Town of Stuyvesant Zoning Ordinance Local Law

Adopted on May 10, 2001 As Local Law #1-01 Amended November 2011 This Local Law replaces, in their entirety, all previously adopted Zoning Ordinances and any Amendments made to them.

Proposed Amendments

Please Note – All material Printed in red, is material which the committee is proposing be added to the existing ordinance.

All material Printed in red with strike through, is material which the committee is proposing be deleted from the existing ordinance.

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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 currently vacant lands within the Town of Stuyvesant, should be aware that various other regulations and agencies exist that may effect affect such actions. These include, but are not limited to: _ NYS Fire Prevention & Building Code _ NYS Department of Environmental Conservation Freshwater Wetlands Act _ State Environmental Quality Review Act _ Army Corp. of Engineers' Wetlands Program _ Town of Stuyvesant Subdivision Regulations _ NYS Department of Transportation _ Columbia County Highway Department _ Town of Stuyvesant Highway Department _ National Flood Insurance Administration

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

SECTION 2 – DEFINITIONS

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

• The word person includes a firm, association, organization, partnership or corporation as well as an individual;

• The word shall is mandatory, the word may is permissive;

• The words used or occupied include the words intended, designed, arranged, or to be used or occupied.

• The word lot includes the words plot or parcel.

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

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

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

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

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

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

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

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

Auto Service Facility – An area of land including structures thereon that 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 or accessory structure of the owner, operator or an employee of the owner/operator, established pursuant to the supplemental requirements outlined in Section 7.

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

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

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

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

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

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

Density Averaging – A mathematical formula, used to determine the number of lots, parcels or sites that may be created and/or built upon within any given parcel of land, found by dividing the total buildable land area by the minimum lot size of the zone in which the parcel is located. For the purposes of this section, the buildable area shall be that portion of the total lot area, suitable

for building structures and locating septic disposal facilities, excluding wetlands, water courses, areas containing slopes of 30% or greater and flood hazard areas as mapped on the Federal Emergency Management Agency's Flood Insurance Rate Maps.

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

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

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

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

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

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

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

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

Farm Labor Housing – A single family residence or mobile home used for the housing of farm laborers and their families that are full-time employees of an active farm operation. Single

family, stick built or modular homes, located on a permanent foundation, shall be sited in a

manner that would allow for the future subdivision of a parcel containing the residence. Mobile homes established for farm labor housing shall conform to the requirements of Section 17 of the Town of Stuyvesant Mobile Home Law (2006).

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

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

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

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

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

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

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

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

Ground-Mounted Solar Collector – A Solar Collector directly installed in the ground and not attached or affixed to an existing structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prime Soil If Drained – Shall mean soil found on land located within the Agricultural District, and which is designated as prime soil if drained, as that term is defined in the National Soil

Survey Handbook section 622.03 / Farmland Classification maintained by the National Resources Conservation Service of the US Department of Agriculture, and as located on the Columbia County Soils Survey map as published by that agency. (This map is available for inspection at the Columbia County Soil & Water Conservation District.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3 – ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose of this ordinance as described in Section 1 and to achieve the goals as identified in the Town's Comprehensive Plan, the Town of Stuyvesant is divided into the following Districts: Hamlet (H-1 & Landing) – These districts encompass the existing areas generally referred to as Stuyvesant Land (H-1) and Stuyvesant Falls (H-2). These areas have a broad mix of uses and are easily recognized by residents and visitors as the centers of activity within the Town. A concentration of mixed land uses will maintain a tight-knit community feeling, keep these hamlets as identifiable Town centers, minimize sprawl and conversion of farmland, and allow for more effective investment in infrastructure and result in lesser amounts of generated traffic. New residential, business, civic and residential supportive services will be encouraged to develop within these areas. Agriculture (A) – This district, with the largest land area, is created in an effort to promote agriculture within the Town. Large and medium scaled farms along with associated agricultural and residential uses make up the predominate theme of this district. Not only has agriculture been a major part of the history of the Town, but also its continued existence provides many qualities deemed not only necessary, but also essential to maintaining the beauty of the Town. Developmental bonuses and incentives are offered in this district for those developers and landowners choosing to avoid development on lands containing prime agricultural soils. Hamlet Extension (H-Ext) – This district is located adjacent to the existing "H-1" & "H-2" districts and represents the envisioned growth of the hamlets districts over the next 5 to 15 years. The uses and developmental density are established to mirror the hamlet zones. Uses permitted within the Hamlet zones which cannot locate within the zone's existing structures or on undeveloped parcels would represent the initial development that occurs within this zone. Commercial Light Industrial (C/LI) – This district, located along Route 9 in the vicinity of Stuyvesant Falls is designated as the area to be developed for commercial and light industrial uses that are either too large in scope for the higher density residential hamlet districts or those that need service by major transportation routes. Larger scale retail stores, professional offices, convenience shops with gasoline sales and non- nuisance industries are the primary types of businesses targeted for this zone. Shoreline (SL) – This district was established and recognizes the important role that the Hudson River contributes to the quality of life within the Town. A large portion of the area within this zone is under the control of various state agencies, land conservancies or other entities wishing to preserve the quality aspects of the river and its shoreline. Parcels located with this district, which are or become privately owned, shall comply with the use and dimensional requirements of the Hamlet Extension (HL) District.

SECTION 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) sixty four (64) square feet in size and are not displayed for more than one (1) thirty (30) day period within any twelve (12) consecutive months. Real Estate and construction signs may be displayed, without the necessity of obtaining a zoning/building permit provided that they do not exceed eight (8) square feet in size. 2. Election signs – This section has been removed. 2. 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. 3. 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. 4. 5. No sign shall be so located as to distract from or obstruct the public's view of historic buildings. 5. 6. No sign shall rest or be attached to any vehicle as a means to circumvent the provisions of this section. 6. 7. Billboards are prohibited in all Districts. 7. 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. 8. 9. Any sign attached to a commercial or business structure shall not extend more than twelve (12) inches from the face of the structure. 9. 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. 10. 11. No freestanding sign located within any residential zone shall exceed a maximum height of six (6) feet. 11. 12. Maximum Size Signs Permitted: USE MAX. AREA PER SIDE 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 64 square feet

On-Lot Water & Sewer Facilities No permit shall be issued for any new structure or enlargement of an existing structure that would require on- lot water and sewer facilities, until such time as the applicant for such action presents to the Zoning Enforcement Officer, in writing, approval for such facilities from either

the New York State Department of Environmental Conservation or the Columbia County Health Department, as well as the following documents: a copy of the filled out Well Completion Form that has been filed with the New York State Department of Environmental Conservation, proof that the well has been completed by a contractor that is registered with the New York State Department of Environmental Conservation, and satisfactory evidence that the well has been located in accordance with separation distances contained in 10 NYCRR Part 5, appendix 5B (Standards for Water Wells). Driveways No permit shall be issued for any new construction that requires the installation of a new driveway or any replacement of any existing driveway, until such time as the applicant for such action presents to the Zoning Enforcement Officer, in writing, approval for such driveway by the highway authority and local fire company having jurisdiction of the roadway on which the driveway shall adjoin. Driveway grades between the street and the setback line shall not exceed 10 percent. 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 travelway, 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 side and rear yard only, unless approved in other locations during the Site Plan Review process. Handicapped and Visitor Parking for Business Uses: May be located within the front, side or rear yards. No more than five (5) such spaces shall be located within the frontyard. Parking within the frontyard must be setback a distance equal to the required front and sideyard setback for the District in which the parcel is located. Required Number of Spaces: Single, two & multi- family residences .....2 per dwelling unit Retail businesses .....1 per 200 sq.ft. of gross floor space Professional Offices .....1 per 250 sq.ft. of gross floor space Churches & Schools.....1 per 3 seats in principal assembly room(s) Industrial Uses.....1 for each 2 employees Membership Clubs .....1 per 4 members Home Occupations .....2 per dwelling unit plus 1 per 2 employees Farm Stands.....5 spaces minimum Other uses not listed .....As determined during Site Plan Review Off-street Loading: Off-street loading areas shall be located in the side or rear yards only, and shall be in a quantity, determined during the Site Plan Review process, that adequately addresses the specific need of use. Fences All fences higher than four (4) feet, except those used for agricultural or animal husbandry uses shall comply with the following regulations: 1. No fencing described above shall be installed without first obtaining a zoning permit from the Zoning Enforcement Officer. 2. The following setbacks are required for all fencing described above: Frontyard – Ten (10) feet Sideyards – Two (2) feet setback shall be required to allow maintenance of fence Rearyards – Same as sideyards

3. No fence shall be installed that exceeds eight (8) feet in height and no fence shall be erected on a berm as a means of circumventing the height requirements. 4. Fence height shall be measured from the existing grade of the parcel to the highest point of either posts and/or the fence itself. 5. All fencing shall be installed so that the finished or "good" side shall face outward from the parcel, towards the abutting properties. 6. All fencing shall be maintained in a manner that does not permit it to fall into a state of disrepair. Mobile Homes & Mobile Home Parks No mobile home shall be located within the Town of Stuyvesant unless it is in conformance with the regulations of this ordinance and the Town of Stuyvesant Mobile Home Law (2006). Where there appears to be a conflict between this ordinance and the aforementioned Local Law, the more restrictive of the two shall apply. Parking & Storing of Commercial Vehicles No person shall park or store any commercial vehicle, having a gross vehicle weight rating (GVWR) in excess of 24,000 pounds, on any residential lot or parcel unless such vehicle is parked or stored in compliance with the standards outlined for a Class 3 Home Occupation on page 23 of this ordinance. Property Maintenance All lands and structures within the Town shall be maintained in accordance with the standards of the New York State Uniform Fire Prevention and Building Code. Steep Slope Protection Protection of steep slopes is a matter of concern to the Town of Stuyvesant. Establishment of regulatory and conservational practices will protect the public health, safety, and general welfare. Experience has shown that where steep slopes have to be disturbed, careful review and regulation – including stringent mitigating measures – is required. It is declared to be the intent of the Town of Stuyvesant to preserve steep slopes and prevent their erosion to the greatest extent practicable and to regulate their use by ensuring the minimization of detrimental effects through the practice of properly managed disturbance of steep slopes. 1. It shall be unlawful to erect any structure, create a driveway whether paved or unpaved, or create any disturbance, on any steep slope as defined by this section, other than an exempt activity as defined herein, without a permit issued by the Zoning Enforcement Officer and approved subject to a site plan review, and Planning Board approval subject to a public hearing as outlined in Section 9. 2. Customary landscaping, as defined in this ordinance, is exempt from the permit requirement. 3. A performance bond or letter of credit, of sufficient value to remediate the cost of a soil stabilization program, in an amount as determined by the town engineer, shall be required as a condition of the permit, and remain in custody of the Chairman of the Planning Board while the permit remains in effect. 4. If the surety is presented in the form of cash, the same will be deposited in the Town of Stuyvesant trust and agency account. 5. Any permitted activity performed under this section shall undergo a soil stabilization program, satisfactory to the Zoning Enforcement Officer prior to the surrender of the permit. 6. Upon satisfactory completion of the soil stabilization program, the permit shall be surrendered to the Zoning Enforcement Officer, and the performance bond or letter of credit returned to the permit holder.

7. In the event of a breach of any condition of the permit, or failure to complete a satisfactory soil stabilization program, the Zoning Enforcement Officer may institute an action in the Town of Stuyvesant Court for default of such performance bond or letter of credit, and prosecute the same to judgment and execution. The Town Engineer must set forth in writing the findings and reasons for seeking default of the performance bond or letter of credit, and the Zoning Enforcement Officer shall maintain this record along with all other documents relating to the permit application. 8. The Stuyvesant Town Court shall, upon a hearing and finding of default, order the Chairman of the Planning Board to surrender the performance bond or letter of credit to the Town Supervisor for redemption. 9. The Stuyvesant Town Court shall, upon a hearing and failure to arrive at a finding of default, order the Chairman of the Planning Board to return the performance bond or letter of credit to the permit holder, and the permit surrendered to the Zoning Enforcement Officer. 10. Upon a finding of default of the performance bond or letter of credit by the Stuyvesant Town Court, the Stuyvesant Town Council may, by resolution, authorize completion of a soil stabilization program on the permitted property, using as much of the funds generated by the performance bond or letter of credit as may be required. All excess funds shall be remitted to the permit holder upon completion of the soil stabilization program. 11. The planning, design, and development of buildings shall provide the maximum structural safety, slope stability and human enjoyment while adapting the affected site to, and taking advantage of, the best use of the natural terrain. 12. Roads and driveways shall follow the natural topography to the greatest extent possible in order to minimize the potential for erosion and shall be consistent with other applicable regulations of the Town and current engineering practices. 13. Replanting shall consist of indigenous vegetation and shall replicate the original vegetation on the site as much as possible. 14. Regrading shall blend in with the natural contours of the land. 15. Excavations and fills shall be rounded off in such manner as to eliminate sharp angles at the top, bottom, and sides of regraded slopes. 16. The angle of cut and fill slopes shall not exceed a slope of one (1) vertical to two (2) horizontal except where retaining walls, structural stabilization, or other methods acceptable to the Town Engineer are used. 17. Tops and bottoms of cut and fill slopes shall be set back from structures a distance that will sufficiently ensure the safety of the structure in the event of the collapse of the cut or fill slopes. Generally, such distance shall be considered to be six (6) feet plus one-half (1/2) the height of the cut or fill. Nevertheless, a structure built on a slope or at the toe of a slope is permitted if it is properly designed to retain the slope and withstand the forces exerted on it by the retained slope. 18. Disturbance of steep slopes shall be undertaken in workable units in which the disturbance can be completed and stabilized in one (1) construction so that areas are not left bare and exposed during winter and spring thaw periods (December 15 through April 15).

SECTION 7 – SUPPLEMENTAL REGULATIONS

Accessory Apartment Within Existing Structures 1. Apartment shall not exceed 800 1,000 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 onlot septic system, approved by the Columbia County Health Department must be installed. Agribusiness 1. Agribusiness operations, as defined in Section 2, shall be permitted within the Agricultural District. 2. Agribusiness operations shall be conducted only within the Agricultural district, on property owned or leased by the operator of the business. 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:

• 1 space for each room available to guests

• 1 space for each employee working at any given time at the facility

• 2 spaces for the owner/operator or the employee residing within the facility. 5. No exterior lighting shall be permitted that produces glare to any abutting properties or public highways. 6. If the facility is located within accessory structure, no subdivision of the property shall be permitted that 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 or 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:

• The exterior finishes of the addition or new structure(s) must match those of the original structure. The compliance with the exterior finish requirements shall be determined by the Planning Board as part of the Site Plan Review.

• The maximum lot coverage for the footprints of all structures shall not exceed 20% of the total parcel size devoted to this use and in no case shall it exceed 80,000 square feet.

• Each addition to an existing structure and any new structures proposed within the project area shall be subject to separate Site Plan Reviews by the Planning Board.

• The total lot coverage including buildings, drives and parking areas shall not exceed 30% of the total parcel devoted to this use.

• Additional structures shall only be permitted to be occupied by light industrial uses and such structures and all land devoted to the light industrial use shall remain in common ownership and shall not be subdivided nor leased or rented to a second or subsequent business or use. Campus style settings occupied by commercial or business uses shall be exempt from this requirement. 4. Any area devoted to retail sales of the products produced with the Commercial Light Industrial Project shall be limited to 5% of the gross floor area of the structure. Business or commercial uses, not involving the manufacture of any products on site, shall be exempt from this requirement. 5. Any industrial use established shall comply with the definition of non-nuisance industry as outlined in Section 2 of this ordinance. 6. The minimum setback for all uses, both principal and accessory, shall be 100 feet from any abutting lands. 7. All off-street loading and parking shall be located in either the side or rear yards only. Off- street parking for employees and customers in a campus style development may utilize a common or central parking area located in the core of the project, provided a minimum of 10% of the total parking area is devoted to landscaping, tree plantings, etc. Compliance with this standard shall be determined by the Planning Board during the Site Plan Review process. 8. Any off-street parking area containing more than ten (10) parking spaces shall be constructed to include an all-weather surface of asphalt, concrete or oil penetrated stone. 9. Any accessory signage established of this use shall comply with the sign regulations for business or commercial uses, as outlined in Section 6 of this ordinance. 10. All on- lot wells and septic systems shall comply with the Columbia County Health Department Standards as outlined in Section 6 of this ordinance. Proof of such compliance must be submitted at the time of application for the Site Plan Review. Communication Facilities including Cellular Towers 1. Shared use of existing communication towers and use of other existing structures shall be preferred to the construction of new towers. 2.

The proposed tower shall be structurally capable of accommodating shared use and the applicant shall make the tower available to other users at a reasonable charge, based on generally accepted accounting principles.

3. The minimum lot size for a new communication facility shall be the same as that required for any principle use within the district where it is proposed for location, but in no case shall the setbacks to the tower be less than the tower height plus ten (10) feet. 4. No communication tower shall be locate within five hundred (500) feet of a residence, school, day care center, children's camp or other facility regularly used by minors. 5. Communications towers shall not be artificially lighted or marked except to ensure public safety if required by the Federal Aviation Administration (FAA). 6. Communication towers and related accessory facilities shall be enclosed by a fence not less than eight (8) feet in height above grade level. 7. Clear cutting of all trees in a single contiguous area exceeding twenty thousand (20,000) square feet shall be prohibited, except as necessary for construction of an access road. 8. Adequate emergency and service access and parking shall be provided, making use of existing roads, public or private, to the maximum extent possible. 9. The applicant must demonstrate at the time of the application that a local or regional need for the tower in the proposed location is a public necessity, is essential for the safe and adequate provision of the service and that shared service on an existing tower or structure is not adequate to fulfill the documented need. 10. In the event a communication tower ceases operations and/or is abandoned for a period of three (3) months, the tower, structures and facilities shall be dismantled by the owner and removed from the site within sixty (60) days of the receipt of a written notice from the Zoning Enforcement Officer. The applicant must provide, as part of the application, a bond, line of credit or other security in the amount of fifty thousand dollars ($50,000) that could be used by the Town to cover the costs of the dismantling if the applicant fails to fulfill his obligation to remove the structures after so ordered by the Zoning Enforcement Officer. Extractive Operation – Class 3 1. May only be established in the Agricultural (A) Zone. 2. On-site processing equipment shall operate only from 7:00 a.m. to 5:00 p.m. Mondays through Fridays and from 7:00 a.m. to 12:00 noon on Saturdays. 3. If the facility requires a permit from N.Y.S. D.E.C., all conditions attached to that permit must be complied with and such conditions shall be included in any Site Plan Review granted for the operation. 4. The Class 3 Excavation Operation shall be subject to a Site Plan Review as outlined in Section 9. Ground-Mounted Solar Collectors 1. Ground-Mounted Solar Collectors are permitted in the Agricultural District, subject to a special use permit issued by the Zoning Board of Appeals. 2. In no circumstance, shall a Ground-Mounted Solar Collector be located on a parcel less than one acre in area. 3. No Ground-Mounted Solar Collector shall be erected without a special use permit issued by the Zoning Board of Appeals and approved subject to a site plan review, and Planning Board approval subject to a public hearing as outlined in Section 9. 4. Every permit application for Ground-Mounted Solar Collectors shall include a statement of the height and the total surface area of the installation. 5. Ground-Mounted Solar Collectors shall be deemed an accessory use. 7. A setback, in conformance with the zoning district in which the Ground-Mounted Solar Collector is located, shall be required.

8. In reviewing the application for the proposed Ground-Mounted Solar Collector, the Planning Board shall consider whether the installation is likely to emit unreasonable glare and negatively impact adjacent properties, and consider the appropriate total surface area covered by the collector, of the parcel on which it is located. 9. The Ground-Mounted Solar Collector permit shall be valid for the initial year of operation. Upon application by the permit holder, two (2) year renewals will be granted in subsequent years only after inspection by the Zoning Enforcement Officer for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Zoning Enforcement Officer shall extend an existing permit for ten (10) days to allow the applicant to remove the violation. Failure to make application to the Zoning Enforcement Officer for the permit renewal shall be presumptive evidence that such use has ceased, and the permit is revoked. 10. Notwithstanding the renewal process described in Number 7, the Zoning Enforcement Officer (ZEO) shall be empowered to issue a notice of revocation for the permit at any time information shall come to the ZEO's attention, and the ZEO makes a determination, that the Ground-Mounted Solar Collector is being operated in a manner that violates the conditions of the permit. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. The ZEO shall notify the primary permit holder of the notice of revocation by registered mail at the address of the permit holder. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice of revocation has been delivered by the United States Postal Service, or the ZEO has been notified by the United States Postal Service that delivery has been refused or was unsuccessful. 11. Upon receipt of a notice of revocation, the permit holder, or the permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals agree to sustain the notice of revocation, the revocation shall take effect immediately. 12. At such time as the permit shall be revoked or voluntarily surrendered, the permit holder shall have ninety (90) days from the date of such revocation or surrender, to remove the ground mounted solar collector or collectors. 13. If more than ninety (90) days shall have elapsed from the date of the revocation or surrender of the permit, the Town of Stuyvesant shall be empowered to remove the ground mounted solar collector or collectors at the property owner's expense. 14. Actual expenses incurred by the Town of Stuyvesant during removal of the ground mounted solar collector or collectors may be assessed and recoverable against the property owner in a small claims proceeding instituted by the Town in the Town Justice Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act. 15. If the owner or person served as hereinabove provided shall fail to pay the costs and expense by the Town within ten (10) days after being notified of the costs thereof by registered mail, the Town Clerk shall file, immediately preceding the time for making the annual assessment role, a certificate of such actual cost and expense with a statement as to the property upon which such cost and expense were incurred, the building or other obstructions removed, as

the case may be, with the assessor of the Town, who shall in the preparation of the next assessment roll of Town taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same

penalties and having the same lien upon the property assessed as the general Town tax and as a part thereof. 16. Enforcement of, and penalties for violation of this permit, shall be authorized as prescribed in the Enforcement section of this ordinance. 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 be established accessory to this use. 3. The use shall be of a nature that does not attract large numbers of clients/customers nor 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. 5. No more than one (1) person, not residing on the premises may be employed. 6. Hours of operation utilizing non-resident employees shall be restricted to between the hours of 6:00 AM and 9:00 PM. 7. The use shall not occupy more than 25% of the floor area of the dwelling unit. 8. The Class 1 Home Occupation Permit shall be valid for one (1) year for the initial year of operation. Upon application by the primary permit holder, two (2) year renewals will be granted in subsequent years, only after inspection by the Zoning Enforcement Officer for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Zoning Enforcement Officer shall extend an existing permit for ten (10) days to allow the applicant to remove the violation. Failure to make application to the Zoning Enforcement Officer for the permit renewal shall be presumptive evidence that such use has ceased, and the permit is revoked. 9. Notwithstanding the renewal process described in Number 8, the Zoning Enforcement Officer (ZEO) shall be empowered to issue a notice of revocation for the permit at any time information shall come to the ZEO's attention, and the ZEO makes a determination, that the Home Occupation is being operated in a manner that violates the conditions of the permit. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. The ZEO shall notify the primary permit holder of the notice of revocation by registered mail at the address of the Home Occupation. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice of revocation has been delivered by the United States Postal Service, or the ZEO has been notified by the United States Postal Service that delivery has been refused or was unsuccessful. 10. Upon receipt of a notice of revocation, the primary permit holder, or the primary permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals, present and voting, agree to sustain the notice of revocation, the revocation shall take effect immediately. 11. Enforcement of, and penalties for violation of this permit, shall be authorized as prescribed in the Enforcement section of this ordinance. Home Occupation – Class 2 1. May be established within the dwelling unit or an on-lot accessory structure and must be operated by the resident(s) thereof. 2. An individual who is a legal resident of the dwelling unit shall be named on the permit as the primary permit holder.

3. The primary permit holder shall reside on the premises during all such time as the home occupation may be in operation. 4. 2. No more than two (2) persons, not residing on the premises may be employed. 5. Hours of operation utilizing non-resident employees shall be restricted to between the hours of 6:00 AM and 9:00 PM. 6. 3. One sign not exceeding 2 square feet may be established accessory to the use. 7. 4. The use shall not substantially increase traffic in the neighborhood and sufficient offstreet parking shall be provided for the residents, employees and customers/clients. 8. 5. The use may have more than one specialized vehicle stored on the premises provided that area is screened from view or under cover. 9. 6. No exterior storage of materials or exterior variations from the residential character of the neighborhood shall be permitted. 10. 7. No unusual or unreasonable appearances noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that exceed those normally produced by a residence shall be permitted. 11. No noise emanating from the business which is excessive, unnecessary or unusual due to volume, intermittence, beat frequency or shrillness, such that the same shall be perceptible outside the property from where it originates, shall be permitted. 12. 8. Storage, use or disposal of hazardous materials must comply with all applicable State or Federal Regulations. 13. 9. The use shall not occupy more than 10% of the gross lot area. 14. 10. This use shall be subject to a Site Plan Review as outlined in Section 9. 15. The Class 2 Home Occupation Permit shall be valid for one (1) year for the initial year of operation. Upon application by the primary permit holder, two (2) year renewals will be granted in subsequent years, only after inspection by the Zoning Enforcement Officer for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Zoning Enforcement Officer shall extend an existing permit for ten (10) days to allow the applicant to remove the violation. Failure to make application to the Zoning Enforcement Officer for the permit renewal shall be presumptive evidence that such use has ceased, and the permit is revoked. 16. Notwithstanding the renewal process described in Number 15, the Zoning Enforcement Officer (ZEO) shall be empowered to issue a notice of revocation for the permit at any time information shall come to the ZEO's attention, and the ZEO makes a determination, that the Home Occupation is being operated in a manner that violates the conditions of the permit. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. The ZEO shall notify the primary permit holder of the notice of revocation by registered mail at the address of the Home Occupation. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice of revocation has been delivered by the United States Postal Service, or the ZEO has been notified by the United States Postal Service that delivery has been refused or was unsuccessful. 17. Upon receipt of a notice of revocation, the primary permit holder, or the primary permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals, present and voting,

agree to sustain the notice of revocation, the revocation shall take effect immediately.

18. Enforcement of, and penalties for violation of this permit, shall be authorized as prescribed in the Enforcement section of this ordinance. Home Occupations – Class 3 1. May be established within the dwelling unit or an on-lot accessory structure and must be operated by the resident(s) thereof. 2. An individual who is a legal resident of the dwelling unit shall be named on the permit as the primary permit holder. 3. The primary permit holder shall reside on the premises during all such time as the home occupation may be in operation. 5. 4 . No more than five (5) persons, not residing on the premises may be employed. 6. 5. Hours of operation utilizing non-resident employees shall be restricted to between the hours of - 6:00 AM and 9:00 PM. 7. 6. One sign not exceeding 2 square feet may be established accessory to the use. 8. 7. The use shall not cause a major increase in traffic in the neighborhood and sufficient offstreet parking shall be provided for the residents, employees and customers/clients. 9. 8. The use may have more than one, but not to exceed five, specialized vehicles stored on the premises provided that area is screened from view or under cover. 10. 9. Exterior storage of materials shall be permitted provided that they are screened from view and no substantial exterior variations from the residential character of the neighborhood shall be permitted. 11. 10. No unusual or unreasonable appearances, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that exceed those normally produced by a residence shall be permitted. 12. 11. No noise emanating from the business which is excessive, unnecessary or unusual due to volume, intermittence, beat frequency or shrillness, such that the same shall be perceptible outside the property from where it originates, shall be permitted. 13. 12. Storage, use or disposal of hazardous materials must comply with all applicable State or Federal Regulations. 14. 13. The use shall not occupy more than 10% of the gross lot area. 15. 14. This use shall be subject to a Site Plan Review as outlined in Section 9. 16. 11. The Class 3 Home Occupation Permit, if approved, shall be valid for one (1) year only for the initial year of operation. Upon application by the primary permit holder, two (2) year Annual renewals will be granted in subsequent years only after inspection by the Zoning Enforcement Officer for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Zoning Enforcement Officer may shall extend an existing permit for seven (7) ten (10) days to allow the applicant to remove the violation. Failure to make application to the Zoning Enforcement Officer for the permit renewal shall be presumptive evidence that such use has ceased, and the permit is revoked. 17. Notwithstanding the renewal process described in Number 16, the Zoning Enforcement Officer (ZEO) shall be empowered to issue a notice of revocation for the permit at any time information shall come to the ZEO's attention, and the ZEO makes a determination, that the Home Occupation is being operated in a manner that violates the conditions of the permit. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. The ZEO shall notify the primary permit holder of the notice of revocation by registered mail at the address of the Home Occupation. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice

of revocation has been delivered by the United States Postal Service, or the ZEO has been notified by the United States Postal Service that delivery has been refused or was unsuccessful. 18. Upon receipt of a notice of revocation, the primary permit holder, or the primary permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals, present and voting, agree to sustain the notice of revocation, the revocation shall take effect immediately. 19. Enforcement of, and penalties for violation of this permit, shall be authorized as prescribed in the Enforcement section of this ordinance. Multi-Family Residence 1. The minimum lot size for this use shall be the smallest parcel that meets the Health Department approval for on-lot well and septic and the appropriate highway authority's approval for a driveway plus 20,000 square feet for each dwelling unit. 2. Minimum off-street parking requirements shall be three (3) spaces per dwelling unit. 3. The off- street parking area shall be paved with asphalt or oil penetrated stone and all spaces shall be clearly delineated. 4. Multi- family residence(s) shall be subject to a Site Plan Review as outlined in Section 9. Temporary Residence, Health or Age-Related 1. Such permit application shall be accompanied by a physician's statement showing that health/age-related need exists. 2. Such permit must be renewed annually by the Town Clerk. Each renewal requires an updated physician's statement indicating that such need continues to exist. 3. Health/Age-related temporary residences shall only be occupied by either persons providing health related or other services necessary to allow the continued on-site residency of the owner of the parcel or receiving such services from the resident land owner. 4. The Columbia County Health Department shall inspect and approve the on-lot septic and water supply, whether a second series of systems are established or whether the existing facilities are being used. 5. The temporary residence must be discontinued within sixty (60) days after such need no longer exists. The failure to renew a permit shall be presumptive evidence that such use has ceased. 6. The applicant/owner/resident cannot use the costs incurred in establishing this temporary residence as ground for obtaining a permanent variance that would allow for the continuation of this second residence. 7. The use shall be subject to a Site Plan Review as outlined in Section 9. Wind Energy Conversion Systems 1. Town of Stuyvesant Local Law No. 5 of 2008, entitled "A Local Law to provide a regulatory scheme for the construction and operation of Wind Energy Facilities in the Town of Stuyvesant, subject to reasonable restrictions, which will preserve the public health and safety for the residents of the Town of Stuyvesant," is hereby repealed. 2. Wind Energy Conversion Systems are permitted in the Agricultural District, subject to a special use permit issued by the Zoning Board of Appeals. 3. In no circumstance, shall a Wind Energy Conversion System be located on a parcel less than one acre in area.

4. No Wind Energy Conversion System shall be erected without a special use permit issued by the Zoning Board of Appeals and approved subject to a site plan review, and Planning Board approval subject to a public hearing as outlined in Section 9. 5. Every permit application for a Wind Energy Conversion System shall include: the total height of the completed installation; the make, model, picture and manufacturer's specifications, including noise decibels; certification by a New York State registered professional engineer that the system complies with the New York State Fire Prevention and Building Code (this certification would normally be supplied by the manufacturer); and a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code (this certification would normally be supplied by the manufacturer). All equipment and materials shall be used or installed in accordance with the specifications approved in the permit. 6. In order to certify rotor safety, each Wind Energy Conversion System must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. The application must include a statement by a New York State registered professional engineer certifying that the rotor and over speed controls have been designed and fabricated for the proposed use in accordance with good engineering practices (This certification would normally be supplied by the manufacturer). The engineer should also certify the structural compatibility of possible towers with available rotors, and include the distance and trajectory of the thrown blade from an exploding turbine or propeller according to the Loss of Blade Theory. 7. No permit shall be approved for a Wind Energy Conversion System to be situated within a distance of the system’s Total Height, from any property line, unless appropriate easements are secured from adjacent property owners. 8. Anchor points for guy wires for the Wind Energy Conversion System tower shall be located not closer than within 25 feet of the property lines and not on or across any aboveground electric transmission or distribution line. The point of ground attachment for the guy wires shall be enclosed by a fence six feet high, or the point of ground attachment for the guy wires shall be set back from the property line or site parameters the total height of the Wind Energy Conversion System. 9. Each Wind Energy Conversion System shall be set back from any dwelling inhabited by humans, a distance of no less than 1.5 times its Total Height. 10. Each Wind Energy Conversion System shall be set back from the nearest public road a distance of no less than 1.5 times its Total Height, determined at the nearest boundary of the underlying right of way for such public road. 11. Each Wind Energy Conversion System shall be set back from the nearest above ground public electric or telephone line a distance of no less than 1 times its Total Height determined from the existing power line or telephone line. 12. Tower access. Towers shall have either:

(a) Tower-climbing apparatus located no closer than 15 feet from the ground; (b) A locked anticlimb device installed on the tower; or (c) The tower shall be completely enclosed by a locked, protective fence at least six feet high. 13. All access doors to the Tower and electrical equipment shall be lockable. 14. Brand names or advertising associated with any installation

shall not be visible from any public access.

15. The design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment. 16. The Planning Board shall complete and utilize the New York State Environmental Quality Review Visual EAF Addendum to assist in the determination and mitigation of any visual impacts. 17. Electromagnetic interference. The Wind Energy Conversion System shall be operated such that no disruptive electromagnetic interference is caused. If it has been demonstrated to the ZEO that a wind energy conversion system is causing harmful interference, the operator shall promptly mitigate the harmful interference. 18. Signs. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. 19. Height. The minimum height of the lowest part of the Wind Energy Conversion System shall be 30 feet above the highest existing major structure or tree within a two-hundred-fifty-foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas and slender or open-lattice towers are not considered structures. 20. Utility notification (for those Wind Energy Conversion Systems which will be interconnected to a utility grid). No wind turbine shall be installed until evidence has been given that the utility company has been notified, in writing. 21. Liability insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system at all times. Said policy shall provide a minimum of $300,000 property and personal liability coverage. 22. Lighting of tower. Lighting of the tower for aircraft and helicopter will conform to FAA standards for wattage and color.

(a) Once compliance with FAA standards and those of all other applicable authorities is achieved, the Wind Energy Conversion System shall use the minimum lighting necessary for safety and security purposes and use techniques to prevent casting glare from the site. 23. No noise emanating from the Wind Energy Conversion System which is excessive, unnecessary or unusual due to volume, intermittence, beat frequency or shrillness, such that the same shall be perceptible outside the property from where it originates, shall be permitted. 24. The Wind Energy Conversion System permit shall be valid for the initial year of operation. Upon application by the permit holder, two (2) year renewals will be granted in subsequent years only after inspection by the Zoning Enforcement Officer (Z.E.O.) for a determination that the use is in conformity with the above provisions. If a violation of these provisions is found, the Z.E.O. shall extend an existing permit for ten (10) days to allow the applicant to remove the violation. Failure to make application to the Z.E.O. for the permit renewal shall be presumptive evidence that such use has ceased, and the permit is revoked. 25. Notwithstanding the renewal process described in Number 16, the Z.E.O. shall be empowered to issue a notice of revocation for the permit at any time information shall come to the Z.E.O.'s attention, and the Z.E.O. makes a determination, that the Wind Energy Conversion System is being operated in a manner that violates the conditions of the permit. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. The Z.E.O. shall notify the

primary permit holder of the notice of revocation by registered mail at the address of the permit holder. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice of revocation

has been delivered by the United States Postal Service, or the Z.E.O. has been notified by the United States Postal Service that delivery has been refused or was unsuccessful. 26. Upon receipt of a notice of revocation, the permit holder, or the permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals agree to sustain the notice of revocation, the revocation shall take effect immediately. 27. At such time as the permit shall be revoked or voluntarily surrendered, the permit holder shall have ninety (90) days from the date of such revocation or surrender, to remove the wind energy conversion system or systems. 20. If more than ninety (90) days shall have elapsed from the date of the revocation or surrender of the permit, the Town of Stuyvesant shall be empowered to remove the wind energy conversion system or systems at the property owner's expense. 28. Actual expenses incurred by the Town of Stuyvesant during removal of the Wind Energy Conversion System may be assessed and recoverable against the property owner in a small claims proceeding instituted by the Town in the Town Justice Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act. 29. If the owner or person served as hereinabove provided shall fail to pay the costs and expense by the Town within ten (10) days after being notified of the costs thereof by registered mail, the Town Clerk shall file, immediately preceding the time for making the annual assessment role, a certificate of such actual cost and expense with a statement as to the property upon which such cost and expense were incurred, the building or other obstructions removed, as the case may be, with the assessor of the Town, who shall in the preparation of the next assessment roll of Town taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general Town tax and as a part thereof. 30. Enforcement of, and penalties for violation of this permit, shall be authorized as prescribed in the Enforcement section of this ordinance.

SECTION 8 – FARMLAND & OPEN SPACE PROTECTION

Stuyvesant is an agricultural community, and seeks to encourage the perpetuation of agriculture, while maintaining the flexibility of property owners to use their property as they see fit, without creating a burden to the environment, or other residents of the Town. In order to accomplish this goal, this section seeks to provide options that will encourage the creation of larger agricultural parcels which are better suited to the needs of modern agricultural equipment. In order to preserve the rural character of the Town including the preservation of agriculture and open space, the following incentives are offered for all persons wishing to develop land within the Agricultural (A) District: Clustered Residential Subdivision Land owners or developers opting to use the Clustered Residential Subdivision provisions of the Town of Stuyvesant Subdivision Ordinance in lieu of the conventional subdivision method, are eligible for a development bonus. This bonus will increase the developmental density of the parcel by allowing the creation of one

(1) additional lot for each ten (10) acres of buildable area within the parcel as defined in Section 2. A single contiguous parcel containing a minimum of

50% of the total lot area must be retained as open space. Prime Agricultural Land Set Aside A similar incentive is available to land owners or developers who choose to subdivide land within the Agricultural (A) District in a manner where the land area to actually be subdivided into lots offered for sale or to be developed contains soil types that are not classified as prime agricultural or soils of statewide importance. For every ten (10) acres of land containing these soil types that are located on the parcel and voluntarily excluded from those land areas proposed for subdivision or development, an additional lot or development site may be created in the development plan. These land areas must be delineated on the plat and must include a computed acreage. Areas containing these soil types have been delineated on a map entitled "Agricultural Resource Map" on file with the Town Clerk. Should a land owner or developer opt to develop a parcel utilizing the clustered subdivision concept and create such subdivision on non-prime agricultural land, both incentives could be utilized. Enhanced Prime Agricultural Land Set Aside In order to encourage the development of larger lots, suitable for modern agricultural practices, this option provides a bonus for creation of permanent lots in multiples of at least five acres on soil which is classified as prime soil, prime soil if drained, or farmland of statewide importance. In exchange for permanent creation of lots in multiples of at least five acres on land containing soils identified as prime soil, prime soil if drained, or farmland of statewide importance, the property owner may create as many buildable parcels of at least one acre, as may be created from the original parcel on soils of the property which are not classified as prime soil, prime soil if drained, or farmland of statewide importance. Such buildable parcels must be created out of the original parcel by subdivision of the Planning Board. Buildable parcels shall meet all other requirements for parcels established by this ordinance under Section 6 – Parcels in the Agricultural District – Numbers 3 through 12. Upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further subdivided. Density Averaging Another developmental option that would result in the preservation of agricultural lands and open space is the use of density averaging. Although this option does not increase the total development potential of a parcel, it does offer the option of creating smaller sized lots than would be required by conventional subdivision. This preservation technique is detailed in Section 15. Purchase of Developmental Rights The sale of developmental rights to any land area located within the Agricultural (A) District is another option available to all land owners within that District. In order to maintain accurate records necessary for the administration of the density averaging provision within this District, no personal 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 1. A. Any person aggrieved may file a complaint. 2. B. The Z.E.O. may file a complaint on personal knowledge. 3. C. All complaints including those made on personal knowledge shall be in writing and must be filed in person with the Z.E.O. 4. The Z.E.O. is authorized to accept citizen complaints filed on an anonymous basis, provided that the complaint is filed in the name of the Z.E.O. as if acting upon personal knowledge, and processed in accordance with the procedures outlined below. Procedures 1. 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. 2. B. A copy of such report shall be filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, and a copy shall be mailed to the complainant. Violations If, after investigation, the Z.E.O. determines that a violation exists, he/she shall: 1. 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. 2. 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/she shall apply to the Town Board Zoning Board of Appeals for a determination as to the reasonable period of time within which such violation shall be removed. 3. 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. 4. 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 not exceeding $350.00 or imprisonment for a period not to exceeding 90 15 days, or both for a conviction of a first offense; for a conviction of a second offense, both of which were committed with in a period of five years, by a fine of not less than $350.00 nor more than $750.00, or imprisonment for a period not exceeding six months 15 days, or both; and for conviction of a third or subsequent offense , all of which were committed within a period of five years, by a fine of no less than $750.00 nor more than $1,000.00, or imprisonment for a period not exceeding six months 15 days, or both; or by the imposition of a civil penalty in the above amounts, which said penalty may be assessed and recoverable against the violator in a small claims proceeding instituted by the Town in the Town Justice Court, pursuant to the provisions of Article 18 of the Uniform Justice Court Act. Each week's continued violation shall constitute a separate,

additional violation for which separate and additional fines or civil penalties in the above amounts may be imposed or recovered. Permit Revocation 1. Any permit issued under this ordinance may be revoked for violation of the provisions of this ordinance, or violation of any additional conditions placed on the permit by the Town Planning Board. 2. The Z.E.O. shall be empowered to issue a notice of revocation for the permit at any time information shall come to the Z.E.O.'s attention, and the Z.E.O. makes a determination, that the conditions of the permit are being violated. Such information shall be documented and filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. This notice shall include the description of the alleged violation, including the section of the ordinance, or permit condition, being violated. 3. The Z.E.O. shall notify the permit holder of the notice of revocation by registered mail. Such permit revocation shall not take effect until ten (10) days subsequent to the date the notice of revocation has been delivered by the United States Postal Service, or the Z.E.O. has been notified by the United States Postal Service that delivery has been refused or was unsuccessful. 4. The permit holder shall have ten (10) days to correct the violation. If the Z.E.O. makes a determination, that the conditions of the permit are no longer being violated, the permit shall be restored, and notice of such restoration shall be filed with the Town Clerk, and the Chairs of the Planning Board, and Zoning Board of Appeals, respectively. 5. Upon receipt of a notice of revocation, the permit holder, or the primary permit holder's designated representative, may file an objection to the revocation with the Chair of the Zoning Board of Appeals. A filing of objection shall stay revocation of the permit, until a hearing is conducted by the Zoning Board of Appeals. If a majority of the members of the Zoning Board of Appeals agree to sustain the notice of revocation, the revocation shall take effect immediately. Certificates of Zoning Compliance No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a Certificate of Zoning Compliance has been issued by the Z.E.O. A certificate of Zoning Compliance may be obtained from the Z.E.O. Such certificate shall be issued only if the proposed use of the building or land conforms to the provisions of this ordinance. The Z.E.O. shall make an inspection of each building or parcel for which a Zoning Compliance Certificate has been requested prior to the issuance of such certificate. Such inspection shall be made within five (5) days from the date of application excluding Saturdays, Sundays and legal holidays. Failure of the Z.E.O. to make such inspection and determination within the specified period of time shall be deemed to be an approval of the Certificate of Zoning Compliance application. N.Y.S. Fire Prevention & Building Code In addition to the above required Zoning Permit and Certificate of Zoning Compliance, the Town of Stuyvesant has adopted and enforces the New York State Fire Prevention and Building Code. This code is administered and enforced the Town of Stuyvesant 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 filling of land areas within these designated flood areas. All of the requirements outlined in this local law must be complied with in addition to other requirements found in this local zoning law. A copy of Local Law #1 of 1987 is attached as Appendix A.

SECTION 12 – ZONING BOARD OF APPEALS

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

SECTION 13 – AMENDMENT PROCESS

The Town Board may from time to time on its own motion, on petition or on recommendation of the Town Planning Board, amend, supplement or repeal, in part or whole, the regulations and provisions of this Local Law including the Zoning Map, in accordance with Section 265 of General Town Law. Any petition change to the Zoning Map shall be accompanied by the following: 1. The name of the petitioning property owners. 2. A map accurately drawn to an appropriate scale showing the proposed district change, all street right-of-ways in the immediate vicinity and the names of land boundary change, property lines and a calculation of the area affected by such owners immediately adjacent to and extending three hundred (300) feet of the boundaries of the properties proposed for rezoning. 3. A metes and bounds description of the proposed amendment. 4. The application fee as established by the Town Board.

SECTION 14 – MISCELLANEOUS PROVISIONS

Interpretation, Conflict & Other Laws In their interpretation and application, the provision of this Local Law shall be held to the minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Local Law are at variance with the requirements of

any other lawfully adopted rules, regulations, ordinances or local laws, the most restrictive, or that imposing the higher standards shall govern. Validity Should any section or provision of this Local law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. Short Title This Local Law shall be known and may be cited as the "Town of Stuyvesant Zoning Ordinance". Effective Date This Local Law shall take effect immediately upon publication and filing with the New York State Secretary of State's Office and/or as set forth by other laws.

SECTION 15 – DEVELOPMENTAL OPTIONS

Stuyvesant is an agricultural community, and seeks to encourage the perpetuation of agriculture, while maintaining the flexibility of property owners to use their property as they see fit, without creating a burden to the environment, or other residents of the Town. In order to accomplish this goal, this section seeks to provide options that will encourage the creation of larger agricultural parcels which are better suited to the needs of modern agricultural equipment. In order to provide as much flexibility as possible to property owners within the Town, various types of development options are provided for within this Ordinance. A landowner may use one or more of these options on either the entire parcel or only on a portion of his/her land. All proposed subdivision plats must include within the subdivision name, a notation indicating which of the options were utilized in the design of the proposal. The following are examples of this notation: John Smith Clustered Subdivision Cedar Ridge Density Averaged Subdivision Misty Creek, an Ag Land Set Aside Subdivision A detailed description of each option follows: For the purpose of these descriptions, the parcel under consideration for development has the following features: _ Total Parcel Size – 50 acres _ Total developmental area – 40 acres _ Total area of Prime Agricultural Land – 10 acres _ Parcel is zoned Agricultural (A) Conventional Subdivision The land owner would be able to create a maximum of 10 building lots, each containing 5 acres, served by an on- lot water and septic system and accessed either directly from an existing roadway or by an internal road system constructed as part of the subdivision proposal. This would result in the creation of 10 building lots and no open space would be preserved. Conventional Subdivision Using Density Averaging This option would allow the landowner to create a total of 8 building lots, without mandating that each lot contain 5 acres of land. The individual lot size would be determined based on the land area needed to comply with the Columbia County Health Department standards for on-lot

well and septic systems. The lots created may have access from an existing roadway or an internal road system and may be created anywhere on the parcel subject to the Density Control Schedule (Section 5). The lots may be created one at a time or two or more may be created with a single subdivision application. This would result in the creation of 9 building lots and may include up to 40 acres of open space preserved depending on the individual lot size based on the County Health Department requirements. Applicants choosing to use this option should be cognizant that for each parcel or lot created that is less than five (5) acres in size, a buildable land area equal to the difference between the proposed lot size the five (5) acre density minimum must be preserved for agricultural use or open space. Buildable land is defined in the Density Averaging definition on Page 8. Clustered Subdivision This option is similar in nature to using Density Averaging. The lots created would be abutting and would occupy a designated portion of the parcel identified in the Subdivision application. The maximum number of building lots that could be created by right would be 10. In addition, if this option is chosen, an incentive bonus equal to the total developable area of the parent parcel divided by 10 would be applicable. This would allow an additional 4 lots to be included in the clustered development. The entire layout including any roadways to be constructed, any community water or sewage facilities to be constructed, etc. must be designed prior to the submission of the Subdivision application. This would result in the creation of 14 building lots and the preservation of a minimum of 25 acres of open space. Prime Agricultural Land Set Aside This option provides for a developmental bonus if a landowner chooses not to create building lots or other development on land containing soils identified as prime agricultural soils or soils of statewide importance. The number of additional lots that may be created is determined by dividing the total land area of the parent parcel containing prime agricultural soils by ten (10). In this example, a bonus of 1 lot would be granted resulting in a total of 9 lots with a ten (10) acre area set aside for agricultural uses. This concept, due to it nature would require the use of Conventional Subdivision Using Density Averaging or Clustered Subdivision. This would result in the creation of 9 building lots with a minimum of 10 acre of prime agricultural land preserved as open space. Enhanced Prime Agricultural Land Set Aside In order to encourage the development of larger lots, suitable for modern agricultural practices, this option provides a bonus for creation of permanent lots in multiples of five acres on soil which is classified as prime soil, prime soil if drained, or farmland of statewide importance. In exchange for permanent creation of lots in multiples of five acres on land containing soils identified as prime soil, prime soil if drained, or farmland of statewide importance, the property owner may create as many buildable parcels of at least one acre, as may be created from the original parcel on soils of the property which are not classified as prime soil, prime soil if drained, or farmland of statewide importance. Such buildable parcels must be created out of the original parcel by subdivision of the Planning Board. Buildable parcels shall meet all other requirements for parcels established by this ordinance under Section 6 – Parcels in the Agricultural District – Numbers 3 through 12. Upon Planning Board approval of the parcels, a notation shall be placed on the approved plat indicating that the parcels shall not be further

subdivided. Clustered Subdivision & Prime Agricultural Land Set Aside

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

SECTION 16 – RESIDENTIAL CLUSTERED SUBDIVISION REGULATIONS

Pursuant to General Town Law Section 281, the Town Planning Board is hereby authorized to vary or modify the requirements of this ordinance to encourage and enable the flexible design and development of land in a manner that promotes the most appropriate use of land, facilitates the adequate and economical provisions for streets and utilities, preserves the natural and scenic qualities of open space and agricultural land uses and that prevents the despoliation of environmentally sensitive areas and historic places subject to the following conditions: 1. The provisions of this section shall be available to a property owner as an option and shall not be mandated by the Planning Board, Town Board or Zoning Board of Appeals. 2. The provisions of this section shall be applicable to lands of ten (10) acres or more in size. A landowner may use all or only a portion of his land for such development and may have more than one clustered development on a parcel. 3. Such proposed clustered development shall not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property or improvements in close proximity. 4. The provisions of this standard shall apply only to clustered development of a residential nature. 5. The maximum number of building lots or sites shall not exceed the maximum number that would be created by conventional subdivision procedures when applying the density averaging formula for the specific district as outlined in the Density Control Schedule (Section 5) of this ordinance. 6. Landowners or developers opting to use this clustered residential concept are eligible for a developmental bonus. This bonus will increase the developmental density of the parcel by allowing the creation of one (1) additional lot for each ten (10) acres of buildable area within the parcel as defined in Section 2 of this ordinance. Required Open Space 1. A minimum of fifty (50) percent of the total parcel size devoted to the clustered development must be set aside, in a contiguous parcel, as perpetual open space. The requirement that the open space be a contiguous parcel may be waived by the Planning Board when extenuating circumstances are shown by the applicant. 2. The open space may, at the applicant's discretion, be retained by the owner or dedicated to a home owners' association, provided that the open space is placed under a conservation easement, offered to and accepted by a recognized land conservancy or trust. In the event that the owner/applicant is unable to locate a land conservancy or trust that is willing to accept such easement, the owner/applicant shall prepare an easement to be held by the Town of Stuyvesant. Such easement shall be reviewed and accepted by the Town Board prior to the final approval of the subdivision by the Planning Board.

3. The open space may be used for one or more of the following uses: a. Agricultural uses including the pasturing of farm animals, provided that no permanent structures other than animal shelters are constructed; b. Forestry; c. Ponds; d. Passive recreation; and e. Recreational uses such as wooded parks, hiking trails, bridle paths or other uses having a low impact upon the environment. Home Owners' Association If a Homeowners' Association is selected by the applicant/owner as to the method of maintaining the open space, the following provisions are applicable: 1. The Homeowners' Association must be established prior to the sale of any lots within the subdivision. 2. The Homeowners' Association shall take title to all open space created. 3. Membership in the Association is mandatory for all parcel owners, their heirs and successors. A deed covenant outlining this required membership and the payment of annual fees to be used for the maintenance of the open space shall be included in each parcel deed. 4. The Homeowners' Association will be responsible for liability insurance, local taxes and the maintenance of recreation and other facilities. 5. Homeowners' Association's members will pay their pro rata share of the costs and assessments levied by the Association and if unpaid may become a lien on their individual parcels.

SECTION 19 - EXISTING AND NONCONFORMING BUILDINGS AND USES

Continuation of Existing Nonconforming Buildings and Uses 1. Any existing use, accessory uses, lot or structure that does not meet the requirements of this Zoning Law shall be considered nonconforming and shall be allowed to be continued indefinitely subject to the provisions below. The provisions of this section shall apply to all lots, legally established uses or structures existing on the effective date of this Zoning Law, and to any lot, legally established land use or structure that becomes nonconforming by reason of any future amendment to this Zoning Law. 2. Non-conforming uses and/or accessory uses shall not be moved to another location where such use would be non-conforming. 3. Non-conforming uses shall not be changed to another non-conforming use without prior approval by the Zoning Board of Appeals. If the Zoning Board of Appeals approves such changes, they shall conform, to the greatest extent practical, to this Zoning Law and the current design standards and shall be subject to Site Plan approval by the Planning Board pursuant to Local Law #1-01 of 2001 as may be amended from time to time. 4. The discontinuance of any nonconforming use or accessory use for a period of more than three years shall terminate the nonconforming use status of that use. A nonconforming use or accessory use so terminated shall thereafter only be replaced by a conforming, permitted use. The Zoning Board of Appeals may issue a variance to allow one additional one-year extension for any nonconforming use. 5. A nonconforming use may be changed to a conforming use at any time, but shall not thereafter be changed back to a nonconforming use.

6. No lot shall be reduced in area so that it results in nonconformity with either the bulk or use provisions in this Law. Maintenance 1. Nothing in this Zoning Law shall prevent the renovation, repair or maintenance of a nonconforming structure made necessary by ordinary wear and tear. Existing Lots of Record 1. Lots existing at the time of adoption of this Zoning Law that do not meet the minimum density or size requirements shall be allowed to have one principal structure provided that, otherwise, all applicable laws and regulations related to potable water and sewage disposal facilities as required by the Town of Stuyvesant, Columbia County Department of Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied. Pending Planning Board and Building Permit Applications 1. Any Site Plan, subdivision or building permit application which was submitted to the Town of Stuyvesant prior to the effective date of this Zoning Law, but has not yet been permitted, may continue to be processed and considered by the Planning Board or Zoning Enforcement Officer provided the application is amended to fully comply with the requirements of this Zoning Law. 2. The amended application shall not be deemed complete until such time as all submission requirements of this Zoning Law are received and accepted by the permitting authority. Where SEQRA applies, an application shall not be deemed complete until a Negative Declaration is issued or, where a Positive SEQRA Declaration has been or is issued, completed Draft Environmental Impact Statement accepted. 3. This provision shall not be interpreted as vesting any rights in the applicant to approval on any applications submitted prior to, and pending, on the effective date of this Zoning Law. Buildings Under Construction 1. Buildings under construction. When a subdivision or site plan application has been approved or when a building permit has been lawfully issued before the effective date of this Zoning law and where construction has also begun within 180 days of the effective date of this Zoning Law, the building may be completed according to approved plans and approval conditions issued before the law was adopted. 2. If upon completion, such building or use is nonconforming with this Zoning law, it shall thereafter be subject to all provisions of Section 19. Changes in District Boundaries 1. Whenever the boundaries of a district are changed by the Town of Stuyvesant Town Board so that, under the regulations that apply in the changed area, a conforming use shall become a nonconforming use, all of the foregoing provisions of this section shall apply to such nonconforming use. Pre-existing Mobile Home 1. Nothing contained in this Zoning Law shall prohibit the replacement of any mobile home or manufactured home legally existing in the Town of Stuyvesant at the time of adoption of this Zoning Law, provided that the replacement structure is in full compliance with both the 1976 Federal regulations for mobile homes and the requirements of the New York State Uniform Fire Prevention and Building Code and that existing nonconformities or elements of non-compliance are not increased or expanded by the replacement. Pre-existing Accessory Apartment

1. Nothing contained in this Zoning Law shall prohibit the continuation of an accessory apartment, located in either an owner-occupied principal dwelling or in an accessory structure on an owner-occupied lot, legally existing in the Town of Stuyvesant at the time of adoption of this Zoning Law. 2. If the principal dwelling becomes non-owner-occupied at any time, then as of that time the accessory apartment shall no longer be a pre-existing nonconforming use and thereafter shall be required to conform with the requirements of this Zoning Law. Pre-existing Salvage, Junkyard or Auto Junkyard 1. Where a valid and current salvage or junkyard has been regulated by the Town of Stuyvesant, under the provisions of Section 136 of the New York State General Municipal Law, and the salvage or junkyard meets all the fencing, location, setback, or other requirements, such use shall be allowed to continue. 2. All salvage or junkyards, including auto junkyards as defined in Section 2 of this Zoning Law, that have not been regulated by the Town of Stuyvesant under the provisions of Section 136 of the New York State General Municipal Law, or that do not meet the fencing, location, setback or other requirements shall not be considered a lawful nonconforming use and shall cease all activities associated with such use within three months of adoption of this Zoning Law. 3. In the event of a change in any NYS dealer, dismantler or repair licensing requirement, an expansion of any lawful non-conforming use hereunder may be expanded to comply with such licensure change. Zoning Board of Appeals Review 1. The Zoning Board of Appeals shall review and decide whether to grant or deny any requested expansion of a non-conforming use, structure, or lot that exceeds the limits established in Section 19 of this Zoning Law.