chairman shall stamp and sign the plats.
5. Two (2) copies of the signed plat will be retained by the Planning Board. The additional copies shall be returned to the applicant who shall, within sixty (60) days, file the stamped plat with the Columbia County Clerk in the same manner as required for the filing of any subdivision.
6. The fee for the review and stamping of the plats shall be determined by the Town Board.

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

**See Section 16 – Residential Clustered Subdivision Regulations**

## **SECTION 9 – SITE PLAN REVIEW**

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

### **Sketch Plan Conference**

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

### **Sketch Plan Requirements**

The following information shall be shown on the sketch plan:

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

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

### **Planning Board Options**

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

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

### **Application for Site Plan Review**

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

1. The title of the drawing, including the name and address of the applicant and of the person(s) responsible for the preparation of such drawing.
2. A north arrow, scale and date.
3. Accurate boundaries of the parcel plotted to a scale of 1"=40". The scale may be altered for projects exceeding a total land area of five (5) acres.
4. All existing watercourses.
5. A grading or drainage plan, showing existing or proposed contours at a minimum of two (2) foot intervals for that portion of the parcel actually proposed for development or where the existing site may be susceptible to erosion, ponding or flooding.
6. The location of all buildings, parking areas and drives, truck loading areas, wells, septic systems, outdoor storage of equipment and signage.
7. A floor plan and front elevation of any building or fencing to include details of the areas to be used for offices, manufacturing areas and areas for retail/wholesale operations, including exterior display of products for sale.
8. A general landscaping plan and planting schedule showing existing vegetation cover being retained as well as new plantings.
9. The locations of all outdoor lighting, including lighting levels both within the site and at the site's boundaries.
10. A long form Environmental Assessment form completed and signed by the applicant.
11. A check made payable to the Town in the sum as established by the Town Board.

### **Planning Board Review**

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

1. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, structures and traffic controls.
2. Location, arrangement, appearance and sufficiency of off-street parking and loading.
3. Location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage.

4. Adequacy of drainage and stormwater facilities.
5. Adequacy of water supply and sewage disposal facilities.
6. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between applicant's and adjoining lands including maximum retention of existing vegetation.
7. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
8. Adequacy of fire lanes and other emergency zones and water supply for firefighting purposes.
9. Compatibility of building design with existing characteristics of the neighborhood.

#### **Review Procedures**

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

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

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

***Decision*** – Within forty-five (45) days of the close of the public hearing, the Planning Board shall render a decision on the site plan application.

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

***Stamping & Signature*** – After receiving site plan approval, with or without modifications, the applicant shall within six (6) months submit four (4) prints of the site plan to the Planning Board for stamping and signature by the Chairman. The site plan submitted for stamping shall conform

strictly to the site plan approved by the Planning Board and shall incorporate any revisions or modifications required by the Planning Board and shall be accompanied by the following information:

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

**Reimbursable Costs**

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

## **SECTION 10 – ADMINISTRATION & ENFORCEMENT**

### **Enforcement**

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

### **Monthly Report**

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

### **Zoning Permits**

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

### **Matters Accompanying Application for A Zoning Permit**

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

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

### **Zoning Permit Fees**

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

### **Permits Issued in Error**

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

### **Required Inspection**

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

### **Enforcement of Violations**

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

#### ***Complaints***

- A. Any person aggrieved may file a complaint.
- B. The Z.E.O. may file a complaint on personal knowledge.
- C. All complaints including those made on personal knowledge shall be in writing and must be filed in person with the Z.E.O.

#### ***Procedures***

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

#### ***Violations***

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

- A. Serve, by registered mail, return receipt requested or by personal service, a notice of violation of the owner of the parcel, the owner's agent or contractor or other person in control of the parcel, building or structure where the alleged violation exists. This notice shall include the description of the alleged violation, including the section of the ordinance being violated.
- B. Require the removal of such violation within ten days of the receipt of the registered letter or personal service. If the Z.E.O. determines that the violation cannot be removed within ten (10) days, she/he shall apply to the Town Board for a determination as the reasonable period of time within such violation shall be removed.

- C. If the alleged violation is not removed in the specified period of time, the Z.E.O. shall charge the violator with such violation of this ordinance before the Justice Court of the Town of Stuyvesant.
- D. Any person served a notice of violation and who believes that the Z.E.O. has made a mistake or has misinterpreted the ordinance shall have the right to appeal the Z.E.O.'s Notice of Violation to the Zoning Board of Appeals pursuant to the interpretation appeal process.

### **Penalties**

A violation of this ordinance is hereby declared to be an offense, punishable by a fine of not more than \$250.00 or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon the courts and judicial officers, generally, violations of this Ordinance shall be deemed misdemeanors and for such purpose only, all provisions of Law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate, additional violation.

### **Certificates of Zoning Compliance**

No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Zoning Compliance has been issued by the Z.E.O.

A certificate of Zoning Compliance may be obtained from the Z.E.O. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this ordinance. The Z.E.O. shall make an inspection of each building or parcel for which a Zoning Compliance Certificate has been requested prior to the issuance of such certificate. Such inspection shall be made within five (5) days from the date of application excluding Saturdays, Sundays and legal holidays. Failure of the Z.E.O. to make such inspection and determination within the specified period of time shall be deemed to be an approval of the Certificate of Zoning Compliance application.

### **N.Y.S. Fire Prevention & Building Code**

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

## **SECTION 11 – FLOOD DAMAGE PREVENTION**

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

## **SECTION 12 – ZONING BOARD OF APPEALS**

A Zoning Board of Appeals is hereby created pursuant to Section 267 of General Town Law as in effect at the date of adoption of this Local Law and subsequent to any modifications, changes or alterations as may be made from time to time by the New York State Legislature.

The Board of Appeals shall operate in accordance with Section 267-a of General Town Law and shall hereby be authorized to undertake any action so permitted pursuant to Section 267-b of General Town Law.

Fees required for such permitted actions shall be as determined by Town of Stuyvesant Town Board and may be changed, altered or amended from time to time by said Board by resolution.

## **SECTION 13 – AMENDMENT PROCESS**

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

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

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

## **SECTION 14 – MISCELLANEOUS PROVISIONS**

### **Interpretation, Conflict & Other Laws**

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

### **Validity**

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

### **Short Title**

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

### **Effective Date**

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

## **SECTION 15 – DEVELOPMENTAL OPTIONS**

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

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

A detailed description of each option follows:

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

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

### **Conventional Subdivision**

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

### **Conventional Subdivision Using Density Averaging**

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

### **Clustered Subdivision**

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

### **Prime Ag Land Set Aside**

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

### **Clustered Subdivision & Prime Ag Land Set Aside**

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

## **SECTION 16 – RESIDENTIAL CLUSTERED SUBDIVISION REGULATIONS**

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

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

### **Required Open Space**

1. A minimum of fifty (50) percent of the total parcel size devoted to the clustered development must be set aside, in a contiguous parcel, as perpetual open space. The requirement that the open space be a contiguous parcel may be waived by the Planning Board when extenuating circumstances are shown by the applicant.
2. The open space may, at the applicant's discretion, be retained by the owner or dedicated to a home owners' association, provided that the open space is placed under a conservation easement, offered to and accepted by a recognized land conservancy or trust. In the event that the owner/applicant is unable to locate a land conservancy or trust that is willing to accept such easement, the owner/applicant shall prepare an easement to be held by the Town of Stuyvesant. Such easement shall be reviewed and accepted by the Town Board prior to the final approval of the subdivision by the Planning Board.
3. The open space may be used for one or more of the following uses:
  - a. Agricultural uses including the pasturing of farm animals, provided that no permanent structures other than animal shelters are constructed;
  - b. Forestry;
  - c. Ponds;
  - d. Passive recreation; and

- e. Recreational uses such as wooded parks, hiking trails, bridle paths or other uses having a low impact upon the environment.

**Home Owners' Association**

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

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