

# Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK  
**FILED**  
JUN 15 2006  
MISCELLANEOUS  
& STATE RECORDS

- County
- City of Glen
- Town
- Village

Local Law No. 1 of the year 20 06

A local law to Amend the Code of the Town of Glen by adding a new  
(insert Title)  
Chapter 87 to be entitled " Land Use Management"

Be it enacted by the Town Board of the  
(Name of Legislative Body)

- County
- City of Glen
- Town
- Village

as follows:

( enter text of local law here)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

# TOWN OF GLEN LAND USE MANAGEMENT ORDINANCE

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**TOWN OF GLEN  
MONTGOMERY COUNTY, NEW YORK**

**AN ORDINANCE** regulating and restricting the location, construction, alteration and use of buildings and land in the Town of Glen, Montgomery County, New York, pursuant to the Land Use Management provisions of ARTICLE 16 of the Town Law of the State of New York.

**THE TOWN OF GLEN TOWN BOARD**, by virtue of the power and authority vested in it by law, does hereby ordain and enact as follows:

# **ARTICLE I - Authority, Title, Purpose, Scope and Separability**

## **Section 1.01 Authority**

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York and the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Glen, New York, hereafter referred to as the Town Board, hereby adopts and enacts as follows:

## **Section 1.02 Title**

This Local Law shall be known and may be cited as the "Town of Glen "Land Use Management Law".

## **Section 1.03 Purpose**

The provisions of this Local Law shall be held to be the minimum requirements adopted to promote the health, safety and general welfare of the Town of Glen. These regulations are adopted and intended to achieve the following goals:

- Promote the health, safety and general welfare of the community consistent with the objectives of Article 16 of the Town Law;
- Preserve and enhance the town's farming operations and agricultural lands;
- Preserve the town's natural environment;
- Employ viable town initiatives to foster economic development;
- Enhance and encourage preservation of the town's historic character;
- Promote local and regional tourism;
- Preserve the town's rural character and open spaces;
- Maintain and enhance the aesthetics of the town;
- Enhance the recreational and cultural opportunities in the town;
- Cooperate with the town's adjacent municipalities and Montgomery County;

## **Section 1.04     Scope**

This Local Law shall apply to the construction, installation or alteration of any building or structure and any lot, plot or parcel of land used, occupied or otherwise maintained as herein provided for in the Town of Glen, outside the corporate limits of the Village of Fultonville, unless specifically exempted elsewhere in this Local Law.

## **Section 1.05     Separability**

Should any section or provision of this law, or as amended hereafter, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so declared to be invalid.

## **Article II - Definitions**

### **Section 2.01     General**

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

Words used in the present tense shall include the future. The singular number includes the plural, and the plural the singular. The word "person" includes a corporation as well as an individual.

The word "building" includes the word "plot" or "parcel". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "built, arranged or designed to be used or occupied".

### **Section 2.02     Definitions**

**ACCESSORY BUILDING:** - A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

**ACCESSORY USE:** - A use customary or incidental and subordinate to the principal use of a building and located on the same lot with such principal use or building.

**ADULT ORIENTED BUSINESS:** - Whenever used in this ordinance, the words "Adult Oriented Business" or "Adult Oriented Businesses" apply to the following types of establishments, and any others which exclude or restrict minors by reason of age:

**ADULT BOOKSTORE OR VIDEO STORE:** - An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides or video tapes and which establishment excludes or restricts minors by reason of age.

**ADULT ENTERTAINMENT CABARET:** - A public or private nightclub, bar, restaurant, or similar establishment which presents topless or bottomless dancers, strippers, male or female impersonators, exotic dancers, or other similar entertainment, and which establishment excludes or restricts minors by reason of age.

**ADULT MOTEL:** A motel which excludes or restricts minors by reason of age, and which makes available to its patrons in their rooms films, slide shows or videotapes, which if presented in a public movie theatre would exclude or restrict minors by reason of age.

**ADULT THEATRE:** A theatre that customarily presents motion pictures, films, videotapes or slide shows, and that excludes or restricts minors by reason of age.

**MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where massages are administered, including but not limited to massage parlors, sauna baths, and steam baths and which excludes or restricts minors by reason of age. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or massage therapist, licensed masseuse or masseur, or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

**PEEP SHOW:** A theatre which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure and excludes or restricts minors by reason of age.

**ALLEY:** A minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

**ANIMAL HOSPITAL/VETERINARY CLINIC:** A business that treats animals and regularly houses them on the premises overnight and for extended periods for treatment.

**APPLICANT:** The legal, real property contract vendee, or beneficial owner or owners of a lot or of any land included in the proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

**AREA, BUILDING:** The total ground area of a principal building and accessory buildings, exclusive of uncovered porches, parapets, steps and terraces.

**BASEMENT:** A space of full story height partly below grade and having at least half of its clear floor-to-ceiling height above the average grade, and which is not designed or used primarily for year-round living accommodations.

**BED AND BREAKFAST:** An establishment in a private dwelling that supplies temporary accommodations to overnight guest for a fee. Meals may or may not be provided. Tourist homes and inns are included here.

**BOARDING OR ROOMING HOUSE:** Any dwelling in which more than three persons, either individually or as families are housed or lodged, except those engaged in farm work, for hire with or without meals, and/or any dwelling with ten or less sleeping rooms in which more than three persons, either individually or as families, are housed or lodged, except those engaged in farm work, for hire or otherwise, without separate kitchen facilities, with or without meals. If there are more than ten sleeping rooms, such buildings shall be considered hotels.

**BUFFER ZONE:** Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

**BUILDING:** Any roofed structure intended for the shelter, housing or enclosure of persons, animals or property. When a building is divided into separate parts extending from the ground up, each part so divided is deemed a separate building.

**BUILDING LINE:** A line established by law, usually parallel with a property line, beyond which a structure may not extend.

**BUILDING, FLOOR AREA:** The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including basement areas devoted to residential use and the area of bays, dormers, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**CELLAR:** That space of a building which has more than half of its height, measured from floor to ceiling, below the average grade.

**CELL TOWER:** Structure used for cell communications

**COMMERCIAL COMPOSTING:** Aerobic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material used for fertilizing and conditioning land.

**COMMUNITY PARK OR PLAYGROUND:** Land managed by the public and set aside for public use which may or may not have developed recreational facilities, such as playground, tennis courts, horse and bike trails, baseball fields, picnic areas, swimming pools and/or lavatories.

**DRIVEWAYS AND PASSAGE WAYS:** Private access routes which directly service a parking area; or parking spaces not directly serving more than two (2) dwelling units, and not providing a route for through traffic. Minimum driveway widths shall be as follows:

<u>PARKING ANGLE</u>	<u>DRIVEWAY WIDTH</u>
No parking	18'
Parallel	20'
45° one-way	20'
60° one-way	20'
90° one-way	24'



**DWELLING, ONE-FAMILY:** A detached building, other than a trailer or other temporary structure designed for exclusive year-round occupancy by one family only.

**DWELLING, TWO-FAMILY:** A detached building, other than a trailer or other temporary structure, designed for exclusive year-round occupancy by two families living independently of each other.

**DWELLING, MULTIPLE FAMILY:** A building or group of buildings, designed for year-round occupancy by more than two families, including apartment houses and group houses, but excluding hotels and rooming houses.

**DWELLING UNIT:** One or more rooms with provision for living, sanitary, and sleeping facilities arranged for the use of one family.

**FAMILY:** Any number of persons or recognized relationships maintaining a common household, including domestic help.

**FARM:** A parcel or tract of land which is used for growing agricultural products, horticulture products, raising livestock, raising fruits and/or vegetables or agriculture production. An "agricultural operation" shall not include any farm having less than \$10,000.00 gross sales in the year preceding the date on which the owner applies for a building permit to erect a mobile home as an accessory use.

**FARM PRODUCTS PLANT:** Any operation which starts with a farm product, including but not limited to vegetables, fruits, milk, beef, pork, lamb, chicken, eggs, turkey etc. and whose end product packages that product in a form suitable for retail market distribution. This definition includes but is not limited to dairies, cheese plants, vegetable/fruit canneries, slaughterhouses etc.

**FARM STAND:** A structure used in the sale of agricultural products that are produced on the premises.

**FRONT:** That part of a parcel of land or building abutting or facing the principal street or road. In the case of corner lots on two intersecting streets or road the parcel will be considered to have two front yards, one side yard and one rear yard at minimum.

**GARAGE, PRIVATE:** A roofed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

**GARAGE, PUBLIC:** A building or part thereof for the storage, hiring, selling, greasing, washing, servicing, or repair of motor-driven vehicles, operated for gain.

**GASOLINE STATION:** Any area of land, including structures thereon, that is used or designed to be used for the sale of gasoline or oil or other motor vehicle fuel and which may include facilities for lubricating, washing, cleaning, or otherwise servicing motor vehicles, not including the painting or major repair thereof. The term "Gasoline Station" shall be deemed to include filling station and service station.

**GREENSPACE:** Area of land with vegetative cover.

**HISTORIC BUILDING OR SITE:** A building or area which has historic and special public value because of notable architectural or other features relating to the cultural, historic, or artistic heritage of the community.

**HOBBY FARM:** An agricultural operation grossing under \$10,000 per year under special permitted use.

**HOME OCCUPATION:** An occupation or profession which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; and is carried on by a member of the family residing in the dwelling unit; and is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and which conforms to the following additional conditions:

1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto;
2. There shall be no exterior display, nor any exterior sign except a business sign, no exterior storage or materials and no other exterior indication of the home occupation or variation from the residential character of the principal building. The Business Sign shall comply with Section 34 of this ordinance;
3. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. A home occupation includes, but is not limited to art studio; dress-making; barber shop or beauty parlor; professional office of physician; dentist, lawyer, engineering, architect, accountant; or musical instruction limited to a single pupil at a time.

**HOSPITAL:** A building or structure for the diagnosis and medical or surgical care of human ailments.

**HOTEL:** Facility offering transient lodging accommodations to the general public and providing additional service such as restaurants, meeting rooms and recreational facilities. The word "hotel" includes the words "motel", "motel court", "inn", "tourist court", or similar names excluding rooming houses and Bed and Breakfast establishments.

**JUNK YARD:** A lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles, and for the sale of the parts thereof; or for the storing or abandonment of two or more unlicensed or unregistered motor vehicles for 30 days or more.

**KENNEL:** A structure used for the harboring for hire of five or more dogs or cats, more than six months old.

**LAUNDERETTE:** A business premises serviced by municipal sewerage or a NYSDOH approved system, equipped with individual clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity, sorority, residential hotel or club.

**LIGHT ASSEMBLY PLANT:** A use engaged in the creation, predominately from previously prepared materials, of finished products or part, including processing, fabrication, assembly,

treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**LIVING AREA:** The sum of the gross horizontal area of the several floors of a building, including areas below grade devoted to residential use. All dimensions shall be measured between exterior faces of walls.

**LOADING SPACE:** A paved area designed for the parking, loading and unloading of delivery vehicles.

**LOT:** A parcel of land considered as a unit, occupied or capable of being occupied by a building or use and accessory buildings or uses, or by a group of buildings united by a common use or interest; and including such open spaces as are required by this ordinance, and having its principal frontage on a public street or an officially approved place.

**LOT AREA:** The total horizontal area included within lot lines. No part of the area within a public right-of-way may be included in the computation of lot area.

**LOT, CORNER:** A lot located at the intersection of and fronting on two or more intersecting streets, and having an interior angle at the corner of intersection of less than 135 degrees.

**LOT, COVERAGE:** That portion of the lot that is covered by buildings.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT, THROUGH:** A lot having frontage on two approximately parallel or converging streets other than a corner lot.

**LOT, DEPTH:** The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**LOT, WIDTH:** The distance between side lot lines measured parallel to the front lot line at a distance from the front lot line equal to the front yard specified for the district, except as noted in Section 16.

**MINERAL:** any naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this ordinance, peat and topsoil shall be considered minerals.

**MINING:** the extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. "Mining" shall not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

**MINOR:** A person less than eighteen (18) years of age.

**MOBILE HOME:** A movable single dwelling unit equipped with a chassis designed for and providing housekeeping facilities for year-round occupancy including plumbing, heating, electrical, cooking and refrigeration systems and equipment.

**MOBILE HOME PARK:** A parcel of land which has been planned and improved for the placement of two or more mobile homes for non-transient use.

**MODULAR HOME:** A prefabricated dwelling unit capable of being delivered to a site in several sections and is indistinguishable in appearance from conventionally built homes.

**MOTORIZED SPORTS FACILITY:** Racetrack, dragstrip, motocross, snowmobiles.

**NAMEPLATE:** A plaque or sign for non business purposes bearing the name of the owner of the residence and no larger than eight (8) square feet.

**NON-CONFORMING USE:** A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

**NURSING OR CONVALESCENT HOME OR HOME FOR THE AGED:** A building used for the accommodation and care of persons with, or recuperating from, illness or incapacity, where nursing services are furnished, or for the accommodation and care of persons of advanced age.

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved by buildings.

**PARKING SPACE:** The area required for parking one automobile which in this ordinance is held to be an area at least nine feet wide and 20 feet long, exclusive of passageways and driveways thereto.

**PERMANENT FOUNDATION:** Concrete or stone walls which support the bottom floor and exterior walls of a building and extending below the ground deeper than the average annual frost level, or a reinforced concrete base below the bottom floor of a building of sufficient thickness and having a suitable sub-base to resist shifting and heaving from changes in temperature and moisture conditions in the ground beneath the building.

**PERSONAL SERVICE SHOPS:** Establishments providing services or entertainment, as opposed to products, to the general public including, but not limited to: cleaning and garment services, beauty shops, photography shops, shoe repair, barber shops, funeral services, clothing rental, reduction salons and tanning parlors.

**PERSONAL WIRELESS SERVICES:** shall mean any person, firm, corporation, or governmental agency, duly licensed/authorized to furnish the public, under governmental regulation, commercial mobile services, wireless telecommunication services, and common carrier wireless exchange access services, including cellular radiotelephone, specialized mobile radio system and personal communication services, which are regulated by the Federal Communications Commissions in accordance with the Communication Act of 1934 (47U.S.C. Sections 151-613 (1988) as it may hereinafter be amended from time to time.

**PERSONAL WIRELESS SERVICE FACILITY:** Is a facility for the provision of Personal Wireless Services. A Personal Wireless Service Facility includes an Antenna, Equipment Mounting Structure, and accessory buildings and equipment. For purposes of this Zoning

Ordinance, a Personal Wireless Service Facility shall not be included within the definition of a "Public Utility Facility" as specified in this Zoning Ordinance.

**PLANNING BOARD:** Planning Boards are given certain advisory powers by State statute simply by virtue of their being created. These "automatic" functions fall into two general categories:

- a) The power to make investigations, maps, and reports on specific issues relating to the planning and development of the municipality. A Planning Board doesn't have to wait to be asked for an opinion. Within the limit of its budget, it can act on its own in rendering advice.
- b) The power to draft and recommend a comprehensive plan to guide the future growth of the Town in an orderly manner.

**PROFESSIONAL OFFICE:** Offices for a person or persons whose vocation or occupation requires advanced training in a liberal art or science and whose service usually involves non-manual work.

**PUBLIC BUILDING:** Any town, county, state or federally owned building(s) or land including but not limited to: town halls and highway department garages.

**PUBLIC UTILITY:** Shall mean any person, firm, corporation or governmental agency, duly authorized to furnish the public, under governmental regulation electricity, gas, water sewage treatment, steam, cable television, or related communication service. This definition shall not bestow any special status or standing not already provided by State or Federal Law.

**PUBLIC UTILITY FACILITY:** A facility other than a Personal Wireless Service Facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or governmental agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection, or such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administrative buildings.

**RESIDENCE:** A structure or portion thereof used as a dwelling unit.

**RESTAURANT:** A building or portion of a building wherein food and beverages are available for on-site or off-site consumption.

**RETAIL FARM MARKET:** A structure for the sale of agricultural products either produced on or off the premises.

**RETAIL STORE:** Any building or permanent structure or portion thereof in which one or more services or one or more articles of merchandise are sold at retail including department stores.

**SHED:** An accessory building which is no larger than 150 square feet.

**SIGN:** Any devise affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person,

institution, organization or business, but not including any flag, badge or insignia of any government or government agency, school, or religious group or of any civic, charitable, religious, patriotic, fraternal or similar organization, nor any official traffic control device. Each display surface shall be considered to be a "sign".

**SIGN, ADVERTISING:** A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such sign is located, or to which it is affixed, only incidentally on the premises, if at all.

**SIGN, BUSINESS:** A sign which directs attention to a business or profession conducted, or a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "For Let" sign relating to the lot on which it is displayed shall be deemed to be a business sign.

**SIGN, FLASHING:** A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered a "flashing sign".

**SITE PLAN:** A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right of way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Planning Board.

**SITE PLAN REVIEW:** A review and approval process, conducted by the Planning Board, whereby site plans are reviewed utilizing criteria stated in the ordinance and as authorized by Town Law.

**SPECIAL PERMITTED USE / SPECIAL PERMIT:** A use of property that is basically appropriate to a given zoning district, but which may be incompatible in some locations within the district and therefore is not permitted by right everywhere within such districts. A special permitted use, therefore, is one which is allowable only when facts and conditions specified in the ordinance as those upon which the use is permitted are found to exist.

**STABLE, PRIVATE:** A principal or accessory building in which horses are kept for private use and not for hire or sale.

**STABLE, PUBLIC:** A principal or accessory building in which horses are kept for remuneration, hire or sale.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STORY, HALF:** That part of a building between a pitched roof and the uppermost full story, and having a floor area at least half as large as the floor below. Space with less than five feet clear headroom shall not be considered as floor area.

**STREET:** A public way which affords the principal means of access to abutting property.

**STRUCTURE:** Any building or other construction, with or without a roof, which requires location on the ground or attachment to something having location on the ground.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building.

**SUB-DIVISION:** Division of any parcel or property into 2 or more parcels.

**THEATER, OUTDOOR:** An open lot or part thereof, with its appurtenant structures and facilities, devoted primarily to the showing of motion pictures or theatrical production on a paid admission basis.

**TOURIST HOME:** A dwelling where transient guests are lodged for hire.

**TOWN HOUSE:** One of several units in a building designed for and occupied exclusively as a residence for not more than one family living independently of any other family, separated from other units by a party wall or walls, and erected on a lot intended to be held in the form of a condominium or in a single and separate ownership from any adjoining units.

**TRAILER:** A mobile unit designed for camping, recreational travel, or vacation use which is equipped with a chassis and provides partial housekeeping facilities such as plumbing, heating, electrical, cooking or refrigeration systems or equipment.

**TRAILER CAMP:** An area occupied or designed for occupancy by two or more trailers.

**TRUCK TERMINAL:** A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks are parked or stored.

**VARIANCE:** Permission to depart from the literal requirements of the zoning ordinance.

**VARIANCE, AREA:** A departure from the area setback, frontage, coverage, size or other requirements of the applicable zoning district, or a departure from any provision of this ordinance except use.

**VARIANCE, USE:** A variance granted for a use or structure that is not permitted in the zoning district.

**WHOLESALE STORAGE OR WAREHOUSE:** A building or buildings used as a wholesale distribution center.

**WINDMILL / WIND TOWER:** Any structure that converts wind energy to mechanical energy.

**YARD, FRONT:** An open unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot and situated between the front property line and the front line of the main building projected to the side lines of the lot.

**YARD, REAR:** A space on the same lot with a main building, open and unoccupied except for accessory buildings, extending the full width of the lot and situated between the rear line of the main building projected to the side lines of the lot and the rear line of the lot.

**YARD, SIDE:** An open unoccupied space on the same lot with a main building, situated between the side line of the main building and the adjacent side line of the lot extending from the front yard to the rear yard. Any lot line not a front line or rear line shall be deemed a side line.

## **Article III - Districts and Boundaries**

### **Section 3.01 Establishment of Districts**

For the purpose of this ordinance, the Town of Glen is divided into the following districts:

**Rural / Residential (R-R)  
Hamlet (H)  
Commercial (C)  
Industrial Business Park (IBP)**

Said districts are bounded and defined as shown on a map entitled "Zoning Map Town of Glen", hereinafter called the Zoning Map, adopted by the Town Board and certified by the Town Clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

### **Section 3.02 Interpretation of District Boundaries**

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

- Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- Where the boundary of a district follows a stream or other body of water, said boundary line shall be deemed to be the center line of such stream or body of water unless otherwise indicated.



## **Article IV - Use Regulations**

The principal permitted uses of each zoning district are permitted as of right. All special permitted uses require both special permit review and site plan review. Uses not listed for a specific zoning district are prohibited from that district and would therefore require a use variance.

### **Section 4.01 Rural Residential (RR)**

In the Rural Residential (RR) district no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

#### **A. Principal Permitted Uses -**

1. One Family Dwelling
2. Two Family Dwelling
3. Townhouse
4. Farm and Accessory Buildings and Uses (to include Hobby Farms)
5. Mobile Home as Part of Farm Operation
6. Nursery
7. Community Park or Playground
8. Accessory Use and Building
9. Home Occupation
10. Picnic Grove

#### **B. Permitted Uses by Special Permit – See Section 9**

1. Multiple Family Dwelling
2. Cluster Housing
3. Bed and Breakfast Establishment
4. Boarding or Rooming House
5. Mobile Home Park
6. Church
7. Parish House, Convent

8. Public Parochial School or College
9. Nursing, Convalescent or Home for the Aged
10. Adult Residential Center
11. Daycare
12. Launderette
13. Retail Store
14. Golf Course, Country Club, or Other Sporting Facilities
15. Fish and Game Club
16. Commercial Recreation
17. Public Building
18. Animal/Veterinary Hospital
19. Kennel (5 or More Animals)
20. Boarding Stable
21. Funeral Home
21. Crematorium
22. Firehouse / Emergency Services
23. Self-Storage
24. Radio, TV Transmitter or Receiving Tower with Building
25. Radio, TV Transmitter or Receiving Tower without Building
26. Car Wash
27. Public or Private Utility Facility with Building
28. Public or Private Utility Facility without Building
29. Personal Wireless Service facility (Cell Tower)
30. Wind Tower
31. Organic Fertilizer Manufacturing (Composting)
32. Farm Products Plant

33. Topsoil Operation
34. Earth, Sand, Gravel or Mineral Excavation
35. Gas and Oil Extraction
36. Agricultural Lime Manufacturing
37. Rock Quarry Operation
38. Advertising Sign
39. Airport / Heliport
40. Mobile Home
41. Motorized Sports Facility
42. Windmill

## **Section 4.02 Hamlet (H)**

In the Hamlet District (H) no Building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

### **A Principal Permitted Uses -**

1. One Family Dwelling
2. Two Family Dwelling
3. Community Park or Playground
4. Farm and Accessory Use or Building (to include Hobby Farms)
5. Fire Station, Municipal Building
6. Historic Building or Site
7. Accessory Uses or Building

### **B. Permitted Uses by Special Permit – See Section 9**

1. Church, Parish House, Convent
2. Public or Parochial School or College
3. School and Colleges

4. Hotel
5. Marina
6. Gasoline Station
7. Multi Family Dwelling
8. Bed and Breakfast Establishment
9. Retail Store
10. Personal Service Shop
11. Bank
12. Custom Work Shop
13. Museum
14. Launderette
15. Restaurant
16. General Store
17. Home Occupation
18. Professional Office, Studio
19. Antique Store
20. Mobile Home

#### **Section 4.03 Commercial (C) -**

*In the Commercial District (C) no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:*

##### **A. Principal Permitted Uses -**

1. Bed and Breakfast Establishment
2. Personal Service Shop
3. Retail Store
4. Museum

5. Custom Work Shop
6. Radio, Television or Household Appliance Sales or Service
7. Funeral Home
8. Antique Shop
9. Animal / Veterinary Hospital
10. Feed, Lumber, Seed or Fertilizer Building
11. Carwash
12. Fire Station or Municipal Building
13. Cabinet, Electrical, Heating, Plumbing or Air Conditioner Shop
14. Mobile Home as part of a Farm Operation
15. Community Park or Playground
16. Retail Bakery
17. Historic Building or Site
18. Laundry or Dry Cleaning Plant
19. Farm and Accessory Uses or Building (to include Hobby Farms)
20. One Family Dwelling
21. Accessory Use or Building
22. Home Occupation

**B. Permitted Uses by Special Permit – See Section 9**

1. Gasoline Station
2. Professional Office, Studio
3. Bank
4. Public Utility Facility
5. Hotel
6. Public Garage
7. Restaurant

8. Fuel Sales and Storage
9. Automobile, Boat, Farm Implement, Tool or Mobile Home Sales or Rental
10. Indoor Storage of Non-Liquid, Non-Gaseous Fuel
11. Bowling Alley
12. Multi Family Dwelling
13. Two Family Dwelling
14. Adult Oriented Business
15. Tavern
16. Windmill

#### **Section 4.04 Industrial (I) -**

In the IBP Industrial Business Park District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

##### **A. Principal Permitted Uses -**

1. Wholesale Storage or Warehouse
2. Lightweight Assembly Plant
3. Manufacturing or Assembly of Electronic Devices or Instruments
4. Printing or Publishing Plant
5. Tool, Die, Pattern or Machine Shop
6. Manufacture or Processing Dairy or Other Food Products
7. Distribution Center
8. Research and Development Center
9. Transportation Services, Including Automobile and Truck Rentals and Public Garages
10. Professional Offices
11. Customary accessory use or building

12. Cold Storage Plant
13. Farm and Accessory Use or Building (to include Hobby Farms)
14. Manufacturing or Processing of Dairy or Other Food Products

**B. Permitted Uses by Special Permit – See Section 9**

1. Manufacture of textile products or leather goods
2. Manufacture or fabrication of metal, concrete, stone, plastic paint, fiber or wood products
3. Truck Terminal
4. Bulk Storage of inflammable liquids
5. Public Utility Facility
6. Windmill

# Article V - Area and Height Regulations, Lots, Yards and Buildings

## Section 5.01 Regulations in Schedule A

Regulations governing lot area and lot width; front, side and rear yards; building coverage and building height are specified in Schedule A and in the additional regulations of Article VI, and supplementary regulations of Article VII. Schedule A accompanies, and is hereby made a part of this ordinance.

## Section 5.02 Area Regulations

### 1. Lots of Less Than Required Dimensions -

1.a. Any lot with an area or a width less than that required in the district in which said lot is located may be used for any permitted principal use in the district, provided that all other regulations prescribed for the district shall be complied with, and further provided that said lot was held under separate ownership at the time of the adoption of this ordinance and the owner thereof owned no adjoining land that could be combined with said lot to meet the dimension requirements.

1.b. In the event that compliance with the yard and coverage requirements of the district would result in a residential structure of less width than 24 feet, the Board of Appeals shall determine and fix yard and coverage requirements for said lot to permit its reasonable utilization for a permitted use.

2. **Reduction of Lot Area** - The minimum yards and open spaces, including lot area per family, required by this ordinance shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot be reduced below the district requirements of this ordinance.

3. **Corner Lots** - On a corner lot in any district where a front yard is required, a yard shall be provided on each street equal in depth to the required front yard on each such street. One rear yard shall be provided on each corner lot and the owner shall designate the rear yard on his application for a permit. The Board of Appeals shall determine the yards and building width of a corner lot facing an intersecting street, and of record at the time of the passage of this ordinance, if the yard requirements would result in a residential structure less than twenty-four (24) feet wide.

4. **Visibility at Street Corners** - On a corner lot in any district where a front yard is required, no fence, hedge, wall or other structure or planting more than three feet in height shall be erected, placed or maintained so as to obstruct visibility of vehicular traffic within the triangular area formed by the intersecting street right-of-way lines and a straight line joining said lines at points 20 feet distant from the point of intersection, measured along said lines. Intersections with county or state road shall be in accordance with corresponding transportation department regulations and restrictions imposed by this ordinance.



**5. Transition Yard Requirements -**

- 5.a. Where two districts abut on the same street between two intersecting streets, and the front yard requirements of one district are less than those of the other district, there shall be provided for buildings hereafter constructed or structurally altered within a distance of 50 feet from the district boundary line in the less restricted district a front yard equal in depth to the average of the required depth in the two districts.
- 5.b. Where the side or rear yard of a lot in a Residential District abuts a side or rear yard of a lot in a Commercial District, there shall be provided along such abutting line or lines in the Commercial District a side or rear yard equal in depth to that required in the more restricted district; and in addition, a planting buffer at least 10 feet wide, having evergreen vegetative screening and/or opaque fencing at least 8 feet high may be required by the Town Planning Board in an easement in any Commercial District.

**6. Projecting Architectural Features, Terraces, Porches, Fire Escapes -**

- 6.a. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves and other architectural features, provided, however, that such features shall not project more than two feet into any required yard.
- 6.b. A paved terrace shall not be considered as part of a building in the determination of yard size or lot coverage, provided that such terrace is without a roof and without walls, parapets, or other form of enclosure exceeding six feet in height.
- 6.c. In determining the percentage of building coverage or the size of yards for the purpose of this ordinance, enclosed porches, or porches open at the side but roofed, shall be considered a part of the building.

7. **Walls, Fences and Hedges** - The yard requirements of this ordinance shall not prohibit any necessary retaining wall nor any fence, wall or hedge permitted by the Town Ordinance, provided that in any Residence District such fence, wall or hedge shall be no closer to any front lot line than two feet, and shall comply with visibility at street corners as provided in this Article.

**Section 5.03 V.C. Height Regulations**

1. **Chimneys, Spires, etc.** - The height limitations of this ordinance shall not apply to belfries, church spires, cupolas, and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks or other storage tanks/silos and necessary mechanical appurtenances usually carried above the roof level; not to flag poles, monuments, transmission towers and cables, radio and television antennae or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended, and are subject to planning board review and approval. No advertising device of any kind whatsoever shall be inscribed upon or attached to that part of any chimney, tower, tank or other structure which extends above the roof limitations.

**2. On Through Lots** - On through lots 120 feet or less in depth, the height of a building may be measured from the grade of either street. On through lots more than 120 feet deep, the height regulations and basis of height measurement for the street permitting the greater height shall apply to a depth of not more than 120 feet from that street. - Site Plan Approval and Special Permits

## **Article VI – Site Plan Approval and Special Permits**

### **Section 6.01 Purpose and Authorization**

The purpose of site plan approval and special permit approval is to ensure compliance with the objectives of this ordinance, thereby promoting the public health, safety and general welfare.

This section of the Town of Glen Land Use Management Ordinance is enacted under the authority of Section 274-a of the Town Law of the State of New York to protect the health, safety, convenience and general welfare of the inhabitants of the Town. This Section regulates the development of structures and sites in a manner, which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances.

The power to approve, or approve with conditions, or deny site plans and special permits as required by this article is rested in the planning board. All site plan and special permit applications shall comply with the adopted, current requirements and procedures of the planning board.

### **Section 6.02 Developments Requiring Site Plan Review**

All development projects in all districts other than agricultural in the Rural Residential District require site plan review. In addition, all special permits require site plan review by the planning board.

### **Section 6.03 Procedure**

1. Prior to the submission of a formal site plan, a pre-submission conference may be held wherein the applicant shall meet in person with the Zoning Enforcement Officer to discuss the proposed site plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Town's requirements in matters relating to the development of the site.
2. Within six (6) months following the pre-submission conference, five (5) copies of the site plan and any related information shall be submitted to the Zoning Enforcement Officer, accompanied by a fee in accordance with the schedule of fees of the Town of Glen, payable to the Town Clerk. If the application is not submitted within this six-month period, another pre-submission conference may be required. An Environmental Assessment Form, as required by the State Environmental Quality Review Act, shall also be submitted with the application.
3. The Zoning Enforcement Officer shall certify on each site plan or amendment whether or not the application is complete in accordance with the requirements of this section, and whether the plan meets the requirements of all zoning ordinance provisions other than those of this section, such as setbacks, number of parking spaces, etc. The Zoning Enforcement Officer

shall act to certify the application or return it to the applicant for completion or revision within ten (10) days of submission by the applicant.

4. Following certification of a complete application, the Zoning Enforcement Officer shall forward the application to the Planning Board no later than ten (10) days prior to its next meeting.

5. The Planning Board may, at its discretion, hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of submission to the Planning Board of said complete application. The Planning Board shall give notice of the hearing in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing. In addition, the applicant shall give notice in writing by certified mail, return receipt required to all property owners of the land immediately adjacent to, extending five hundred feet (500') there from, and *directly opposite thereto, extending five hundred feet (500') from the street frontage of the land* in said application. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with such Post Office receipts as have been received as of the date of such hearing.

6. The Planning Board shall make a determination of significance of the proposed site plan according to SEQR. The time limitations of section 19 part 8 shall not apply until the conclusion of the SEQR process.

7. Whenever any Site Plan involved real property in an area described in Section 239-m of the General Municipal Law, said Site Plan shall be referred to the County Planning Board, which Board shall report its recommendations to the Town Planning Board. Failure of the County Planning Board to report within thirty (30) days may be construed to be approval.

The concurring vote of a majority plus one of the Town Planning Board shall be necessary to override County Planning Board recommendations of approval with modification or disapproval. In the event that the County Planning Board recommends modifications or disapproval of a referred matter and the Town Planning Board acts to the contrary, the Town Planning Board shall file a report of its final action with the County Planning Board within seven (7) days after final action.

8. The Planning Board shall, within 62 days of the public hearing, if one is held, or within 62 days of the receipt of a complete site plan application shall either:

- 8.a. Approve the site plan if the Board finds that the plan meets the requirements of this ordinance and any other applicable rules and regulations; or
- 8.b. Condition approval of the site plan upon the applicant making certain changes or modifications to the plan, said conditions to be set forth in writing by the Board; or
- 8.c. Disapprove the site plan, the reasons for such action to be set forth in writing by the Board.

Failure by the Planning Board to act within the required time shall be deemed approval. Should the Planning Board need additional time to consider the application, they may do so only with the consent of the applicant. Said agreement shall be recorded in the meeting minutes.

9. Review of amendments to an approved site plan shall be acted upon in the same manner as the review of an original plan.

## **Section 6.04     Enforcement**

1.     The Planning Board may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. The Zoning Enforcement Officer may suspend any permit or license when work is not performed as required.
2.     Any Special Permit issued under this section shall lapse within one year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to the Town Law shall be included within the one-year time limit.
3.     The Planning Board may adopt additional detailed design guidelines and performance standards, as it deems necessary by majority vote of the Planning Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing. Such standards and guidelines shall not become effective until adopted by the Town Board following a public hearing.

## **Section 6.05     Submission Requirements**

1.     The site plan shall include the following data, details and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan except in accordance with Section 6.05, part 2, below.
2.     The Planning Board may waive any of the requirements of Section 6.05, parts 3 or 4 and parts thereof, prior to the submission of a formal site plan, when such requirements are not material to the project under review.
3.     Site plans shall be prepared by a surveyor, registered professional engineer, architect, or landscape architect at a scale of one inch (1") equals twenty feet (20') or less, on standard 24" x 36" sheets, with continuation on 8 1/2 x 11" sheets as necessary for written information.
4.     Items required for submission include -
  - 4.a.    Name of the project, boundaries, location maps showing site's location in the town, date, north arrow and scale of the plan. This title block shall be located in the lower right hand corner of the Site Plan.
  - 4.b.    Name and address of the owner of record, developer, and seal of the engineer, architect, surveyor or landscape architect.
  - 4.c.    Name and address of all owners of record of abutting parcels and those within five hundred feet (500') of the property line.

- 4.d. All existing lot lines, easements, and rights-of-way. Include areas in acres or square feet, abutting land uses, and the location and size of structures within five hundred feet (500') of the site.
- 4.e. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
- 4.f. The location of all present and proposed public and private way, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping and walls. Location, type and screening details for all waste disposal containers shall also be shown.
- 4.g. The location, height, intensity and bulk type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- 4.h. The location, height, size, materials and design of all proposed signage.
- 4.i. The location of all present and proposed utility systems including the following:
  - 4.i.1. Sewage or septic systems
  - 4.i.2. Water supply system
  - 4.i.3. Telephone, cable and electrical systems
  - 4.i.4. Storm drainage system including existing and proposed drainage lines, culverts, catch basins, headwalls, end walls, hydrants, manholes, and drainage swales

The Planning Board may also require soil logs, soil profile analysis (deep hole test pits), percolation tests and storm water run-off calculations for large developments or developments in environmentally sensitive areas.

- 4.j. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable. There shall be pre and post drainage calculations for the site done by a certified engineer. From this the engineer must show how there will be no increase in runoff from the site. The use of ponds, dry wells, etc. shall be used, but all sites shall have zero increase in runoff so as not to disturb neighboring properties.
- 4.k. Existing and proposed topography at five foot (5') contour intervals. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown and base flood elevations given. Indicate areas within site where ground removal or filling is required, and give its approximate volume in cubic yards.

- 4.l. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features, including size and type of plant material, and erosion control measure. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.
- 4.m. Zoning district boundaries within two hundred feet (200') of the site's perimeter shall be drawn and identified on the plan.
- 4.n. Traffic flow patterns within the site, entrances and exits, loading and unloading area, curb cuts on the site and within two hundred feet (200') of the site.

The Planning Board may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- 4.n.1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic level.
- 4.n.2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
- 4.n.3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.
- 4.o. For new construction or alterations to any existing building, a table containing the following information must be included:
  - 4.o.1. Area of building to be used for a particular use such as retail operation, office, storage, etc.
  - 4.o.2. Maximum number of employees;
  - 4.o.3. Maximum seating capacity, where applicable;
  - 4.o.4. Number of parking spaces existing and required for the intended use
  - 4.o.5. Dimensions, materials, and designs of all structures
- 4.p. Elevation plans at a scale of 1/4" = 1' for all exterior facades of the proposed structures) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.

5. An Environmental Assessment Form (either a short or long form, depending upon the nature of the proposal) shall be submitted with the site plan to insure compliance with the New York State Environmental Quality Review Act (6 NYCRR 617), to identify the potential environmental, social, and economic impacts of the project.

## **Section 6.06      Standards for Review**

The Planning Board shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Pursuant to Section 6.05, Part 3, detailed design guidelines and performance standards may be adopted by the Planning Board to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

1.      **Legal** - Conformance with the provisions of the Local Laws and Ordinances of the Town, the Town Law of New York State, and all applicable rules and regulations of State and Federal agencies.
2.      **Traffic** - Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
3.      **Parking** - Provision for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic.
4.      **Public Services** - Reasonable demands placed on public services and infrastructure.
5.      **Pollution Control** - Adequacy of methods of sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
6.      **Nuisances** - Protection of abutting properties and town amenities from any undue disturbances caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.
7.      **Existing Vegetation** - Minimize the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
8.      **Amenities** - The applicant's efforts to integrate the proposed development into existing landscape through design features, such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
9.      **Town Character** - The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape and the natural landscape.

## **Section 6.07      Consultant Review**

In its review, the Planning Board may consult with the Code Enforcement Officer, Fire Commissioners, Highway Superintendent, other local and county officials, and the town's private design consultants. In addition the Town may also consult with representatives of federal and state agencies, the Soil Conservation Service, the State Department of Transportation, the State Department of Environmental Conservation, and the NYS Department



of Health. If a consultant is retained by the board during the review process the developer shall agree to pay his/her fees. An estimate of his/her fees shall be provided at the beginning of the project. The developer will be required to pay one-third at this time, another third at the time of the public hearing and a final third before a decision is rendered by the Board.

## **Section 6.08 Additional Requirements**

The Planning Board may require such additional provisions and conditions that appear necessary for advancement of the public environment. Such shall include but shall not be limited to the following:

1. **Reimbursable Costs** - Reasonable costs incurred by the Planning Board for private consultation fees or other extra ordinary expense in connection with the review of a proposed site plan shall be charged to the applicant. Such reimbursable costs shall be in addition to the fee required in the Town Schedule of Fees for site plan review.
2. **Performance Guarantee** - No Certificate of Occupancy shall be issued until all improvements shown on the final site plan are installed or a performance guarantee, a letter of credit or a certificate of deposit has been posted for improvements not yet completed. Such performance guarantee, letter of credit or certificate of deposit shall be posted in accordance with procedures specified within the Town Law relating to subdivisions. Additional requirements relating to performance guarantees shall be established by the Town Board. The amount and sufficiency of such performance guarantee shall be established by the Planning Board after consultation with the Code Enforcement Officer, Attorney(s) for the Town and the Planning Board's designated consultants, or other competent persons.
3. **Inspection of Improvements** - The Zoning Enforcement Office shall be responsible for the overall inspection of site improvements, including coordination with the Town's private consultants, as may be appropriate on multi-family residential, commercial and industrial projects.

## **Section 6.09 Appeals**

Any person or persons, jointly or severally aggrieved by any decision of the planning board concerning review of a site plan may bring a proceeding to review in a manner provided by Article Seventy-Eight of the Civil Practice Laws and Rules in a court of record.

## **Section 6.10 Special Permits**

On application and after public notice and hearing by the Planning Board said board may authorize, by resolution, the issuance of a special permit only for those uses in a district where this ordinance requires such a permit. In authorizing the issuance of a special permit, the

Planning Board shall take into consideration the public health, safety, and general welfare and shall prescribe appropriate conditions and safeguard to insure the accomplishment of the following objectives, unless otherwise provided all special permits shall be valid for a period as determined by the Planning Board.

### **1. Objectives of the special Permit Process**

- 1.a.** That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
- 1.b.** That the proposed use is of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- 1.c.** That, in addition to the above, in the case of any use located in, or directly adjacent to a residential district:
  - 1.c.1.** The location size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access street shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or incongruous with, the said residential district or conflict with the normal traffic or the neighborhood and use of adjacent land and buildings or diminish the value thereof.
  - 1.c.2.** The location and height of buildings and structures, the location, nature, and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development.

### **2. Procedure**

Since all special permits require site plan review, the procedure for a special permit shall be the same as specified for a site plan review, Section 6.03 except that a public hearing is mandatory. Site plan and special permit review should be conducted jointly to save time, effort, and repetition of information.

### **3. Conditions and Safeguards**

In authorizing the issuance of a special permit it shall be the duty of the Planning Board to attach such conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the general objectives of this ordinance. The Planning Board may require that special permitted uses be periodically renewed. Such renewal shall be granted allowing due public notice and hearings, and may be withheld only upon determination that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are no longer being complied with.

In such cases, a period of 60 days will be granted the applicant for full compliance prior to the revoking of the said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located providing that

- 3.a. The provision in this ordinance under which such exception was issued is still in effect.
- 3.b. Such exception was issued in conformity with the provisions of this ordinance.
- 3.c. Such use shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

#### **4. Appeals**

Any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning review of a special permit application may bring a proceeding to review in a manner provided by Article Seventy-Eight of the Civil Practice Laws and rules in a court of record.

#### **Section 6.11 Reserved**

## Article VII – Supplementary Regulations

### Section 7.01 Access to Improved Streets or State Highways

In any district, a lot to be used for building purposes shall have direct frontage on an improved street, or highway, or on a street in a subdivision plot approved by the Planning Board.

### Section 7.02 Lots in Two Districts

Where a district boundary line divides a lot in one ownership at the time of adoption of said district line, the regulation for either district may be used up to 100 feet into the other district provided the lot has the minimum required frontage on a street.

### Section 7.03 Drive-In Food Services

Any drive-in food service building shall be located 60 feet or more from any public right-of-way. Such businesses, where persons are served in automobiles, shall not be closer than 200 feet to a Residential District. Arrangements of ingress and egress of vehicles, lights, fences and screening shall be approved by the Planning Board in such a way as not to interfere with uses in the Residential District.

### Section 7.04 Accessory Building - Number, Height and Location

1. **Number** - On any lot intended or used primarily for residential purposes, an accessory building such as private garage for use in connection with the principal dwelling is permitted.
2. **Height** - Maximum height of accessory buildings shall be 25 feet, except that there shall be no height limitation on barns, silos and other farm structures.
3. **Location** - Private garage accessory buildings in Rural Residential Districts, which are not attached to a principal building, may be erected within the rear yard in accordance with the following requirements:
  - 3.a. Rear Yard - Five feet from side or rear property line, except when abutting an alley, then 10 feet,
  - 3.b. Side Yard - Street side of corner lot same as for principal building.
  - 3.c. Not closer to a principal or accessory building than 10 feet

3.d. In any district, accessory buildings other than private garages shall comply with front and side yard requirements for the principal building to which they are accessory and shall be not closer to any rear property line than 10 feet.

4. **Attached Accessory Building in Residence District:** - When an accessory building is attached to the principal building, it shall comply in all respects with the requirements of this ordinance that are applicable to the principal building. The maximum lot coverage shall include all principal and accessory buildings.

## Section 7.05 Quarrying/Soil Mining

1. Any quarry or soil mining operation which will extract 1000 tons or more of material within any twelve consecutive months shall operate only under a valid mining permit issued pursuant to the New York State Mined Land Reclamation Law and related regulations. No further mining permit from the Town shall be required.

2. Any commercial quarrying or soil mining operation which is not subject to the requirements of the New York State Mined Land Reclamation Law and related regulations shall apply to the Zoning Board of Appeals for a Special Use Permit pursuant to Article VII of this law. The issuance of such Special Use Permit shall be subject to the following requirements:

3. A time schedule for completion of either the entire operation, or, if excavation is to occur in stages, of each stage of the operation shall be submitted for approval as part of the Special Use Permit Application.

4. An operations plan, including the number and types of trucks and other machinery to be used on the site, shall be submitted for approval as part of the Special Use Permit Application.

5. A restoration and rehabilitation plan showing both existing contours and proposed final contours after operations are completed shall be submitted for approval as part of the Special Use Permit Application.

6. A performance bond to assure complete restoration and rehabilitation shall be posted in an amount satisfactory to the Planning Board.

7. A buffered area of not less than two hundred (200) feet shall be established between the operation and any residential land use within 1000 feet and shall be planted to evergreen trees so as to screen the operation from public view.

8. Such Special Use Permit shall be restricted to an active working area not to exceed ten (10) acres and a time limit not to exceed five (5) years. In any district, the mining of more than one thousand tons of minerals from the earth within twelve successive calendar months shall require a New York State Department of Environmental Conservation (DEC) permit and approval. Local review by the planning board is not required. The Town Board will be sent a copy of the applicant's proposal and may make suggestions on ingress, egress and hours of operation, but final decisions are that of the DEC.

## **Section 7.06     Junkyards**

See Local Law #2 Adopted 1993.

## **Section 7.07     Signs**

Signs shall comply with the following regulations:

1.     In the Rural Residential and Hamlet districts non-illuminated and non-advertising signs are permitted as follows:
  - 1.a.    One business sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, showing the name or permitted home occupation of the occupant of the premises.
  - 1.b.    One sign not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to the sale, lease or rental, of the land or building.
  - 1.c.    One temporary sign, not to exceed an aggregate of twenty-four (24) square feet of sign area, during and pertaining to construction, repairs or alterations to the property.
  - 1.d.    Institutional or religious announcement sign, not to exceed sixty-four (64) aggregate feet in area.
  - 1.e.    The above signs can be located in any required yard provided that the sign is setback at least fifteen (15) feet from the road right-of-way.
  - 1.f.    Two farm product signs, each not exceeding sixty-four (64) aggregate feet in area, may be displayed on the property, but only when such products are on sale.
  
2.     In Rural Residential (RR), Commercial (C), and Industrial Business Park (IBP), non-flashing, non-advertising signs are permitted as follows:
  - 2.a.    A business sign or signs directing attention to a business or profession conducted, or a commodity, service or entertainment offered or sold on the premises shall be permitted. Such sign can be two sided with a maximum of thirty-two (32) square feet on each side. The size of the sign may increase if the road frontage, on which the sign is displayed, is over five hundred (500) feet. For each additional five hundred (500) feet of road frontage, the sign may increase twenty-five (25) square feet on each side with a maximum total of one hundred (100) square feet on each side. No such sign shall project into or over the public right-of-way. In the case of a retail store or other group of related buildings, in addition to the general sign, each individual unit may display an identification sign affixed flat against the building. Said sign may be a maximum of ten (10) percent of the vertical square feet of the side of the building it is attached to.

- 2.b. If illuminated, the source of light shall not be visible.
- 2.c. Non-illuminated real estate signs, not over sixteen (16) square feet in aggregate area, advertising the sale, rental or lease of the premises on which they are located are permitted.

## **Section 7.08 Permanent Building Foundations**

All dwellings, including One-family, Two-Family, Multiple-Family, Board or Rooming Houses, Mobile Homes, and Modular homes shall be placed upon a permanent foundation, except for mobile homes located within a mobile home court in a Rural Residential District and temporary mobile homes allowed by special permit from the Planning Board.

## **Section 7.09 Sight Distance at Intersections**

No obstructions to vision, such as shrubbery, brush, trees, earth, signs or structures, shall be permitted at road intersections within the triangle formed by the intersections of road center lines and a line drawn between points along such lines 20 feet distance from their point of intersection.

## **Section 7.10 Landscaping Requirements**

1. Where any permitted non-residential land use, multiple-family development or mobile home park abuts an existing residential parcel or vacant parcel where residential development could occur, a strip of land at least 20 feet wide shall be maintained as a landscaped area in the front, side and/or rear yard which adjoin these uses.
2. Required landscaping shall be installed and maintained in a healthy growing condition and shall take the form of any or all of the following: shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover.

## **Section 7.11 Corner and Through Lots**

Front yard setbacks and minimum road frontages are required on both road fronts. The two remaining yards shall be designated by the applicant as to which will be the rear yard and which will be the side yard.

## **Section 7.12 Flag Lots**

1. The access strip of land shall be a minimum of 60 feet wide.
2. The minimum lot area, lot width and lot depth requirements shall be met exclusively of the land contained in the access strip.
3. Minimum front, side and rear setback requirements shall be met, excluding the narrow access strip.
4. No more than one flag lot shall be served by a single access strip.
5. Access strips shall be a minimum distance apart of at least the minimum lot width in the zoning district.
6. Access strip shall not be a right-of-way, but shall be owned in fee title by the owner of the flag parcel.
7. No more than 10 percent of the lots in a new residential subdivision approved after the date of the adoption of these zoning revisions shall be flag lots.

## **Section 7.13 Environmental Quality Review**

The State Environmental Quality Review Act (SEQR) requires that local government examine the environmental impact of all actions they permit, fund or construct. Article 8 and Part 617 of Title 6 of the New York Code of Rules and Regulations are hereby adopted by reference.

## **Section 7.14 Exterior Lighting**

In no case shall any exterior lighting be directed toward the highway so as to interfere with the vision or attract the attention of the driver of a motor vehicle, nor shall the light be directed toward any other lot or cause excessive illumination to adjacent properties.

## **Section 7.15 Mobile Homes**

See Local Law #1 Adopted 1990.



## **Section 7.16 Public Utility Facility Personal Wireless Service Facility**

Public utility substations and similar structures, shall comply with the following:

1. Facility shall be surrounded by a fence set back from property lines in conformance with district regulations for front, side and rear yards.
2. Landscaped area at least 20 feet wide shall be maintained in front, side and rear yards.
3. There shall be no equipment visible from surrounding property.
4. Public Utility Services' line poles and attendant lines will be allowed, as necessary, in all districts.

## **Section 7.17 Swimming Pools**

### **1. Accessory to Single Family Dwellings**

Swimming pools, whether permanent or portable, having depth of at least two (2) feet, shall meet the front, rear, and side setback requirements.

### **2. Accessory to Residential Developments**

Swimming pools accessory to residential developments, whether clustered single-family dwellings, seasonal dwelling, camps or multi-family dwelling, shall be of permanent construction and shall be located not closer than 10 feet to any lot line and closer than 10 feet to any dwelling unit and shall meet the setback of the existing house.

### **3. Non-Residential**

Swimming pools that are part of non-residential uses, whether commercial or non-commercial, such as hotels, motels, clubs, campgrounds, day-use recreational facilities or institution, shall be of permanent construction and shall be located not closer than the setback requirements for the district in which it is located.

### **4. Fencing**

Fencing of swimming pools shall comply with the New York State Uniform Fire Prevention and Building Construction Code requirements.

## **Section 7.18 Adult Oriented Businesses Overlay**

See Local Law #3 - Adopted 1989.

## Section 7.19 Off-Street Loading Facilities

Off-street loading facilities shall be provided for each commercial or industrial establishment hereafter erected or substantially altered and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Loading requirements apply to individual occupancy's and are exclusive of driveways, aisles and other necessary circulation areas. For uses not specified, the Board of Appeals shall establish loading requirements, after recommendation of the Planning Board

Loading space requirements for certain uses are specified in the following table. For uses not specified, the Planning Board and the Zoning Board of Appeals shall establish loading requirements. Loading requirements apply to each occupancy and are exclusive of driveways, aisles and other necessary circulation areas.

<b>Table of Off Street Loading</b>	
<b>Off Street Loading Use</b>	<b>Spaces Required</b>
All Commercial Use	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
All Industrial Use	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Institution	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Hospital	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor
Hotel	1 space for five thousand (5,000) SF or more gross floor area, plus 1 space for each additional six thousand (6,000) SF gross floor

## Section 7.20 Windmills

For electricity.

## Section 7.21 Historical District

See over-lay within Hamlet (H) District.

## **Section 7.22 Waste Management**

See Appendix C for Local Law #1a Adopted 1998.

## **Section 7.23 Wells and Septic Systems**

Minimum property setbacks for wells and septic systems is 50 feet from property line.

## **Section 7.24 Reserved**

## **Section 7.25 Reserved**

## **Section 7.26 Reserved**

## **Section 7.27 Reserved**

## **Section 7.28 Reserved**

## **Section 7.29 Non-Conforming Uses**

The lawful use of any land or building existing at the time of adoption of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Any such building may be reconstructed or structurally altered and the non-conforming use thereby changed, provided the following conditions prevail:

## **Section 7.30 Non-Conforming Uses of Buildings**

1. **Reconstruction or Alteration** - A non-conforming building may not be reconstructed or altered during its life to exceed fifty (50) percent of its fair value, unless such building is changed from a non-conforming use to a conforming use as defined by this Ordinance, except that a mobile home which is a pre-existing non-conforming use may be replaced with a new or larger mobile home, provided that such exchange is made within 30 days, after the owner has obtained a building permit to make the exchange.

2. **Restoration** - A building, non-conforming as to use, which has been damaged by fire or other causes to the extent of seventy-five (75) percent of its fair value, and has not been

repaired or reconstructed for the same non-conforming use within a period of twelve (12) months, shall not be repaired or reconstructed except in conformance with the regulations of the District in which such building is located.

**3. Discontinuance** - When a non-conforming use has been discontinued for a period of twelve (12) months, any future use of such building shall conform to the regulation for the District in which it is located.

**4. Changes** - A non-conforming use may not be changed to another non-conforming use under the provisions of this Section.

**5. Completion of Building** - Any building lawfully under construction at the time of enactment of this Ordinance may be completed.

### **Section 7.31 Non-Conforming Use of Land**

The non-conforming use of land shall not be enlarged or extended beyond the area of land occupied by such use at the time of adoption of this Ordinance. A non-conforming use of land may not be moved in whole or in part to any other portion of the lot or parcel of land occupied by such non-conforming use at the time of adoption of this Ordinance. If a non-conforming use of land is discontinued for a period of twelve (12) consecutive months, it shall not be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.

## **Article VIII - Administration**

### **Section 8.01 Enforcement**

The Town Board shall designate an Officer to enforce this law. The Enforcement Officer shall in no case grant any building permit where the proposed erection, alteration, relocation, or use would be in violation of any provision of this law. The Enforcement Officer shall make inspections of buildings or premises necessary to carry out his duties. No permit or certificate of occupancy required hereunder shall be issued by the Enforcement Officer except in compliance with the provisions of this law or as directed by the Board of Appeals under the provisions of ARTICLE XII.

### **Section 8.02 Building Permit**

1. No building shall hereafter be erected, relocated or altered as to outside dimensions or so as to permit a change in its use and no excavation for any building shall be begun unless and until a permit therefore has been issued by the Enforcement Officer.
2. No such permit shall be issued until there has been filed with the Enforcement Officer a sketch or plot plan showing the actual dimensions and angles of the lot to be built upon, the exact size and location of the lot of the building or accessory buildings to be erected, relocated or altered and such other information of this ordinance. Each application shall state the purpose for which the structure of land is to be used and a general description of the type of construction. A working drawing of any proposed building shall be filed with the application for a building permit.
3. The Enforcement Officer shall act upon all applications for building permits within a reasonable time not to exceed 10 days, and shall, within such period, issue or refuse to issue such permits. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing, and shall state the reason for said refusal. The building permit fee for shall be set by the Town Board. The fees charged shall be reviewed periodically.
4. A building permit shall be issued for a period of one year and may be renewed for two additional years. If the improvements described in the application for a building permit have not been completed within three years from the date that the permit is issued, the owner shall apply to the Zoning Board of Appeals to continue the permit in force.
5. No building permit shall be issued for lots in an approved subdivision except as provided for in the subdivision regulations.

### **Section 8.03 Certificate of Occupancy**

No land shall be used or no building occupied, prior to the issuance of a certificate of occupancy by the Code Enforcement Officer. Under such rules as may be established by the Board of

Appeals, a temporary certificate of occupancy for not more than 30 days for a part of a building may be issued by the Enforcement Officer. For previously existing construction, the Enforcement Officer may, on request, issue such certificate if he determines that the use of the building in question meets the requirements of the ordinance.

A certificate of occupancy shall be issued only if the proposed use and construction of the building or land conforms to the provisions of this ordinance and to the plot plan, purpose and description of which the permit was issued. The Enforcement Officer shall make or cause to have made an inspection of each building or lot for which a certificate of occupancy has been applied before issuing such certificate. Such inspection shall be made within ten (10) days from the date of application, with Saturdays, Sundays and legal holidays being the exception.

The Enforcement Officer shall deny a certificate of occupancy if any violation of the State or County Health regulations is discovered. The issuance of a Certificate of Occupancy shall not be construed as a representation by the Town that the premises complies with such health Regulations, but solely that no violations have been found.

## **Section 8.04      Violations**

Any person, firm or corporation who commits an offense against, disobeys, neglects or refuses to comply with or resists the proper enforcement of any of the provisions of these regulations shall, upon conviction, be deemed guilty of a violation, punishable by a fine of \$350.00, or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each week an offense is continued shall be deemed a separate violation of these regulations.

If any building or structure is erected, constructed, reconstructed, altered, converted or maintained; or any building, structure or land is used; or any land is divided into lots, blocks, or sites, In violation of this Ordinance, the Town Board or the Zoning Enforcement Officer may institute an action or proceeding in the Town Justice Court or In the County Court, Montgomery County, to prevent such unlawful conduct; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about subject premises. In any such action by the Town Board or the Zoning Enforcement Officer, any person found to have violated the ordinance shall be liable to the Town.

## **Article IX – Zoning Board of Appeals**

### **Section 9.01      Creation, Appointment and Organization**

A Zoning Board of Appeals is hereby created. The Zoning Board of Appeals chooses its own Chair, to be ratified by the Town of Glen Full Board. The Zoning Board of Appeals shall prescribe rules for the conduct of its affairs.

## Section 9.02 Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties prescribed as by statute and by this Ordinance, which are more particularly specified as follows:

1. **Interpretation:** Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.
2. **Appeals for Variances:** The Zoning Board of Appeals shall hear requests for variances. Not all requests for variances need include a denial from the Zoning Enforcement Officer. New State laws passed in 1993 allow applicants with proposed subdivisions or site plans which lack minimum area, frontage or setback requirements to appeal directly to the Zoning Board of Appeals.
3. **Area variances:** Area variances may be granted where setback, frontage, lot size, density or yard requirements of this ordinance cannot be reasonably met. In making decisions, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Zoning Board of Appeals shall also consider the following:
  - 3.a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance;
  - 3.b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - 3.c. Whether the requested area variance is substantial;
  - 3.d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - 3.e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it deems necessary and adequate and yet at the same time which will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. **Use Variance -** Use variances may be granted by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulation. No such variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The applicant shall demonstrate to the Zoning Board of Appeals that:

- 4.a. Under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
- 4.b. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;
- 4.c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- 4.d. That the alleged hardship has not been self created.

5. Procedure –

- 5.a. All applications for variances shall be in writing on forms established by the Zoning Board of Appeals and are available from the Zoning Enforcement Officer.
- 5.b. Every application shall refer to the specific provision of the law involved and establish the details of why the variance should be granted.
- 5.c. Upon receipt of the completed application, the Zoning Board of Appeals shall:
  - 5.c.1. Schedule a public hearing within 62 days;
  - 5.c.2. Arrange publication of notice of public hearing in the Town's official newspaper;
  - 5.c.3. Notify the applicant of the date of the public hearing at least 15 days in advance of such hearing.
  - 5.c.4. All use variances submitted to the Zoning Board of Appeals shall be referred to the Planning Board for review as to the conformance with the objectives of the Comprehensive Plan. No decision shall be made by the Zoning Board of Appeals until the Planning Board review has been completed and a report has been issued. If the Planning Board fails to issue its report within 30 days, the Zoning Board of Appeals shall assume that a favorable report has been issued.
  - 5.c.5. Refer application to the County Planning Board as required by General Municipal Law Section 239, if required.
  - 5.c.6. Determine whether a Draft Environmental Impact Statement should be required.

The applicant shall notify by certified mail, return receipt required, all landowners within 500 feet of the applicant's parcel. The Zoning Board of Appeals shall render a decision within 62 days of the close of the Public Hearing. If the matter was referred to the County Planning Board, a copy of the Zoning Board of Appeals' findings and decision must be sent to the County Planning Board. All decisions made by the Zoning Board of Appeals shall be by resolution, each of which will contain a full record of the findings of the Board in the particular case. Each such resolution shall be filed in the office of the Town Clerk by case number under one or another of the



following headings: Interpretations, Use Variances and Variance Variances; together with all documents pertaining thereto. The Zoning Board of Appeals shall notify the Town Board of each variance granted under the provisions of this ordinance.

# **Article X – Amendments to the Land Use Law Management Ordinance**

## **Section 10.01 How Amendments are Initiated**

The Town Board may, from time to time, on its own motion, amend, supplement, repeal or change the regulations or district boundaries established by this ordinance.

Whenever the owners of fifty (50) percent or more of the frontage in any district or part thereof included in such change shall present a petition duly signed and acknowledged to the Town Board requesting an amendment, supplement or change of the regulations prescribed for such district or part thereof, it shall be the duty of the Town Board to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Town Clerk.

The Planning Board may, by resolution, propose an amendment to the Town Board suggesting a change or repeal of specific portions of the regulation. Within ninety (90) days from the time such resolution is filed with the Town Clerk it shall be the duty of the Board to vote on such proposed amendment.

## **Section 10.02 Referral of Amendments to Town Planning Board**

All proposed amendments, supplements or change originating by petition, or by motion of the Town Board, shall be referred to the Town Planning Board for a report and recommendation thereon. The Town Planning Board shall submit its report within forty-five (45) days after receiving referral. Failure of the Planning Board to report within the required time may be deemed to be approval of the proposed amendment.

## **Section 10.03 Hearing on Proposed Amendment**

Before any amendment, supplement or change in the regulations or district boundaries, there shall be a public notice and hearing thereon as provided by law. The notice of hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Such hearing may be held by the Town Board, by a committee of the Board, or by the Planning Board on request

## **Section 10.04 Adoption of Amendment**

After the public hearing, and referral to and report by the Planning Board, a majority vote of the members of the Town Board shall be required to amend the Zoning Ordinance except as described in Section 10.04 Protest Petition.

## **Section 10.05 Protest Petition**

If a protest against a proposed amendment, supplement or change is presented to the Town Board, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owner of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of three fourths of the Town Board.

## **Section 10.06 Reserved**

# **Article XI - Miscellaneous**

## **Section 11.01 Periodic Review of Zoning Ordinance**

From time to time, at intervals of not more than three (3) years, the Planning Board shall re-examine the provisions of this ordinance and the location of district boundary lines and shall submit a report to the Town Board, recommending such changes or amendments, if any, which may be desirable in the interest of public safety, health, convenience, necessity or the general welfare.

## **Section 11.02 Validity**

The validity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

## **Section 11.03 Interpretation**

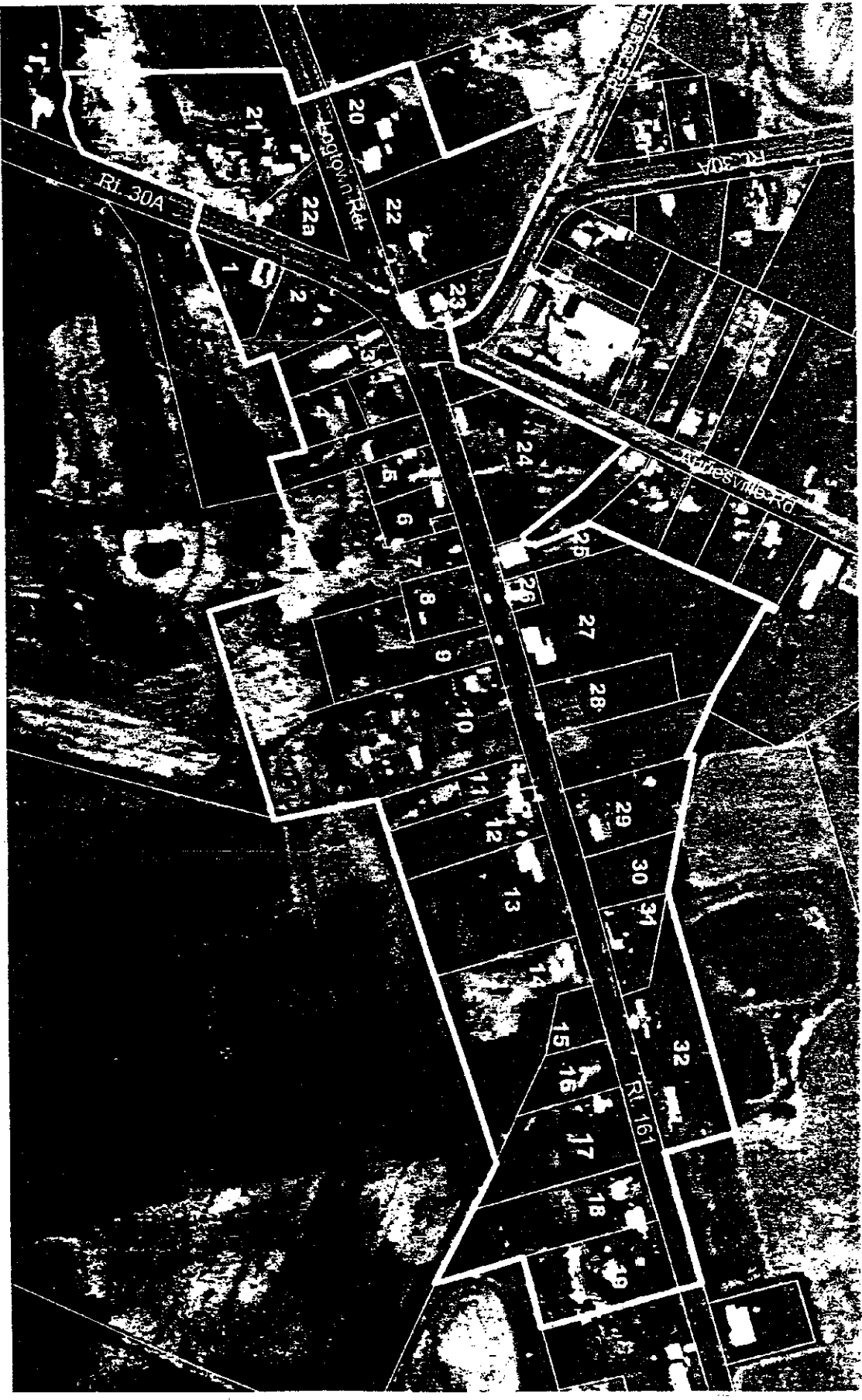
In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the high standard shall govern.

**Section 11.04 When Law Becomes Effective**

**Section 11.05 Reserved**

# GLEN HISTORIC DISTRICT

GLEN, MONTGOMERY COUNTY, NEW YORK



**KEY**

 Historic District Boundary



100 0 100 200 300 400 500 600 Feet

Source:  
NYS Digital Ortho Quarter Quad, Tribes Hill SW 4-3-97  
Montgomery County Real Property Tax Service Agency  
Prepared by:  
Montgomery County Planning Department, March 2001




# Town of Glen



Montgomery County Dept.  
of Planning & Development  
January 2000

## Land Use Zoning Map

### Key

-  Rural
-  Hamlet
-  Commercial
-  Industrial



## HAMLET DISTRICT (H)

Permitted Uses	Special Permitted Uses	Minimum Lot Size		Maximum Lot Coverage	Minimum Living Area (sf)	Number Building Stories	Building Height (ft)	Yard Dimensions (ft)			
		Area (sf)	Width (ft)					Front	Side	Rear	
Single Family Dwelling		80,000 SF	200 LF	20%	1000 SF	2.5	35	50	25	50	50
Community Park or Playground		20,000 SF	100 LF	5%	****	1	15	50	10	20	10
Two Family Dwelling		80,000 SF	200 LF	20%	1,000 SF/Unit	2.5	35	50	25	50	50
Farm & Accessory Building or Uses		****	****	****	****	****	****	50	25	50	50
Fire Station, Municipal Bldg.		****	****	****	****	****	****	50	25	50	50
Historical Bldg. or Site		****	****	****	****	****	****	****	****	****	****
Accessory Use & Building		****	****	See Section 31	****	****	****	50	10	20	10
	Church	50,000 SF	200 LF	25%	****	****	****	50	25	50	50
	Parish house or Convent	80,000 SF	200 LF	20%	1,000 SF	2.5	35	50	25	50	50
	Public and Parochial School, Colleges	5.0 Acres	500 LF	25%	****	2	35	50	50	100	50
	Hotel	****	****	30%	****	****	****	50	20	50	30
	Marina	****	****	30%	****	1	35	50	20	50	30
	Gasoline Station	40,000 SF	150 LF	20%	****	1	30	50	25	50	50
	Multi-Family Dwelling	80,000 SF	200 LF	10%	1,000 SF/Unit	2.5	35	50	25	50	50
	Bed & Breakfast Est.	80,000 SF	200 LF	20%	1,000 SF	2.5	35	50	25	50	50
	Retail Store	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Personal Service Shop	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Bank	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Custom Work Shop	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Museum	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Laundrette	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Restaurant	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	General Store	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Home Occupation	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Professional Office, Studio	40,000 SF	150 LF	30%	****	2	35	50	10	25	30





**COMMERCIAL DISTRICT – (C)**

Permitted Uses	Special Permitted Uses	Minimum Lot Size	Area (sf)	Width (ft)	Maximum Lot Coverage	Minimum Living Area (sf)	Number Building Stories	Building Height (ft)	Yard Dimensions (ft)			
									Front	Side	Rear	
Bed & Breakfast Est.		80,000 SF	200 LF		20%	1,000 SF	2.5	35	50	25	50	50
Personal Service Shop		40,000 SF	150 LF		30%	*****	1	30	50	10	25	30
Retail Store		40,000 SF	150 LF		30%	*****	1	30	30	10	25	30
Museum		40,000 SF	150 LF		30%	*****	1	30	50	10	25	30
Custom Work Shop		40,000 SF	150 LF		30%	*****	1	30	50	10	25	30
Radio, TV or household appliance sales or service		40,000 SF	150 LF		30%	*****	1	30	50	10	25	30
Funeral Home		40,000 SF	150 LF		30%	*****	1	30	50	10	25	30
Antique Shop		40,000 SF	150 LF		30%	*****	1	30	50	10	25	30
Animal/Veterinary Hospital		40,000 SF	150 SF		30%	*****	*****	*****	50	10	50	30
Feed, Lumber, Seed or Fertilizer Building		40,000 SF	150 LF		30%	*****	*****	*****	50	10	50	30
Carwash		20,000 SF										
Fire Station or Municipal Bldg		*****	*****		*****	*****	*****	*****	50	25	50	50
Cabinet, electrical, heating, plumbing or air conditioner shop		40,000 SF	150 LF		30%	*****	1	30	50	20	50	30
Mobile Home as part of farm operation		*****	*****		*****	600SF	1	15	50	10	25	50
Community Park or Playground		20,000 SF	100LF		5%	*****	1	15	50	10	20	10
Retail Bakery		40,000 SF	150 LF		30%	*****	1	30	50	20	50	30
Historic Bldg or site		*****	*****		*****	*****	*****	*****	*****	*****	*****	*****
Laundry or Dry Cleaning Plant		40,000 SF	150 LF		30%	*****	2.5	35	50	20	50	30
Farm and Accessory Use Building		*****	*****		*****	*****	*****	*****	50	25	50	30
One Family Dwelling		80,000 SF	200 LF		20%	1,000 SF	2.5	35	50	25	50	50

**COMMERCIAL DISTRICT - (C)**

Permitted Uses	Special Permitted Uses	Minimum Lot Size		Maximum Lot Coverage	Minimum Living Area (sf)	Number Building Stories	Building Height (ft)	Yard Dimensions (ft)			
		Area (sf)	Width (ft)					Front	Side	Rear	
Accessory Use of Building		****	****	See Section 31	****	****	****	50	10	20	10
Home Occupation		80,000 SF	200 LF	20%	1,000 SF	2.5	35	50	25	50	50
	Gasoline Station	40,000 SF	150 LF	20%	****	1	30	50	25	50	50
	Professional Office, Studio	40,000 SF	150 LF	30%	****	2	35	100	20	50	30
	Bank	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Public Utility Facility	10,000 w/o bldg	200 LF	25%	****	1	30	50	25	50	50
	Hotel	****	****	30%	****	****	30	50	20	50	30
	Public Garage	40,000 SF	150 LF	30%	****	1	30	50	20	50	30
	Restaurant	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Fuel Sales and Storage	40,000 SF	150 LF	30%	****	1	30	50	25	50	30
	Automobile, boat, farm implementation, or mobile home sales or rental	40,000 SF	150 LF	30%	****	1	35	50	20	50	30
	Indoor Storage of non-liquid, non-gaseous fuel	40,000 SF	150 LF	30%	****	1	30	50	25	50	30
	Bowling Alley	80,000 SF	200 LF	30%	****	1	35	50	20	50	30
	Two Family Dwelling	80,000 SF	200 LF	20%	1,000 SF/Unit	2.5	35	50	25	50	50
	Multi Family Dwelling	80,000 SF	200 LF	20%	1,000 SF/Unit	2.5	35	50	25	50	50
	Adult Oriented Business	80,000 SF	200 LF	20%	1,000 SF/Unit	2.5	35	50	25	50	50
	Tavern	80,000 SF	200 LF	20%	1,000 SF/Unit	2.5	35	50	25	50	50

**INDUSTRIAL BUSINESS DISTRICT – (IBD)**

Permitted Uses	Special Permitted Uses	Minimum Lot Size	Maximum Lot Coverage	Minimum Living Area (sf)	Number Building Stories	Building Height (ft)	Yard Dimensions (ft)			
							Front	Side	Rear	
Wholesale Storage/Warehouse		*****	30%	*****	*****	*****	50	20	50	30
Lightweight Assembly Plant		*****	30%	*****	*****	*****	50	20	50	30
Manufacture or Assembly of Elec. Devices or Instruments		*****	30%	*****	*****	*****	50	50	100	50
Printing or Publishing Plant		*****	30%	*****	*****	*****	50	20	50	30
Tool, Die Pattern, Machine shop		*****	*****	*****	*****	*****	50	50	100	50
Manufacturing or processing dairy or other food products		*****	*****	*****	*****	*****	50	50	100	50
Distribution Center		*****	*****	*****	*****	*****	50	50	100	50
Research & Development Center										
Transportation Services incl. Auto & truck rental & public garages			30%	*****	3	48	100	20	50	30
Professional Offices			*****	*****	*****	*****	50	10	20	10
Custom. Accessory use or bldg.		*****	*****	*****	*****	*****	50	50	100	50
Cold storage plant		*****	*****	*****	*****	*****	50	25	50	50
Farm & Access. Use or bldg		*****	*****	*****	*****	*****	50	50	100	50
	Manufacture of textile prod. Or leather goods	*****	*****	*****	*****	*****	50	50	100	50
	Manufacture or fabrication metal, concrete, stone, plastic, paint, fiber or wood products	*****	*****	*****	*****	*****	50	50	100	50
	Truck terminal	*****	*****	*****	*****	*****	50	50	100	50
	Bulk storage of inflammable liquids (or as Board requires)	*****	*****	*****	*****	*****	50	50	100	50
	Public Utility facility	50,000 SF	25%	*****	2.5	35	50	25	50	50

**RURAL RESIDENTIAL DISTRICT - RR**

Permitted Uses	Special Permitted Uses	Minimum Lot Size		Maximum Lot Coverage	Minimum Living Area (sf)	Number Building Stories	Building Height (ft)	Yard Dimensions (ft)			
		Area (sf)	Width (ft)					Front	Side	Rear	
Single Family Dwelling		80,000 SF	200 LF	20%	1000 SF	2.5	35	50	25	50	50
Two Family Dwelling		80,000 SF	200 LF	20%	1000 SF/Unit	2.5	35	50	25	50	50
Townhouse		80,000 SF	200 LF	10%	1000 SF/Unit	2.5	35	50	25	50	50
Mobile Home		80,000 SF	200 LF	10%	860 SF/Unit	1.0	15	50	25	50	50
Farm and Accessory Buildings & Uses		****	****	****	****	****	****	50	10	20	10
Mobile Home as Part of Farm Operation		****	****	****	600 SF	1.0	15	50	10	25	50
Nursery		5 Acres	200 LF	25%	****	****	****	50	25	50	50
Community Park or Playground		20,000 SF	100 LF	5%	****	1	15	50	10	20	10
Accessory Use & Bldg		****	****	See Section 31	****	2	35	50	10	20	10
Home Occupation		80,000 SF	200 LF	20%	1000 SF/Unit	2.5	35	50	25	50	50
Picnic Grove		****	****	****	****	2.5	35	50	25	50	50
Multi Family Dwelling		80,000 SF	200 LF	10%	1000 SF/Unit	2.5	35	50	25	50	50
Cluster Housing											
Bed & Breakfast Est.		80,000 SF	200 LF	20%	1,000 SF	2.5	35	50	25	50	50
Boarding or Rooming House		80,000 SF	200 LF	20%	1,200 SF	2.5	35	50	25	50	50
Mobile Home Park		6,000 SF/MH	600 LF 70 Per MH	20% Per MH	860 SF Per MH	1	15	100	50	100	50
Church		80,000 SF	200 LF	25%	****	****	****	50	25	50	50
Parish House or Convent		80,000 SF	200 LF	20%	1,000 SF	2.5	35	50	25	50	50
Public Parochial School or College		5.0 Acres	500 LF	25%	****	2	35	50	50	100	50
Nursing or Convalescent Home for aged		150,000 SF	200 LF	25%	600 SF	2.5	35	50	25	50	50
Adult Residential Center (ARC)		150,000 SF	200 LF	25%	600 SF	2.5	35	50	25	50	50
Day Care											
Laundrette		40,000 SF	150 LF	25%	****	1	30	50	25	50	50
Retail Store		40,000 SF	150 LF	25%	****	1	30	25	25	50	50

**RURAL RESIDENTIAL DISTRICT – RR**

Permitted Uses	Special Permitted Uses	Minimum Lot Size		Maximum Lot Coverage	Minimum Living Area (sf)	Number Building Stories	Building Height (ft)	Yard Dimensions (ft)			
		Area (sf)	Width (ft)					Front	Side	Rear	
									One	Both	
	Golf Course, Country Club or Other Sporting Facilities Fish and Game Club	75 Acres ****	200 LF ****	****	****	2.5	35	100	50	100	100
	Commercial Recreation	25 Acres ****	600 LF ****	20%	****	2.5	35	100	50	25	50
	Public Building	****	****	****	****	****	****	50	25	50	50
	Animal/Veterinary Hospital	40,000 SF	150 LF	30%	****	1	30	50	10	25	30
	Kennel (5 or more animals)										
	Boarding Stables										
	Funeral Home										
	Crematorium										
	Firehouse / Emergency Services										
	Self Storage										
	Radio, TV Transmitter or Receiving Tower w/bldg.	50,000 SF	200 LF	25%	****	1	35	50	25	50	50
	Radio, TV Transmitter or Receiving Tower w/o bldg.	10,000 SF	100 LF	20%	****	****	****	25	25	50	50
	Car Wash										
	Public or Private Utility Facility w/bldg.	50,000 SF	200 LF	25%	****	1	35	50	25	50	50
	Public or Private Utility Facility w/o bldg.	10,000 SF	100 LF 20%	20%	****	****	****	25	25	50	50
	Personal Wireless Service Fac. (Cell Tower)	50,000 SF	200 LF	25%	****	****	****	50	25	50	50
	Wind Tower										
	Organic Fertilizer Manufacturing (Composting)										
	Farm Products Plans	****	****	****	****	****	****	100	100	200	100
	Topsoil Operation										
	Earth, Sand, Gravel or Mineral Excavation	****	****	****	****	****	****	100	100	200	100
	Gas & Oil Extraction										
	Agricultural Lime Manufacturers	5 Acres	200 LF	25%	****	****	****	50	100	200	50



**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

*Roxanne Douglass*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body.  
Roxanne Douglass, Town Clerk

Date: June 13, 2006

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF MONTGOMERY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Robert J. Kruger*

Signature  
Robert J. Kruger, Attorney  
Title

County Montgomery  
City of Town of Glen  
Town  
Village

Date: June 13, 2006

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 06 of the (County)(City)(Town)(Village) of Glen was duly passed by the Town Board of the Town of Glen on June 12 20 06, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ (Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.