

Town of Northampton, New York

Zoning and Subdivision Law

Local Law No. 1 of 2016

Resolution 11 of 2016

Amended Article IV, District Regulation:

(C)(1)(b)(1)(a);

(C)(2)(a) Shoreline Restrictions:

(C) Schedule B: Dimensional Standards, Required Yard Setbacks, Front;

(C) Schedule B: Dimensional Standards, Shoreline Restrictions, Setback.

Amended Article VIII, Subdivision of Land:

(C)(2)(b) Submissions requirement;

(D)(3)(c) Public hearing;

(D)(4)(a)(4)(a); (D)(4)(b)(3)(b) Action on subdivision plat;

(G)(7) Preliminary Plat.

Amended Article X: Temporary Uses:

(C)(1)(a) Recreational Vehicles on Undeveloped Lots;

(C)(1)(b) Recreational Vehicles on Undeveloped Lots.

Amended Article XII, Site Plan Review:

(G)(2)(b) Public Hearing.

Amended Article XIII, Variances and Appeals:

(D)(1)(b) Public Hearings, Notices and Referrals.

Amended Article XVI, Definitions:

(B) Guest Cottage;

(B) Add definitions for Structural Alterations.

Adopted 2016

Local Law No. 1 of 2012

Resolution 2012-05

Adopted May 16, 2012

Local Law No. 1 of 2013

Resolution 2013-05

Amended Article XIV, Section D (2) Penalties

Adopted May 15, 2013

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ARTICLE I: TITLE AND PURPOSE

A. Title

This law shall be known and cited as the “Zoning and Subdivision Law for the Town of Northampton.”

B. Authority

The Town Board of the Town of Northampton is authorized to enact this ordinance by the authority and power granted by New York State Town Law, Article 16, Section 261 and Municipal Home Rule Law Article 2, Section 10.

C. Applicability

This Law applies to all buildings, structures, lands and uses over which the Town of Northampton has jurisdiction. Compliance with all other Town laws, regulations and ordinances is required as well as this Zoning and Subdivision Law, whether or not such provisions are specifically referenced in this Zoning and Subdivision Law. Where this Law is more restrictive than other laws or regulations or ordinances, the provisions of this Law shall supersede.

D. Purpose

This Zoning and Subdivision Law is consistent with the Town of Northampton’s Comprehensive Plan and its vision of fostering and promoting the Town as a place with a strong sense of neighborhood and community that is friendly and family-oriented; that values its history and historical properties; that is known for its responsible land use and balanced growth; and is a vital and growing community which values its small, Adirondack-Town character. This Zoning and Subdivision Law is designed to achieve the community’s vision and goals as expressed in the Town’s Comprehensive Plan.

E. Repeal of existing ordinance

This Law repeals the existing Zoning Ordinance of the Town of Northampton in its entirety.

ARTICLE II: PERMITS AND APPROVALS PROCESS

A. Permits and Approvals

1. No development may be commenced within the Town of Northampton prior to the issuance of all relevant permits or approvals. The types of permits and approvals include the following:

BUILDING PERMITS and CERTIFICATES OF OCCUPANCY: The issuing, posting and expiration of Building Permits and the issuance of Certificates of Occupancy will be done according to Article XIV, Administration and Enforcement.

SITE PLAN APPROVALS: Site Plan review and approval shall be required for all proposed construction and expansion projects except related to certain agricultural uses, and single- and two-family dwellings and their customary accessory uses. The Site Plan Review and approval process is provided in Article XII.

SPECIAL USE PERMITS: All required Special Use Permit applications as identified in Schedule A shall be subject to the Special Use Permit provisions of Article XI and may be subject to the Site Plan Review provisions of Article XII.

PLANNED DEVELOPMENT DISTRICTS: All Planned Development District applications shall be subject to the provisions of Article VII.

SUBDIVISION APPROVALS: All applications for the subdivision of land shall be subject to the Subdivision of Land provisions of Article VIII.

VARIANCES: All area and use variances shall be subject to the provisions of Article XIII.

ZONING PERMIT: A Zoning Permit shall be required for, but not limited to: the conversion or change in use of any existing building, structure, or parcel of land to verify that such use is in accordance with this Law; the construction or alteration of a sign; and the establishment of a major home occupation, the active use of an accessory apartment and the use of a recreational vehicle on an unimproved lot as defined in this Law. The Zoning Permit process is provided in Article XIV, Administration and Enforcement.

B. Fees and Expenses

1. Fees required by this Law shall be paid upon the submission of applications and appeals.
2. Fees related to this Law shall be set forth in a fee schedule established by the Town Board. The Town Board shall, each year, at its organizational meeting, readopt its fee schedule for the new Town fiscal year. The Town Board shall also have the power to amend the fee schedule, from time to time, in its discretion when circumstances warrant such changes to the fee schedule. The schedule of fees shall be available for public inspection in the office of the Code Enforcement Officer.

3. No required fee shall be substituted for any other fee.
4. The following actions may require fees or reimbursement of expenses:
 - (a) Building Permit
 - (b) Site Plan Review
 - (b) Special Permit
 - (d) Subdivision Application, Minor or Major
 - (e) Temporary Use Permit
 - (f) Zoning Permit
 - (g) Zoning Variance Application
 - (h) Zoning Interpretation
 - (i) Certificate of Legal Non-conformity
 - (j) Expense of Neighbor Notification
 - (k) Expense of Notice Publication
 - (l) Expense of Outside Professional Services

C. Professional Assistance

The Planning Board or Zoning Board of Appeals may, at their discretion, engage the services of engineering, planning, legal, environmental or other professional consultants, at the expense of the applicant for the review of applications involving significant issues beyond the scope or complexity of normal review. The Planning Board and Zoning Board of Appeals may require costs to be paid in advance into an escrow account to be held and managed by the Town and may deny an application upon failure of the applicant to make such payment in a timely manner. The Town Attorney shall establish the terms of the account in consultation with the Planning Board and/or the Zoning Board of Appeals and shall provide a monthly accounting of the escrow account to the applicant and provisions for further funding of the escrow account when the balance is drawn down to a specified amount.

D. Performance Bond

1. To ensure the completion of required public infrastructure and other improvements; such as but not limited to roads, storm water infrastructure, landscaping, lighting, signage, trails, parks or other improvements required by the Planning Board as part of Article XII, Site Plan Review or Article VIII, Subdivision of Land; the Planning Board, may require, as a condition of approval, a performance bond or other security in such form and from a source acceptable to the Town Board in an amount sufficient to cover the estimated cost of

completion of the improvements. Such bond or other acceptable form of security shall comply with the requirements of Sections 274-a and 277 of New York State Town Law relating to performance bonds and other securities. A period of one (1) year or such other period as the Planning Board may determine appropriate, not to exceed 3 years, shall be set forth in the bond within which required improvements must be completed.

2. Waiver of required performance bond. The Planning Board may waive the performance bond or other acceptable form of security. In the case of each waiver granted, the Planning Board shall enter upon its records the reason or reasons why the performance bond is not necessary.

E. SEQRA

The Town shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations. Upon receipt of any complete application, the Town or any officer, department, board of the Town shall initiate the New York State Environmental Quality Review process by issuing a determination of significance.

ARTICLE III: ESTABLISHMENT OF DISTRICTS

A. Establishment of Use Districts

The Town of Northampton is hereby divided into the following zoning districts:

Resource Conservation (RC): The purpose of this district is to protect and conserve lands that contain sensitive natural resources, critical environmental areas or open space whereby development is intended only at a very low intensity.

Golf Course District (GC): The purpose of this district is to protect the historic Sacandaga Golf Course by permitting the use of lands in this district for golf course and golf course related accessory uses.

Rural Residential-1 District (RR-1): The purpose of this district is to address development constraints where natural features such as steep slopes, wetlands and poor soils exist by limiting development to low intensity uses such as agriculture, forestry uses and residential development that is compatible with existing land constraints. The use of clustered development and conservation subdivision design is strongly encouraged in this district.

Rural Residential-2 District (RR-2): The purpose of this district is to protect the rural residential Adirondack character of Northampton by allowing for agricultural, forestry and low density residential uses.

Medium Density Residential (MDR): The purpose of this district is to allow for residential development at a greater density than the Rural Residential districts. This district provides a transitional residential district between the more densely settled shoreline, hamlet areas and the rural residential areas.

Hamlet Residential (HR): The purpose of this district is to protect the existing residential character of the historically significant Sacandaga Park and other more densely settled residential neighborhoods in Northampton by permitting a mix of residential uses on smaller lots with setbacks in keeping with the existing character.

Waterfront Commercial (WC): The purpose of this district is to designate areas along the Great Sacandaga Lake waterfront that allow for water-dependent commercial uses such as marinas and water-enhanced uses such as inns and restaurants that benefit from locating on the waterfront.

Hamlet Mixed Use (HMU): The purpose of this district is to establish a hamlet scale mix of compatible residential, community and commercial uses on Route 30 that require pedestrian connections and amenities within the district and connections to the waterfront, the Village of Northville, the Golf Course and the Sacandaga Park neighborhood.

Mixed-Use (MU): The purpose of this district is to provide a new opportunity for development in a previously undeveloped area of the Town that allows for a mix of development opportunities ranging from residential and community services; to commercial and manufacturing. For

residential development, the use of clustering or Conservation Design Subdivision is strongly encouraged.

Business Development (BD): The purpose of this district is to permit a wide variety of commercial uses that are more oriented to automobile traffic and nonpolluting light-industrial, high-tech and office-park uses that generate considerable employment base in the community, along Route 30, where site characteristics allow.

B. Establishment of Overlay Districts

The purpose of overlay districts in this Zoning and Subdivision Law is to protect important resources and community characteristics within a specific geographical area of the Town. Overlay districts do not change the use and dimensional requirements of the underlying land use districts unless specifically so stated. They do impose specific requirements that must be followed.

Sacandaga Park Neighborhood Conservation Overlay District: The purpose of this overlay district is to protect the character of the Sacandaga Park residential neighborhood, a historically significant, generally architecturally unique, neighborhood in the Town through the use of design standards and design review of development.

C. Zoning Map

The areas and boundaries of such districts are hereby established to scale as shown on the map entitled "Town of Northampton Zoning Map," adopted and certified by the Town Clerk and herein referred to as the "Zoning Map." This Zoning Map, together with everything shown thereon, is hereby adopted and declared to be a part of this Zoning and Subdivision Law.

D. 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:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, lakes, reservoirs or other bodies of water shall be construed to follow such center lines.
2. Boundaries indicated as approximately following Town limits shall be construed as following such Town limits.
3. In all cases where a district boundary line is located no farther than 15 feet away from a lot line of record, such boundary shall be construed to coincide with such lot line.
4. In other circumstances not covered by the rules above, the Code Enforcement Officer shall interpret the district boundaries.

ARTICLE IV: DISTRICT REGULATIONS

A. Purpose

For each district established in Article III, the following uses and dimensional standards shall apply.

B. Use Regulations

No structure or land shall be used except as provided below and in the Schedule A: Use Regulations. See Article XVI for definitions of each use category.

1. Permitted Uses by Right: Uses which shall be permitted by right in the zoning district where the use is listed, provided that all other requirements of this Law are met. All permitted uses are indicated in Schedule A below with a "P."
2. Permitted Uses with a Special Use Permit: Uses permitted upon issuance of a Special Use Permit by the Planning Board. All Special Use Permit uses are indicated in Schedule A with a "SP."
3. Prohibited Uses: Any use not listed in Schedule A: Use Regulations of this Law as a permitted use is deemed prohibited unless such principal or accessory uses are expressly permitted elsewhere by this Law or a use variance is granted in accordance with the provisions of this Law. The following uses are expressly prohibited:
 - (a) Facilities for the disposal of hazardous or radioactive material or waste.
4. Accessory Uses

All accessory uses permitted by right or with a Special Use Permit are listed in Schedule A: Use Regulations, Accessory Uses, provided that all other requirements of this Law are met. Any construction physically attached to a principal building, including being attached by means of a breezeway or a roofed passageway with open or latticed sides, is deemed to be part of such principal building in applying regulations.

5. Mixed Use

The Town of Northampton encourages the mixing of uses where such mixing does not create land use conflicts. Accordingly, all Special Use Permit and/or Site Plan Reviews for the same project shall be consolidated into one (1) proceeding before the Planning Board.

6. Change of Use or Structure

- (a) A change of use is the initiation of a use that is in a different use category, as listed in Schedule A, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category, shall not be considered a change of use. A change of use requires the approval of a

Zoning Permit from the Code Enforcement Officer, signifying that the change of use is lawful.

- (b) Uses by Right Subject to Site Plan Review. Any change of the use of an existing structure to a use permitted by right subject to Site Plan Review shall require Site Plan Review only if it involves the construction or enlargement of a structure.
- (c) Uses by Special Use Permit
 - (1) A Special Use Permit shall be required for any change of use from a use that does not require a Special Use Permit to a use that does require a Special Use Permit.
 - (2) Once a Special Use Permit has been granted, it shall run with the land and apply to the approved use and to all subsequent owners, tenants and occupants engaged in the same use. The Special Use Permit shall also apply to any subsequent use of the property in the same use category, provided that such use has no greater impact on adjoining properties, complies with all terms and conditions of the Special Use Permit, and does not involve new construction, enlargement, exterior alteration of existing structures, increased parking, or other changed use of outdoor areas. Any change to another use allowed by Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment.

7. Rebuilding or replacement of structures

The rebuilding or replacement on the same footprint of any structure for a use which requires Site Plan Review and/or a Special Use Permit shall require Site Plan review, even if it is a continuation of the same use.

C. Lot Dimensional and Development Standards

1. Compliance with Schedule B, Dimensional Standards

(a) Principal Uses

Regulations governing lot size and lot width; front, side and rear yard setback requirements; maximum allowable impervious surfaces; and shoreline development for principal uses in each district are specified in Schedule B: Dimensional Standards and are supplemented by the regulations in this subsection and other sections of this Law.

(b) Accessory Uses

- (1) All accessory structures and uses permitted in Schedule A: Use Regulations, shall meet the setback requirements of Schedule B except the following accessory structures:

- a. One tool and garden storage shed not exceeding 144 square feet may have a rear yard setback of 5 feet and not require a building or zoning permit.
 - b. Fences, hedges and walls shall meet the setback requirements of Article VI, Section C.
 - c. Signage shall meet the setback requirements of Article VI, Section H.
 - d. In the HMU, BD and MU Districts the location of accessory structures and uses are further addressed in Article VI (B) 11, Accessory Refuse Storage Areas.
- (2) No accessory use or structure shall be placed within a required front yard with the exception of off-street parking areas for up to 3 cars. Related driveways, as described in Article VI (F), Off Street Parking and Loading, may have a rear and side yard setback of 10 feet or the minimum rear and side yard setback for the district in which the driveway is located, whichever is lesser.
 - (3) In the HR and HMU District no accessory use or structure shall be placed within a required side yard.

2. Shoreline Restrictions

- (a) As established in Schedule B: Dimensional Standards, lots adjacent to the Great Sacandaga Lake Reservoir shall have a shoreline setback for all structures equal to the greater of 12 feet inland from the original New York State property line or the shoreline setbacks required by the New York State Adirondack Park Agency Act as provided in the most current version of the Adirondack Park Land Use and Development Plan, included in 2(b) below.
- (b) The current Adirondack Park Land Use and Development Plan required shoreline setbacks for the zoning districts within the Town of Northampton, at the time of adoption of this Law, are listed below:
 - (1) 100 feet in the RC District.
 - (2) 75 feet in the RR-1 and RR-2 Districts.
 - (3) 50 feet in GC, MDR, HR, HMU and WC Districts.

3. Density and lot area calculation

- (a) This law regulates density of development separately from minimum lot size in certain districts. Some lands within certain districts may have greater minimum acreage requirements per principal building under the New York State Adirondack Park Agency Act and the Adirondack Park Land Use and Development Plan than are required by this Law.

- (b) As provided in Schedule B, this law requires a minimum acreage per principal building in certain districts for all new development projects. The required acreage shall be determined by multiplying the number of proposed principal buildings in the development by the required minimum acreage per principal building. For projects where a minimum acreage per principal building is not required in Schedule B, only the minimum lot size requirement of Schedule B shall be applied.
- (c) For the subdivision of land, the maximum number of lots into which a parcel may be subdivided shall be determined by dividing the parcel size by the required minimum acreage per principal building provided in Schedule B. If no minimum acreage per principal building is required, the maximum number of lots into which a parcel may be subdivided shall be determined using the minimum lot size.

4. Other lot development standards applying in all districts

(a) Number of dwellings on a lot

In the RC, RR-1, RR-2, MDR and HR districts, no more than one (1) principal building is permitted on a lot, except for lots used for permitted agricultural uses, unless otherwise provided in the applicable zoning district regulations.

(b) Undersized lots

Lots of record at the time of adoption of this Law which are less than the minimum lot size shall be deemed to meet the minimum size regulations of this Law. Nothing contained herein shall prohibit the use of an undersized lot of record, provided that such lot may not be used for more than one (1) dwelling unit and its associated accessory structures, all other area and bulk regulations for that district shall be met, and that there is no further subdivision of the lot.

(c) Height of structures

- (1) Principal buildings: The maximum height of the principal building shall not exceed 35 feet or 2 ½ stories excluding church spires, belfries, cupolas, or domes not used for human habitations, chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, green roof systems or necessary mechanical appurtenances usually located on the roof level. The maximum height of the above excluded elements and the principal building, combined, shall be 40 feet. Height is defined in Article XVI, Definitions, of this Law.
- (2) Agricultural Buildings: Silos and agricultural buildings are exempt from the height limitations provided that such buildings above 35 feet in height are at least twice the distance from any residence as the height of the building.
- (3) Accessory structures: The maximum height shall not exceed 15 feet except for garages, which shall not exceed 26 feet.

(d) Corner lots

On a corner lot in any district there shall be 2 front yards. The front yard setback for each front yard shall be the minimum required front yard for the district in which each front yard is located. One rear yard shall be provided for each corner lot, and the owner shall designate the rear yard on his or her application for a permit.

(e) Through lots

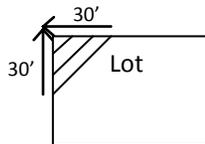
Where a lot extends through from street to street, the applicable front yard setbacks in Schedule B: Dimensional Standards shall apply on both street frontages.

(f) Transitional yards

- (1) Lots in 2 districts. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot may extend not more than 30 feet into the more restricted portions, provided that the lot has frontage on a street in the less restricted district.
- (2) Yard requirements for zones abutting residential zones. Where the corner lot of a HMU, MU or BD District zone fronts on a street that is otherwise residential and zoned RR-1, RR-2, MDR or HR, yard requirements for the frontage on such residential street shall be the same as required for the RR-1, RR-2, MDR or HR districts.

(g) Visibility at intersections

On a corner lot in any district, no fence, wall, hedge, sign or other structure or planting, more than 3 feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line adjoining said street lines at points which are 30 feet from the point of intersection, measured along said street lines. The height of 3 feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.



(h) Projections into yards

- (1) Terraces and patios. A terrace or patio constructed with any material may be included as part of the yard in determination of yard size and setbacks; provided, however, that such terrace or patio is supported by or in contact with the ground, is unroofed and without walls or parapets. Such terrace or patio shall not project into any yard to a point closer than 10 feet to any lot line.

- (2) Porches. No porch may project into any required yard (setback). Porches shall be considered a part of the building in determining the size of yard or amount of lot coverage.
- (3) Projecting architectural features (horizontal). The space in any required yard shall be open and unobstructed, except for the ordinary projection of a roof provided, however, that such features shall not project more than 18 inches into any required yard.

SCHEDULE A: USE REGULATIONS

P = Permitted SP = Special Permit Required Blank = Prohibited

| Use Category | Zoning Districts | | | | | | | | | | Additional Standards |
|---|------------------|----|------|------|-----|----|-----|----|----|----|----------------------|
| | RC | GC | RR-1 | RR-2 | MDR | HR | HMU | WC | MU | BD | |
| Residential Uses | | | | | | | | | | | |
| Dwelling, single-family | P | | P | P | P | P | P | P | P | P | |
| Dwelling, two-family | | | | | P | | P | | P | | |
| Dwelling, multi-family | | | | | SP | | SP | | P | | Article V, O |
| Dwelling, seasonal | SP | | P | P | P | P | P | P | | | |
| Dwelling, units above first floor, nonresidential | | | | | | | P | P | P | | |
| Manufactured home | SP | | P | P | P | | | | | P | Article V, J |
| Manufactured home park | | | | | | | | | | SP | Article V, K |
| Residential care facility | | | | | SP | | SP | | P | | |
| Cemetery | SP | | SP | SP | | | | | | | |
| Community Service Uses | | | | | | | | | | | |
| Community center | | | | | | SP | P | P | P | P | |
| Cultural facility | | | | | | P | P | P | P | P | |
| Daycare, adult | | | | SP | | | | | | | |
| Daycare, child/family daycare facility | | | P | P | P | P | P | P | P | P | |
| Municipal facilities | SP | | P | P | P | P | P | P | P | P | |
| Parks and recreation, public | P | P | P | P | P | P | P | P | P | P | |
| Public transportation Shelter | | | SP | SP | SP | SP | SP | SP | P | P | |
| Public utility (unless otherwise listed) | SP | | SP | SP | SP | | | | P | P | |
| Religious institution and related facilities | | | P | P | P | P | P | P | P | P | |
| Schools | | | P | P | P | | | P | P | | |
| Wireless communications towers | SP | | SP | | | | | | | | Article V, X |
| Commercial Uses | | | | | | | | | | | |
| Adult uses | | | | | | | | | | SP | Article V, B |
| Agriculture | P | | P | P | | | | | P | | |
| Agriculture, excluding the raising of livestock | P | | P | P | P | | | | P | P | |
| Animal shelter | | | SP | SP | SP | | | | SP | SP | |
| Artist studio | P | | P | P | P | P | P | P | P | P | |
| Assembly and meeting facility | | | | | | | P | P | P | P | |
| Bed and breakfast | | | P | P | P | P | P | P | P | P | |
| Boat storage, commercial | SP | | SP | SP | SP | | SP | P | SP | P | |
| Boat maintenance facility | | | | | | | | P | | P | |
| Broadcasting facility, radio or television | | | | | | | SP | SP | P | P | |
| Campground | SP | | | | | | | SP | | | Article V, C |
| Camp, group | SP | | | | | | | SP | | | |
| Car wash | | | | | | | | | | P | Article V, D |
| Entertainment and recreation, commercial | | | | | | | SP | P | P | P | |
| Forestry | P | | P | P | P | | | | | | |
| Gasoline station, with/without convenience store | | | | | | | | | | SP | Article V, G |
| Golf course | SP | P | | | | | | | | | |
| Hotel or inn | | | | | | | P | P | P | P | |
| Kennel | | | SP | SP | SP | | | | | | Article V, I |
| Light Industry (not listed elsewhere) | | | | | | | | | SP | SP | |
| Lumberyard | SP | | | | | | | | SP | P | |
| Saw mill | SP | | | | | | | | | | Article V, S |
| Manufacturing | | | | | | | | | SP | | |

SCHEDULE A: USE REGULATIONS

P = Permitted SP = Special Permit Required Blank = Prohibited

| Use Category | Zoning Districts | | | | | | | | | | Additional Standards |
|--|------------------|----|------|------|-----|----|-----|----|----|----|----------------------|
| | RC | GC | RR-1 | RR-2 | MDR | HR | HMU | WC | MU | BD | |
| Marina | | | | | | | P | P | | | Article V, L |
| Membership club | P | | | | | SP | P | P | P | P | |
| Motel | | | | | | | SP | P | | P | Article V, M |
| Motorized vehicle sales or rental Establishment | | | | | | | | | | P | |
| Motor vehicle repair garage | | | | | | | | | | P | Article V, N |
| Natural products extraction/uses, private or commercial | SP | | | SP | | | | | | | Article V, P |
| Office, general | | | | | | | | | | | |
| Office, professional | | | | | | | P | P | P | P | |
| Outdoor storage area | | | | | | | | | | P | Article V, R |
| Parking lot as a principal use | | | | | | | SP | | SP | SP | |
| Research and development facility | | | | | | | | | P | P | |
| Resort | SP | | | | | | | SP | SP | SP | |
| Retail or service establishment (not listed elsewhere in Schedule A) | | | | | | | P | P | P | P | |
| Riding academy | SP | | SP | SP | | | | | | SP | |
| Self storage unit facility | | | | | | | | | | SP | Article V, T |
| Shooting Range, Outdoor | SP | | | | | | | | | | Article V, Q |
| Sportsman's club | SP | | SP | SP | | | | | | | |
| Storage structure or garage, private, as a principal use | SP | | SP | SP | | | SP | | | | |
| Veterinary office, veterinary hospital or clinic | | | SP | SP | | | SP | | P | P | |
| Warehouse | | | | | | | | | SP | | |
| Wholesale and Distribution | | | | | | | | | SP | | |
| Accessory Uses | | | | | | | | | | | |
| Accessory apartment to single family dwelling, 900SF or less | | | P | P | P | P | P | | P | P | Article V, A |
| Boat storage, accessory commercial | P | | P | P | P | | P | P | P | P | Article V, E |
| Customary accessory structure | P | | P | P | P | P | P | P | P | P | |
| Drive-through facility | | | | | | | | | SP | SP | Article V, F |
| Guest cottage | P | | P | P | P | P | P | | | | |
| Home occupation, minor | P | | P | P | P | P | P | P | P | P | Article V, H |
| Home occupation, major | P | | P | P | P | | P | P | P | P | Article V, H |
| Major recreational equipment storage, outdoor | P | | P | P | P | P | P | P | P | P | |
| Outdoor wood boiler | P | P | P | P | P | | | | P | P | |
| Solar energy system, detached | P | | P | P | P | P | P | P | P | P | |
| Stable, private | P | | P | P | | | | | P | | |
| Wind energy system, small | SP | | SP | SP | SP | | SP | | SP | SP | Article V, W |

RC = Resource Conservation
 GC = Golf Course
 RR-1 = Rural Residential 1
 MDR = Medium Density Residential

RR-2 = Rural Residential-2
 HR = Hamlet Residential
 HMU = Hamlet Mixed Use
 WC = Waterfront Commercial

MU = Mixed Use Development
 BD = Business Development

SCHEDULE B: DIMENSIONAL STANDARDS

| District | Minimum Acres per Principal Building ¹ | Minimum Lot Area ² (SF = Square Feet) | Minimum Lot Width | Maximum Impervious Surface | Required Yard Setbacks | | | Shoreline Restrictions | |
|-------------------------------|---|---|-------------------|----------------------------|------------------------|-------------------------|--------|---|--------------|
| | | | | | Front | Side One/total for both | Rear | Setback | Lot Frontage |
| Resource Conservation | 45 | 5 acres | 200 feet | n/a | 50 feet | 25 ft./50 ft. | 25 ft. | The shoreline setback shall be the greater of 12 feet inland from the original New York State property line or the required shoreline setback of the NYS Adirondack Park and the Adirondack Park Land Use and Development Plan (see also Article IV, C (2)) | 200 feet |
| Golf Course | None | 1 acre | 75 feet | n/a | 10 feet | 10 ft./24 ft. | 12 ft. | | 100 feet |
| Rural Residential 1 | 8.5 | 2 acres | 150 feet | N10 | 50 feet | 25 ft./50 ft. | 25 ft. | | 150 feet |
| Rural Residential 2 | 3.25 | 1 acre | 100 feet | 25% | 25 feet | 20 ft./50 ft. | 25 ft. | | 125 feet |
| Medium Density Residential | 1.3 | 20,000 SF | 75 feet | 40% | 20 feet | 15 ft./34 ft. | 15 ft. | | 100 feet |
| Hamlet Residential | None | 5,000 SF with public water & sewerage; 20,000 SF without | 40 feet | 75% | 10 feet | 10 ft./24 ft. | 12 ft. | 50 feet | |
| Hamlet Mixed Use ³ | None | 10,000 SF with public water & sewerage; 20,000 SF without | 50 feet | 60% | 20 feet | 12 ft./30 ft. | 12 ft. | 50 feet | |
| Waterfront Commercial | None | 5,000 SF with public water & sewerage; 20,000 SF without | 50 feet | 70% | 10 feet | 10 ft./24 ft. | 12 ft. | 50 ¹ feet | |
| Mixed Use District | 8.5 | None | 75 feet | 25% | 30 feet | 20 ft./50 ft. | 25 ft. | n/a | |
| Business Development | 1.3 | None | 75 feet | 50% | 30 feet | 20 ft./50 ft. | 25 ft. | n/a | |

¹ Some lands within any district may have additional density and shoreline restrictions as regulated by the New York State Adirondack Park Agency Act and the Adirondack Park Land Use and Development Plan.

² Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the New York State Department of Health and the Town Code Enforcement Officer. The required minimum lot area without public sewerage is 20,000 square feet.

³ In the Hamlet Mixed Use District, no commercial use included as a permitted use in Schedule A: Use Regulations shall exceed 10,000 square feet of gross floor area.

ARTICLE V: ADDITIONAL REGULATIONS FOR SPECIFIC USES

A. Accessory Apartments

1. Except in the HR District, one (1) accessory apartment per single-family dwelling may be located within the principal building or a permitted accessory structure on a lot with a single family dwelling, as provided in Schedule A: Use Regulations.
2. Within the HR District, an accessory apartment shall only be permitted within an existing principal building footprint and shall not be permitted to be established through the enlargement of the principal building.
3. An accessory apartment to a single family use shall only be used by up to 2 persons related by blood, marriage or adoption to an owner of the principal residence.
4. An accessory apartment shall not exceed 900 square feet.
5. The lot containing the accessory apartment must contain the minimum acreage required by Schedule B: Dimensional Standards, unless it is located in an approved Conservation Design Subdivision. The accessory apartment shall not be counted as a residential unit for purposes of determining density.
6. The use of an accessory apartment shall require the acquisition of a Zoning Permit by the owner of the principal residence from the Code Enforcement Officer which shall be renewed annually with the payment of a fee as set by the Town Board. Failure to obtain or renew a Zoning Permit while the apartment is in use shall be a violation of this Law.
7. No initial permit of any kind shall be granted for an accessory apartment without an adequate septic system approved by the Code Enforcement Officer.

B. Adult Uses

1. Adult uses shall be permitted only in the Business Development (BD) District and are subject to the following restrictions:
 - (a) No adult use shall be permitted in any building used in whole or in part for residential purposes.
 - (b) No more than one (1) adult use shall be permitted on any lot, and no such use shall be permitted within 750 feet of any other such use.
 - (c) No adult use shall be permitted on any lot that is located within 250 feet of any lot used for residential purposes zoned RR-1, RR-2, MDR, HR or GC.

- (d) No adult use shall be permitted on any lot that is located within 250 feet of any lot on which is located a school, place of worship, cemetery, community center, day care center, public park, playing field, bike path or other public recreational facility.
 - (e) No adult use shall be conducted in any manner that allows the observation of any material depicting, describing or relating to any sexual act or any part of the anatomy from any public way or from any other property. This provision shall apply to any display, decoration, sign, show, window or other opening.
 - (f) There shall be no outdoor sign, display or advertising of any kind other than an identification sign limited to the name of the establishment.
 - (g) Adult uses shall comply with all other requirements of this Law, as well as all other applicable Town, County, State and Federal laws and regulations.
2. The distances provided in Section (1) above shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the parcel lot line upon which the adult use is to be located to the nearest point of the parcel lot line or the land use district boundary line from which the adult use is to be separated.

C. Campgrounds (including transient recreational vehicle (RV) parks)

Notwithstanding the Town of Northampton “Ordinance for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps,” the following standards apply to the creation or expansion of any campgrounds, group camps or recreational vehicle (RV) camps.

- 1. General site considerations
 - (a) Any recreational campgrounds involving lands designated as a flood hazard area by the Federal Insurance Administration of the United States Department of Housing and Urban Development, as depicted on the Zoning Map(s), or any other land subject to repeated flooding or deemed by the Planning Board to be subject to flood hazard shall be reviewed by the Planning Board in accordance with applicable provisions of the Site Plan Review section of these regulations.
 - (b) The campground shall be located in areas where grades and soil conditions are suitable for location of recreational vehicles and tents (recreational living units). The campground shall be located on a well-drained site which is properly graded to ensure proper drainage and be free at all times from stagnant pools of water.
 - (c) These sites shall be at least 3 acres in size or as otherwise stipulated and have access to a public roadway.
- 2. Unit area

Each campground shall have defined and identifiable camping site areas. The total number of unit areas in such campground shall not exceed 10 per gross acre. Each unit area shall have a total area of not less than 3,000 square feet with a minimum dimension of 30 feet.

Only one (1) recreational vehicle shall be permitted to occupy any one (1) camp area. Two tents may be allowed per site, or one (1) tent plus recreational vehicle.

3. Improved unit area

Each designated lot shall have an improved area which will provide for the placement and removal of recreational living units and for the retention of each in a stable condition. This improved area shall be of sufficient size to accommodate the dimensions of all anticipated recreational living units, and shall be suitably graded to provide proper surface drainage.

4. Location of units

A recreational living unit shall be located at a minimum distance of:

- (a) Twenty-five feet from an adjacent unit, in any direction.
- (b) Twenty-five feet from an adjacent property line.
- (c) One hundred seventy-five feet from the edge of the pavement or improved surface area of a public roadway.
- (d) Twenty feet from the edge of any paved or improved surface area of any internal roadway within the campground.

5. Accessibility

- (a) Each campground shall be easily accessible from an existing public roadway.
- (b) Location and number of points of entry and exit shall be approved by the Planning Board according to the terms under which the permit is authorized. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the campground, and to minimize conflicts with the movement of traffic on the public roadway. Ease of access and egress and turning movements shall be considered in the design of the roadway system.
- (c) Each campground shall have approved roadways to provide convenient access to all camping unit areas and other important facilities within the site. In addition:
 - (1) Internal roadways within a campground shall have minimum rights-of-way and improved surface area as follows:
 - a. One-way traffic movement
 - i. Right-of-way: 20 feet.
 - ii. Surface or pavement width: 10 feet.
 - b. Two-way traffic movement

- i Right-of-way: 28 feet.
- ii. Surface or pavement width: 18 feet.

6. Utilities and service facilities

All sewerage, water and public accommodation facilities provided in any campground shall be in accordance with the regulations of the New York State Department of Environmental Conservation or Department of Health, as is applicable. In addition, the following utilities and service facilities shall be provided in each campground:

- (a) An adequate supply of pure water for drinking and domestic purposes shall be supplied.
- (b) Waste from all service buildings and individual lots shall be discharged into an approved public or private sewer system in compliance with the New York State Department of Environmental Conservation and New York State Department of Health, and in such a manner so as not to present a health hazard.
- (c) If other service buildings and facilities are to be provided, as deemed necessary for the normal operation of the campground, all such buildings shall be maintained in a sanitary and safe condition.
- (d) Refuse disposal shall be the responsibility of the operator of the campground and such refuse shall be disposed of daily, off-site and in a covered can with a plastic bag liner at each site.
- (e) Where electrical connections or services are provided, they shall be weatherproof connections and outlets which are of a type approved by the New York State Uniform Fire Prevention and Building Code. Proposed electrical service shall be shown on the plan.

7. Recreation/open space areas. Each campground shall provide common open space for the use of the occupants of such campgrounds. Such open space shall be conveniently located in the campground and shall constitute a minimum of 20% of the total campground area, such area to be designated on the site plan in such manner as to be an integral part of any proposed recreational campground.

8. Fireplaces and campfires. All fires in any campground shall be in a designated approved location with at least a stone or other fireproof enclosure demarcating the usable area from which all vegetative growth or other flammable material which might contribute to the accidental spread of the fire shall be removed.

9. Landscaped Screening. Landscaped screening shall be provided along those areas within the campground which front upon or are visible from existing public roadways so as to substantially screen the campground from public view at all seasons of the year.

10. Removal of wheels. It shall be unlawful to remove wheels from any recreational vehicle or otherwise permanently affix such unit to the ground. Such removal shall be grounds for the revocation of the operating permit for such campground.
11. Length of stay. No recreational living unit shall be permitted as an occupied unit to remain in the campground for an aggregate period of more than 6 months in any one (1) calendar year.
12. Related requirements. Issuance of an operating permit hereunder for the use of the premises as a campground shall not be construed to eliminate the necessity of complying with all other applicable ordinances, resolutions, health regulations and other regulatory authorities or measures.
13. Storage of recreational vehicles may be permitted on the campground in an area that does not allow occupancy by a registered guest of the campground. This area will not have any utilities or service facilities that will allow a recreational vehicle to be occupied. A unit may be stored on the premises for no longer than 15 consecutive months.

D. Car Wash

1. This section applies to any car wash established as a permanent use. This section does not apply to temporary car washing activities sponsored by schools, churches or other nonprofit organizations or groups in order to raise money for designated events.
2. No building, parking or service area shall be closer than 100 feet to any existing residential structure.
3. Ingress and egress shall be so designed as to minimize traffic congestion, and for this purpose, the number and location of driveways shall be subject to the explicit approval of the Planning Board as part of Site Plan review.
4. In addition to meeting any off-street parking requirements of this Law, a car wash shall provide a minimum of 4 stacking spaces per bay on the lot.
5. As part of Site Plan review, evidence of an adequate long-term source of public or private water shall be submitted to show that water usage will not affect surrounding properties.
6. The premises shall not be used for the sale, rent or display of automobiles, trailers, mobile homes, boats or other vehicles unless one of these uses is the permitted principal use on the lot and the car wash is an accessory use to that principal use.

E. Commercial Boat Storage Accessory to a Residential Use

1. The storage of boats for fee or compensation as an accessory use to a principal residential use shall be allowed as provided in Schedule A: Use Regulations of this Law and the following restrictions:
 - (a) The maximum number of boats permitted to be stored on a lot shall not exceed 12 boats or 4 boats per acre (rounded), whichever is lesser.
 - (b) Stored boats shall meet the setback requirements of the principal building in all districts as provided in Schedule B: Dimensional Standards and Article IV, District Regulations.

- (c) Screening of stored boats shall be required along the perimeter of the storage area as required in Article VI (D) (6), Perimeter, Landscaping and Screening.

F. Drive-through Window Facilities

- 1. Due to potential impacts on traffic volume, vehicular and pedestrian circulation, and the environment, the following additional standards are required for the permitting of drive-through windows.
 - (a) Site location criteria. The site of the drive-through window shall meet all of the following criteria:
 - (1) The drive-through shall not be located within 100 feet of a lot line of any existing residential use;
 - (2) The use shall not substantially increase traffic on streets in a RR-1, RR-2, MDR or HMU zone;
 - (3) The site shall be adequate in size and shape to accommodate said use and to accommodate all yards, parking, landscaping, and other required improvements; and
 - (4) The use shall not substantially lessen the usability and suitability of an adjacent RR-1, RR-2 or MDR zone for residential use.
 - (b) General design standards. All the following must be provided for the primary use to be granted a building permit for a drive-through window:
 - (1) Lighting: All lighting on the exterior of the building shall be of an indirect nature, emanating only from fixtures located under canopies or hoods, under eaves of buildings and at ground level in the landscaping. Freestanding pole lights shall not exceed a maximum height of 14 feet and shall be so arranged and shielded that there shall be no glare or reflection onto adjacent properties or public rights-of-way.
 - (2) Signs should be placed and waiting lanes should be designed so that waiting cars do not block sidewalks or public streets.
 - (3) Landscaping, waiting-lane devices, and overall design should not prevent vehicles from safely and efficiently leaving waiting lanes.
 - (4) Traffic circulation
 - a. A traffic study addressing both on-site and off-site traffic and circulation impacts is required.
 - b. Pedestrians must be able to enter the establishment from the parking lot or sidewalk without crossing the waiting or exit lanes.

- c. Waiting lanes shall be designed for the maximum length possible. At a minimum, waiting lanes should accommodate average peak monthly traffic flow, allowing 23 feet per vehicle. Applicants must provide data about the peak flows of the business to determine the minimum waiting needed.
 - d. The waiting lane shall be independent of any on-site parking, parking maneuvering areas, public streets or traffic ways serving other on and/or off-site uses.
- (c) Site plan requirements. In addition to the general requirements for Site Plan review, drive-through window site plans must also include the following features:
- (1) Design and placement of signs to ensure that they facilitate the safe and smooth flow of traffic.
 - (2) Details of pedestrian and vehicular circulation.
 - (3) Details of waiting lanes, including location and design of curbs, gates, bollards and chains, pavement markings and similar devices.

G. Gasoline Station

1. Definitions

- (a) A “canopy” means any structural protective cover that is not enclosed on any of its 4 sides and is provided for a service area designate for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and similar products.
- (b) A “fuel pump” means any device that dispenses automotive fuel and/or kerosene. A fuel pump may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.
- (c) A “pump island” means a concrete platform measuring a minimum of 6 inches in height from the paved surface on which fuel pumps are located.

2. General Standards

- (a) No building, parking or service area shall be closer than 100 feet to any existing residential structure.
- (b) All fuel pumps and pump islands shall be set back a minimum distance of at least 15 feet from any right-of-way line or property. Fuel pumps and canopied areas are preferred to be located between the principal building and the side or rear lot line and not between the building and the street.
- (c) All permitted accessory services shall occur within enclosed buildings.
- (d) Principal buildings shall be oriented to the street.

- (e) Principal buildings and canopies should have pitched roofs.
- (f) Outdoor storage of motor vehicles shall be prohibited at all times. Premises shall not be used for the sale, rent or display of automobiles, recreational vehicles, trailers, boats or other vehicles.

3. Canopies

- (a) Canopies shall not exceed 16 feet in height from finished grade to the underside of the canopy.
- (b) Canopies shall be architecturally integrated with the principal building and all other accessory structures on the site through the use of the same or compatible materials, colors and roof pitch.
- (c) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than 2 inches.

H. Home Occupations

1. General standards applying to all home occupations.

- (a) The home occupation shall be clearly incidental and secondary to the use of the lot for residential purposes.
- (b) The home occupation is allowed in a residential setting because it does not compromise the residential character of an area, does not generate conspicuous traffic, does not visually call unusual attention to the home and does not generate noise of a nonresidential level.
- (c) The home occupation shall be conducted entirely within a principal dwelling or permitted accessory structure. An accessory structure shall include permitted customary structures as provided in Article IV, District Regulations of this Law and may include the reuse of a barn or other accessory structure constructed prior to the date of adoption of this Law.
- (d) No generation of noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be perceptible beyond the property line.
- (e) No residence shall include more than 2 home occupations.
- (f) Not more than 600 square feet of the gross floor area shall be utilized for all home occupation activities.
- (g) All parking shall be provided off-street. No more than 3 vehicles may be parked in the front yard.

- (h) Storage of goods and materials associated with a home occupation shall be in an enclosed structure.

2. Minor Home Occupation

The following home occupation activities that meet the standards of subsection (1) above are considered minor home occupations which do not require a Zoning Permit from the Code Enforcement Officer provided that all persons engaged in such activities reside on the premises:

- (a) Artists, sculptors and composers not selling their artistic product to the public on the premises.
- (b) Craft work, such as but not limited to woodworking, jewelry-making and pottery with no public sales permitted on the premises.
- (c) Home offices with no client visits to the home permitted.
- (d) Telephone answering and message services.

3. Major Home Occupation

Permitted major home occupations as defined in this Law include activities that meet the standards in Subsection (1) above but are permitted to have a limited number of employees and client visits to the residence. A Zoning Permit from the Code Enforcement Officer as described in Article XIV, Administration and Enforcement, shall be required for all Major Home Occupations. The following standards apply to Major Home Occupations:

- (a) No more than 2 nonresident employees or associates shall be permitted. An associate shall mean a person or person(s) joined with others in a business enterprise.
- (b) No more than 8 clients per day are permitted to visit a home occupation. Hours for visits shall be between 8:00 AM and 8:00 PM.
- (c) One sign meeting the sign regulations of Article VI, (H) Signage, Additional Site Development Regulations shall be permitted.

4. Uses prohibited as Home Occupations

- (a) The following activities shall not be permitted as a home occupation in any district and shall be required to be a principally permitted use in Schedule A: Use Regulations.
 - (1) Emergency medical service
 - (2) Kennels
 - (3) Motor Vehicle Repair and engine repair

- (4) Religious institutions
- (5) Residential Care facilities
- (6) Restaurants and bars
- (7) Retail sales except those that are incidental to a product created or service provided on site.

I. Kennels

1. The required minimum lot size for all kennels is 5 acres.
2. All kennels with outdoor exercise pens or kennels shall be located no closer than 150 feet to any adjoining property line.
3. Adequate landscaping and/or fencing shall be provided to create a visual, sound, and odor buffer between such facility and adjacent properties.
4. Adequate provision for the storage and removal of all animal wastes shall be made. In particular, no manure storage area shall be located within 300 feet of any residence or street right-of-way.

J. Manufactured Home, Individual

Notwithstanding the Town “Ordinance for the Regulation of Mobile Homes and Mobile Home Parks,” manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured home parks that were created under the provisions of this Law. All manufactured homes outside of a manufactured home park shall conform to the following design and development standards:

1. **Ownership:** The person(s) desiring to place a manufactured home within the Town shall own the real property upon which the home is to be placed.
2. No manufactured home, of any kind, shall be located on a lot adjoining the Hudson River Black River Regulating District after the effective date of this Law. Existing manufactured homes located on a lot adjoining the Hudson River Black River Regulating District on the effective date of this Law shall be a legal, nonconforming use as long as it is considered structurally sound and free of heating and electrical system hazards by the Code Enforcement Officer.
3. **Existing Manufactured Home:** Existing manufactured homes in place on the effective date of this Law may continue. If a manufactured home does not meet the standards of this Law, it shall be a legal nonconforming use as long as it is considered structurally sound and free of heating and electrical system hazards by the Code Enforcement Officer.

4. Relocation of an existing manufactured home: Existing manufactured homes that do not comply with the standards of this Law on the date it becomes effective shall not be relocated to any other parcel in the Town of Northampton.
5. Replacement: Existing manufactured homes that do not meet the standards of this Law may be replaced with a manufactured home, on the existing lot, as long as they meet or exceed the local building code standards and the following design standards:
 - (a) All replacement manufactured homes shall exceed 700 square feet of gross floor area.
 - (b) Foundation. There must be a continuous, permanent foundation, unpierced except for required ventilation and access installed under the home. The foundation may be concrete or other material allowed by the Uniform Building Code for site built homes which is aesthetically compatible with the home and having the appearance of site built construction.
 - (c) Exterior siding. The exterior siding must be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction such as wood, hardboard or metal or any other material allowed by the Uniform Building Code for site built homes which is aesthetically compatible with the home and having the appearance of site built construction. Vinyl covered or painted siding may in no case exceed the reflectivity of gloss white paint. Metal siding must be painted or anodized. Manufactured homes and manufactured home decks must be skirted to blend with the color and texture of the manufactured home exterior. Skirting shall be installed within 30 days of setup.
 - (d) Hauling mechanisms. All mechanisms used to transport the manufactured home to the site including, but not limited to, the wheels, axles and tongue, hitch, transporting lights and removable towing apparatus must be removed within 30 days of setup.
6. New Development

Manufactured homes, whether new, used or refurbished, to be located on unimproved lots, must comply with the following design and development standards:

- (a) Dimensions. The manufactured home must be at least 1,000 square feet in floor area. Length must not exceed 4 times the width, which may be calculated including the measurements of a carport or an enclosed porch. Width must be at least 18 feet wide.
- (b) Roof. The pitch of the roof must have a minimum vertical rise of one (1) foot for each 5 feet of horizontal run. Any roofing material may be used provided it has the appearance of a non metallic shingle, shakes or tile which is commonly used in standard residential construction. Eaves from the roof must extend at least 1 foot from the intersection of the roof and the exterior walls.

- (c) Foundation. There must be a continuous, permanent foundation, unpierced except for required ventilation and access installed under the home. The foundation may be concrete or other material allowed by the Uniform Building Code for site built homes which is aesthetically compatible with the home and having the appearance of site built construction.
- (d) Exterior siding. The exterior siding must be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction such as wood, hardboard or metal or any other material allowed by the Uniform Building Code for site built homes which is aesthetically compatible with the home and having the appearance of site built construction. Vinyl covered or painted siding may in no case exceed the reflectivity of gloss white paint. Metal siding must be painted or anodized. Manufactured homes must be skirted to blend with the color and texture of the manufactured home exterior. Skirting shall be installed within 30 days of setup.
- (e) Hauling mechanisms. All mechanisms used to transport the manufactured home to the site including, but not limited to, the wheels, axles and tongue, hitch, transporting lights and removable towing apparatus must be removed within 30 days of setup.

K. Manufactured Home Park

- 1. Notwithstanding the Town’s “Ordinance for the Regulation of Mobile Homes and Mobile Home Parks,” all manufactured home parks constructed after the effective date of this Law shall conform to the standards of this Section K.
- 2. All manufactured home parks are subject to Site Plan Review and require a license which shall be annually renewed. Site Plan Review shall be conducted as part of the licensing process required in Subsection 4 below.
- 3. Park Standards
 - (a) Design Team: All manufactured home parks shall be designed by a design team which shall include an architect or landscape architect and a civil engineer, all licensed by the State of New York.
 - (b) Minimum Size: The minimum lot size for a manufactured home park is 10 acres.
 - (c) Manufactured Home Standards: All manufactured homes shall meet the design standards required for all individual manufactured homes as provided in Section I of this Article.
 - (d) Park Dimensional Standards: Manufactured home parks shall meet the following requirements:
 - (1) Minimum Frontage: The manufactured home park shall have a minimum frontage of 100 feet on a public street.

- (2) Maximum Density: The maximum number of individual home lots per acre shall be 3 lots.
- (3) Common Recreation Area: A minimum of 25% of the site area of the manufactured home park shall be reserved for recreation facilities to be used in common by park residents.
- (4) Setback Requirements – Perimeter: The minimum setback requirements for the perimeter of a manufactured home park shall be as follows:
 - a. Front Yard: The minimum front yard shall be 100 feet. Each yard abutting a public street shall be considered a front yard.
 - b. Other Yards: All other yards shall be a minimum of 50 feet.
- (e) Individual Lot Requirements within the Park
 - (1) Lot Size: Individuals home lots shall be at least 5,000 square feet.
 - (2) Lot Width: Minimum lot width for each home lot shall be 50 feet.
 - (3) Front Setback: The minimum front yard for an individual manufactured home lot shall be 10 feet from the edge of the pavement line, curb or sidewalk closest to the manufactured home.
 - (4) Structure Separation: The minimum separation between dwellings shall be 30 feet in any direction.
- (f) Streets: All private streets within a manufactured home park shall conform to the following:
 - (1) Width of Right of Way: 50 feet
 - (2) Pavement Width: Minimum of 18 feet; maximum 22 feet
 - (3) Shoulder Width: Minimum of one (1) foot each side
 - (4) A cul-de-sac shall have a maximum length of 500 feet. Each cul-de-sac shall have a turn-around area at its terminus with a minimum radius of 30 feet.
 - (5) Street Construction: All private streets shall have a crowned profile and shall be constructed of asphalt or concrete.
- (g) Utilities and services: The following utilities and service facilities shall be provided in each manufactured home park which shall be in accordance with the regulations and requirements of the New York State Department of Health and the Sanitary Code of New York State.

- (1) Plans: All plans for water, sanitary sewer and storm drainage lines shall be approved by the Planning Board.
 - (2) Storm Drainage: All storm water shall be collected on the site in a piped storm drainage system, unless otherwise approved by the Planning Board. Underground service connection shall be made from each manufactured home to the street gutter. Storm water from the manufactured home park shall be piped to a public storm drain line, if available. The developer may be required to construct an off-site storm drainage system acceptable to the Planning Board.
 - (3) Electricity, Telephone & Television Cable: All electrical, telephone and television cable lines shall be located underground.
 - (4) Other service buildings shall be provided as deemed necessary for the normal operation of the park, however, such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.
- (h) Parking: Off-street parking spaces shall be required as follows: one (1) space per lot or unit whichever is greater. In addition, one (1) space shall be provided for each vehicle used in connection with the facility. If no parking is provided on private streets, then one (1) space must be provided for each 5 dwelling units for guest parking. All driveways for individual manufactured homes and off-street parking areas shall be paved with asphaltic concrete or Portland cement. No parking shall occur in a perimeter yard.
- (i) Recreational Vehicles: Storage areas for vehicles, including motor homes, recreation trailers, boats, boat trailers or other major recreational equipment shall not be located within 100 feet of the perimeter lot lines of a manufactured home park site. Recreational vehicle storage areas shall have a 10 foot yard between the storage area and the nearest structure. Said storage areas shall be screened from the view of adjacent structures by a sight-obscuring fence and landscaping.
- (j) Storage Sheds: One storage shed shall be allowed for each manufactured home. Storage sheds shall not exceed 200 square feet of gross floor area and shall be located adjacent to and designed as an integral part of the manufactured home, deck or carport.
- (k) Landscaping: All land within a manufactured home park not paved or containing a structure shall be landscaped with grass, trees, shrubs or flowers in a manner that will enhance the residential character of the manufactured home park and surrounding neighborhood. All landscaping shall be maintained, said maintenance to include regular irrigation, mowing, removal of weeds and trimming and pruning as necessary.
- (l) Perimeter Landscaping or Fencing: All yards, except the front yard, shall have a continuous permanently maintained perimeter landscaping or fence separating the manufactured home park from the adjacent property.

- (m) Snow Removal: All snow removal on private streets within the manufactured home park shall be provided by the owner or operator of the manufactured home park.

4. Site Plan Review and Licensing

- (a) All manufactured home park developments are subject to Site Plan review.
- (b) All manufactured home parks approved after the adoption of this Law require a license which shall be renewed annually. No person or persons who are the owners or occupants of any land or premises within the Town of Northampton shall use or permit the use of such land or premises for the establishment or maintenance of a manufactured home park until a license for the establishment or maintenance of such manufactured home park has been obtained. After the issuance of such license, such park shall not be maintained or operated other than in accordance with this article.
- (c) Application for Site Plan approval and licensing shall be made to the Planning Board using forms supplied by and delivered to the Code Enforcement Officer.
- (d) Upon receipt of an application, the Town Clerk shall immediately send a copy of the application to the New York State Department of Health and request that it make an investigation of the proposed project for the purpose of determining if it would meet the standards required by the State Sanitary Code for Temporary Residences.
- (e) For Site Plan review and approval, the Site Plan review procedures of Section C of Article XII Site Plan Review shall be followed. In addition to the information required by Section C of Article XII, the following information shall be required on the Site Plan:
 - (1) The exact layout and dimensions of each manufactured home space.
 - (2) The exact layout of all streets and driveways, their widths and the specifications of proposed construction.
 - (3) The location of all required services and other improvements and facilities, such as playgrounds, swimming pools or recreation areas.
- (f) Site Plan approval and issuance of license

Upon approval of the application by the State Department of Health and of the Site Plan application by the Planning Board, the Town Clerk shall issue a license, to be effective from and after the date of issuance to and including the 31st day of December next succeeding the date of issuance. If such application is not approved, the Planning Board shall certify the reason for its action, and such decision shall be filed with the Town Clerk, who shall immediately notify the applicant of the decision of the Planning Board.

- (g) Assignment of license

A license issued pursuant to the terms of this article shall be assignable only with the consent of the Planning Board.

(h) Renewal of license

The holder of a license may, between the first and the 31st of December of each year, file with the Town Clerk an application for a license renewal for the following year. If it shall appear that any change or alteration has been made in the park plan as filed with the Town Clerk, no renewal license shall be issued until such time as the Planning Board shall approve such change or alterations.

(i) Revocation of license

- (1) If the Code Enforcement Officer, being directed by the Planning Board to inspect a manufactured home park, finds that such park is in violation of any of the conditions of the license, this law and/or is not being maintained in a clean and sanitary condition he or she shall notify in writing the holder of the license or person in charge of the park of the specific violations and order immediate remediation. Such violations shall be remedied within 10 days after notification. If, after 10 days, such conditions remain unchanged or are not corrected in accordance with said order, the Code Enforcement Officer shall serve a notice in writing upon the park owner or the person in charge of such park, requiring the holder of the license to appear before the Planning Board at a time to be specified in such notice and show cause why such license should not be revoked.
- (2) The Planning Board may, after a hearing at which testimony and witnesses of the Code Enforcement Officer and of the holder of such license have been heard, revoke such license if the conditions described in the original order have not been corrected in accordance with the terms of such order or if the holder of such license has violated the regulations applicable to such park or has violated any of the provisions of this article or for other sufficient cause. Upon the revocation of such license, the premises shall cease to be used for the purpose of such park, and all manufactured homes shall be removed at the expense of the licensee.

(j) Fees

The Town Clerk shall receive a fee as set forth in a Fee Schedule as adopted by the Town of Northampton per manufactured home space for each license or renewal thereof issued by the Clerk, provided that if the original license is issued on or after April 1, the fee shall be 3/4 of the fee, and if issued on or after July 1, the fee shall be 1/2 of the fee, and if issued on or after October 1, the fee shall be 1/4 of the fee.

L. Marinas

1. As part of Site Plan Review, the marina operator shall identify potential navigation hazards or conflicts with existing or adjacent uses such as swimming areas and present a plan to minimize such conflicts.
2. As part of Site Plan Review, the marina operator shall provide the Planning Board with a plan designed to minimize damage to the environment due to leakage or spills of fuels, lubricants, waste products or other pollutants. If the marina sells or dispenses fuel products, the plan shall include provision for storage and use of emergency containment and clean-up equipment for petroleum product spills.
3. Required amenities:
 - (a) All marinas shall provide restrooms for the use of its clientele.
 - (b) All marinas shall provide an approved pump out facility.
 - (c) Marinas shall provide trash receptacles sufficient to accommodate all trash generated by the marina's customers or clientele. Such receptacles shall be maintained in a clean and orderly condition.

M. Motels

1. Motels shall have a minimum lot area of 2,000 square feet per unit or the minimum lot size for the zoning district in which it is located; whichever is greater.
2. Water supply and sewage disposal shall be approved by the New York State Department of Health.

N. Motor Vehicle Repair

1. All repair work, storage of materials, supplies, and parts shall be located within a structure completely enclosed on all sides (not to be construed as meaning that the doors of any repair shop must be kept closed at all times).
2. For all overnight storage parking associated with automobile repair uses, perimeter landscaping as prescribed in Article VI, (D) Landscaping and Screening, shall be provided to screen the parking from the public right-of-way and/or neighboring residential uses.
3. The maximum number of parking spaces devoted to temporary overnight storage of vehicles shall be no more than 3 spaces per repair bay. These spaces shall be clearly delineated on all Site Plan and Special Use Permit applications.
4. Outside storage or parking of any disabled, wrecked or partially dismantled vehicle is not permitted for a period exceeding 10 days during any 30-day period.

O. Multi-Family Dwellings

1. In the MDR and HMU Districts, the minimum lot size for a multi-family dwelling shall be the minimum lot area required for a single family dwelling, plus an additional 2,500 square feet for each additional dwelling unit if the lot has a public water supply and sewerage

disposal system approved by the New York State Department of Health. Without public sewer and water the minimum lot size shall be 20,000 square feet.

2. In the MDR, HMU and MU Districts, the maximum density for new multi-family dwellings shall be 6 units per acre.
3. The minimum floor area shall be 720 square feet for all dwelling units in a multi-family dwelling.
4. Buildings in existence prior to the adoption of this Law may be converted to multi-family use if permitted in Schedule A: Use Regulations. The minimum lot size per dwelling unit (density) requirement of this Section O (1) above may be waived for the conversion of an existing building to multi-family. Maximum density shall be established by the Planning Board based upon consultation with the Code Enforcement Officer and the characteristics of the existing building.
5. For congregate senior citizen housing and residential care facilities, each bedroom shall be counted as ½ of a dwelling unit.
6. Permitted apartments located above non-residential uses shall be allowed at the same density as multi-family dwelling units, except that for each lot, one (1) apartment not exceeding 1,000 square feet may be located above a nonresidential use by right.

P. Natural Production Uses

1. Slopes caused by the excavation shall upon completion not exceed 30%.
2. There shall be the following setback or buffer of undisturbed land from all excavation:
 - (a) 50 feet from all lot lines.
 - (b) 75 feet from a streambed.
 - (c) 100 feet from the right-of-way of a highway.
3. Depth of excavation shall approach no closer than 5 feet to the average high point of the groundwater table measured annually, except upon showing satisfactory to the Planning Board during Site Plan Review that the Site Plans contain mitigating measures adequate to assure that the proposed use of the land will not cause any undue, adverse impacts either to such groundwater table or to any surface waters into which such lands drain.
4. A plan for restoration and rehabilitation of the area used for natural production use shall accompany the request for a Special Use Permit; the Planning Board, upon approval of the plan, shall require a performance bond, line of credit, or other financial assurance to assure the restoration and rehabilitation of the area.

Q. Outdoor Shooting Ranges

1. Minimum lot size is 25 acres.
2. Minimum front, side and rear yard setback shall be 750 feet or twice the length of the shot fall area; whichever is greater.

3. Maintenance of an outdoor shooting range shall be in accordance with the best management practices set forth by the United States Environmental Protection Agency (U.S. EPA) and shall minimize the potential for soil and water pollution due to lead contamination. An environmental management plan which demonstrates the application of best management practices shall be part of the special use permit application for an outdoor firing range. The format of the environmental management plan shall follow the basic guidelines set forth by the U.S. EPA in the guidance document "Best Management Practices for Lead at Outdoor Shooting Ranges."
4. The siting of outdoor shooting ranges shall be so that the shot fall area is not located on water bodies or wetlands and is contained wholly on the lot.

R. Outdoor Storage Area, Accessory Commercial Use

1. All storage areas shall be at least 50 feet from all property lines.
2. All storage areas shall be screened from view and fenced as required in Article VI (D) (6), Perimeter Landscaping and Screening, to prevent littering the environment.
3. Outdoor storage shall not be construed to include a Junk Yard or any similar use and shall meet the requirements of the Local Law No. 2 of 2006 of the Town of Northampton, Property Maintenance Law.

S. Sawmills

1. The minimum lot size for the use of sawmills shall be 10 acres.
2. All elements of the sawmill, including storage area for logs and sawn lumber; bark, sawdust and other waste materials; buildings and equipment areas; shall be screened by existing landform and/or vegetation from the direct view of abutting residential properties and public right-of-ways.
3. All buildings or other structures and all equipment or storage areas associated with the sawmill shall be located not less than 100 feet from any property line, nor less than 300 feet from any neighboring dwelling.
4. No storage area for logs, sawn lumber or waste materials shall be located within 100 feet of any stream, other water body or well providing a source of potable water.

T. Self-Storage Unit Facility

1. No self-service storage structures shall be located within 300 feet from the front lot line in any residentially zoned or developed property.
2. The maximum height of permitted storage structures is 20 feet or one (1) story.
3. Circulation drives and aisles shall be a minimum of 24 feet in width and all corners shall provide a 50-foot turning radius to provide adequate access for fire-fighting vehicles.
4. No outdoor storage is permitted.
5. No business activity other than the rental of storage units shall be conducted on the premises.
6. All self storage facilities shall be gated at all vehicular access points.
6. Landscaping shall meet the standards perimeter landscaping requirements of Article VI (D) (6) and must be provided along all lot lines, in a manner which will largely obscure the use and its operation when viewed from the ground level.

7. All lighting shall be directed toward and illuminate the site only and shall not intrude on any residentially zoned or developed property.

U. Swimming Pools

1. Private swimming pools may be erected in all districts provided they conform to all New York State laws and regulations and the following provisions:
 - (a) Pools may be installed only as accessory to a residence for the private use of the owners or occupants of such residence and their families and guests, or as an accessory use to a primary lodging use.
 - (b) No work shall be commenced on the construction or installation of any swimming pool, including any excavation or removal of sand, gravel, topsoil or other materials, until and unless the plans and specifications have been approved and a building permit has been issued by the Code Enforcement Officer.
 - (c) Pools and pool equipment shall be installed in compliance with the setbacks of this Law.
 - (d) Pools shall be completely surrounded by a substantial fence. Such fence shall be in conformity with all New York State and local rules and regulations.
 - (e) Pools may not be located between the building line and the street.

V. Wind Energy System, Small

1. Purpose and Findings

The purpose of this section is to provide a regulatory scheme for the construction and operation of Small Wind Energy Systems in the Town of Northampton, subject to reasonable restrictions, which will preserve the public health and safety of the Town's residents.

The Town of Northampton finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Wind energy systems also enhance the reliability and the power quality of the power grid, reduce peak power demands and help diversify the state's energy supply portfolio.

2. Definitions

ON GRID SYSTEM: The turbine and load it serves (i.e. house) are connected to the transmission grid. The house receives its electricity from the turbine when wind is available and from the grid when backup is needed.

OFF GRID SYSTEM: The turbine and load it serves are not connected to a larger electrical network. These usually have some form of energy storage device (i.e. batteries) to supply reserve power when energy demand exceeds wind supply.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, or similar technology, which has a rated capacity of not more than 100 kilowatts and which is intended to primarily reduce on-site consumption of utility power.

TOWER HEIGHT: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

3. Permits and Referrals

- (a) In all zones in which small wind energy systems are authorized, prior to the issuance of a building permit, the Code Enforcement Officer shall refer the applicant to the Planning Board for completion of a Special Use Permit and Site Plan Review.
- (b) The height of a wind energy system will likely exceed the maximum height permitted by the Adirondack Park Agency Act and will therefore require a permit from the Adirondack Park Agency.

4. Submission Requirements

Site Plan Review is required for towers over 60 ft. in height. The following elements shall be included in the submission:

- (a) The applicant and landowner's name and contact information.
- (b) The tax map numbers, existing use and acreage of the site parcel.
- (c) Standard drawings of the wind turbine structure, including the tower, base and footings, drawings of access roads, and including an engineering analysis and certification of the tower, showing compliance with the applicable building code.
- (d) Data pertaining to the tower's safety and stability, including safety results from test facilities.
- (e) Proposal for landscaping and screening. Appropriate landscaping is required to keep the site in a neat and orderly fashion. Appropriate screening is also required to screen accessory structures from adjacent residences.
- (f) A Full Environmental Assessment Form ("EAF") and Visual Environmental Assessment Form (Appendix C to 6 NYCRR 617.20) prepared in accordance with the State Environmental Quality Review Act.

5. Tower Height

For property sizes between 0.5 acre and one (1) acre the tower height shall be limited to 80 ft. For property sizes of one (1) acre or more, there is no limitation on tower height, except as constrained by requirements of this article and other regulatory agencies.

6. Setback

Setbacks shall be a minimum of 50 feet from the center of the road plus the height of the unit (tower and rotor). Side and rear setbacks shall be a minimum of 10 feet plus the height of the unit (tower and rotor).

7. Sound

Small wind energy systems shall not exceed 55 dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. When determining the level of sound, measurements shall be averaged over a twenty-four hour period of time.

8. Safety

Wind turbine towers shall not be climbable up to 15 feet above ground level.

9. Compliance with Regulations

- (a) Small wind turbines must have been approved under any other small wind certification program recognized by the American Wind Energy Association.
- (b) Compliance with Uniform Building Code: Building Permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.
- (c) Compliance with Federal Aviation Administration (FAA) Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- (d) Compliance with National Electric Code: Building Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- (e) Compliance with the Adirondack Park Agency Act: Small wind energy systems shall comply with the Adirondack Park Agency Act. A copy of the Class A Regional Project Permit from the Adirondack Park Agency, as may be required for wind energy systems over a certain height, shall be provided.

10. Utility Notification

No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

11. Multiple Turbines

In the event of multiple small wind turbines, the resulting aggregate installation, must meet the sound, setback and safety requirements as exist for other structures.

12. Removal

If the small wind energy system is inoperable after 12 months, the owner must remove the tower within 60 days.

W. Wireless Communications Towers

1. Application of Regulations

- (a) No wireless communications tower shall hereafter be erected, moved, reconstructed, changed or altered without conforming to these regulations. No existing structure shall be modified to serve as a wireless communications tower unless conforming to these regulations.
- (b) Wireless communications towers are permitted in accordance with Schedule A: Use Regulations.
- (c) The Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed wireless communications facility, including the use of camouflage of the tower structure and/or antenna to reduce visual impact.
- (d) The Planning Board may waive any or all of the requirements for approval for applicants proposing minor changes to existing facilities and for applicants proposing the use of camouflage for a wireless communications tower when the Board finds that such camouflage significantly reduces the visual impact to the surrounding area. However, the Board may not waive the requirement that a public hearing be held on the application.

2. General Criteria

No special use permit relating to a wireless communications facility shall be authorized by the Planning Board unless it finds that such facility:

- (a) Is necessary to provide adequate service to locations that the applicant is not able to serve with existing facilities;
- (b) Conforms to all applicable regulations promulgated by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and other federal agencies;

- (c) Will be designed and constructed in a manner which minimizes visual impact to the extent practical; and
- (d) Is the most appropriate site among those available within the technically feasible area for the location of a wireless communication facility.
- (e) All electrical and other utilities shall be located underground to the extent feasible.

3. Submission Requirements

- (a) Site Plan. An applicant shall be required to submit a Site Plan as described in Article XII, Site Plan Review. The Site Plan shall show all existing and proposed structures and improvements including roads and shall include grading plans for new facilities and roads. The Site Plan shall also include documentation on the proposed intent and capacity of use as well as a justification for the height of any tower or antennae and justification for any land or vegetation clearing required.
- (b) Additionally, the Planning Board shall require that the Site Plan include a completed Visual Environmental Assessment Form (Visual EAF) and a landscaping plan addressing other standards listed within this Law with particular attention to visibility from key viewpoints within and outside of the municipality as identified in the Visual EAF. The Planning Board may require submittal of a more detailed visual analysis based on the results of the Visual EAF.
- (c) Documentation from an expert qualified in the field of wireless communications and radio frequency engineering showing that the tower and/or facility is needed to provide adequate coverage to an area of the Town that currently has inadequate coverage, including a sealed, graphical depiction of the inadequate coverage area.
- (d) A copy of the lease agreement.
- (e) A copy of the applicant's FCC operating license.
- (f) Compliance with the Adirondack Park Agency Act: Small wind energy systems shall comply with the Adirondack Park Agency Act. A copy of the Class A Regional Project Permit from the Adirondack Park Agency, as may be required for wireless communication towers over a certain height, shall be provided.

4. Co-Location

- (a) The shared use of existing wireless communications towers or other structures shall be preferred to the construction of new facilities. Any Special Use Permit application shall include proof that reasonable efforts have been made to co-locate within an existing wireless communications facility or upon an existing structure within a reasonable distance, regardless of municipal boundaries, of the site. The applicant must demonstrate that the proposed wireless communications facility cannot be

accommodated on existing wireless communications facilities due to one or more of the following reasons:

- (1) The planned equipment would exceed the structural capacity of existing and approved wireless communications facilities or other structures, considering existing and planned use for those facilities;
- (2) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
- (3) Existing or approved wireless communications facilities or other structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably;
- (4) Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures; and
- (5) The property owner or owners of the existing wireless communications facility or other structure refuses to allow such co-location or requests an unreasonably high fee compared to comparable current industry rates for such co-location.
- (6) An applicant intending to share use of an existing tower shall be required to document intent from an existing tower owner to share use. The applicant shall pay all reasonable fees and costs of adapting an existing tower or structure to a new shared use. Those costs include but are not limited to structural reinforcement, preventing transmission or receiver interference, additional site screening, and other changes including real property acquisition or lease required to accommodate shared use.

5. Fall Zones

Wireless communications facilities shall be constructed so as to minimize the potential safety hazards and located in such a manner that if the facility should fall, it will remain within the property boundaries and avoid habitable structures, public streets, utility lines and other wireless communications facilities.

6. Setbacks

Wireless communications facilities shall comply with all existing setbacks within the affected zoning district. Setbacks shall apply to all tower parts including guy wire anchors, and to any accessory facilities. Additional setbacks may be required by the Planning Board to substantially contain on-site icfall or debris from tower failure and/or to preserve the privacy of adjoining residential and public property.

7. Lighting

Towers shall not be artificially lighted except to assure human safety as required by the FAA. Notwithstanding, an applicant may be compelled to add FAA-style lighting and marking, if in the judgment of the Planning Board, such a requirement would be of direct benefit to public safety. The Board may choose the most appropriate lighting and marking plan from the options acceptable by the FAA at that location. The applicant must provide both standard and alternative lighting and marking plans for the Board's review.

8. Visibility and Aesthetics

- (a) The maximum height for wireless communications towers permitted under this article, including any antennas or other devices extending above the tower, measured from the ground surface shall be 150 feet.
- (b) Towers shall be a galvanized finish or painted gray above the surrounding treeline and painted gray, green, black or similar colors designed to blend with the natural surroundings below the surrounding treeline unless other standards are required by the FAA. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Accessory facilities shall maximize use of building materials, colors and textures that are designed to blend with the natural surroundings.
- (c) Structures offering slender silhouettes (i.e. monopoles or guyed towers) may be preferable to freestanding lattice structures except where such freestanding structures offer capacity for future shared use. The Planning Board may consider the type of structure being proposed and how it relates to the surrounding area.
- (d) The applicant must examine the feasibility of designing a proposed wireless communications tower to accommodate future demand for additional facilities.

9. Vegetation and Screening

- (a) Existing on-site vegetation shall be preserved to the maximum extent possible, and no cutting of trees exceeding 4 inches in diameter (measured at a height of 4 feet off the ground) shall take place prior to approval of the special permit use. Clear-cutting of all trees in a single contiguous area shall be prohibited.
- (b) The Planning Board may require appropriate vegetative buffering around the fences of the tower base area, accessory facilities and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

10. Signage

The use of any portion of a wireless communications facility for signs for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers and balloons is prohibited. The Planning Board may require the installation of signage with safety information.

11. Security

- (a) Towers, anchor points around guyed towers and accessory facilities shall each be surrounded by fencing not less than 6 feet in height.
- (b) There shall be no permanent climbing pegs within 15 feet of the ground.
- (c) Motion-activated or staff-activated security lighting around the base of a tower or accessory facility may be provided if such lighting does not project off the site.
- (d) A locked gate at the junction of the access way and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such a gate must not protrude into the public thoroughfare.

12. Abandonment and Removal

At the time of the submission of the application for a wireless communications facility the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates, accessory equipment or structures, as well as any tower used as a wireless communications facility if such facility becomes technologically obsolete or ceases to perform its originally intended function for more than 12 consecutive months. Upon removal, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils. The Planning Board is hereby authorized to require the applicant, as a condition of approval, to post an escrow deposit with the Town in an amount sufficient to ensure compliance with this section.

ARTICLE VI: ADDITIONAL DEVELOPMENT STANDARDS

A. Sacandaga Park Neighborhood Design Standards

1. Purpose

The purpose of the design standards of this section is to protect the unique, historic character of the Sacandaga Park neighborhood.

2. Applicability

The building design standards of this section shall apply to the construction of new principal buildings located within the Sacandaga Park Neighborhood Conservation Overlay District.

3. Site Plan Review Application Process

For all new construction located within the Sacandaga Park Neighborhood Overlay District requiring Site Plan Review as provided in Article XII of this Law, the Planning Board shall apply the design standards of Subsection 5 of this Section to the project under review as applicable.

4. Building Permit Application Review Process

- (a) The Planning Board shall review and approve building permit applications for all proposed new construction within the Sacandaga Park Neighborhood Conservation Overlay District.
- (b) Upon receipt of a complete building permit application for a property within the Sacandaga Park Conservation Overlay District, the Code Enforcement Officer shall refer the building permit application to the Planning Board for action.
- (c) Within 62 days of referral from the Code Enforcement Officer, the Planning Board shall approve, disapprove or approve with modification the building permit application.

5. New construction of principal buildings

- (a) The Planning Board, in its review of new construction projects within the Sacandaga Park Neighborhood Conservation Overlay District, shall reflect the goals of the Town of Northampton Comprehensive Plan with regard to protecting the character of the Sacandaga Park neighborhood.
- (b) All new infill construction of principal buildings within the Sacandaga Park Neighborhood Conservation Overlay District shall be in keeping with the historic architectural style and scale of the adjacent Sacandaga Park neighborhood. At a minimum, the following design standards shall apply to the construction of all new

principal buildings, including the reconstruction of a building demolished or destroyed by fire or other means:

- (1) All structures shall be of wood-frame type construction.
- (2) All structures shall be 1.5 or 2 stories in height.
- (3) All main roofs shall be hip or gable-style or otherwise consistent with surrounding principal buildings.

B. Nonresidential and Multi-Family Building Design Standards

1. Purpose

The purpose of this section is to ensure that new nonresidential and multi-family development complement the historic character of the Town of Northampton and Adirondacks.

2. Applicability

The building design standards apply to all new construction, additions and alterations except that single family dwellings, two-family dwellings and agricultural uses shall be exempt except in the Sacandaga Park Neighborhood Conservation Overlay District where the design standards of Subsection A of this Article shall apply.

3. Definitions

ADDITION: New construction added to an existing building or structure.

ALTERATION: Construction or other modification that changes one or more of the exterior features of a structure or building, including, but not limited to, the erection, construction, reconstruction, addition, sand blasting, water blasting, chemical cleaning or removal of any structure, but not including changes to the color of exterior paint.

BELTCOURSE: A molding or projecting row or layer of stones, tile, shingle or brick in a wall running horizontally along the face of a building.

CORNICE: The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

FAÇADE: The exterior walls of a building facing a frontage line.

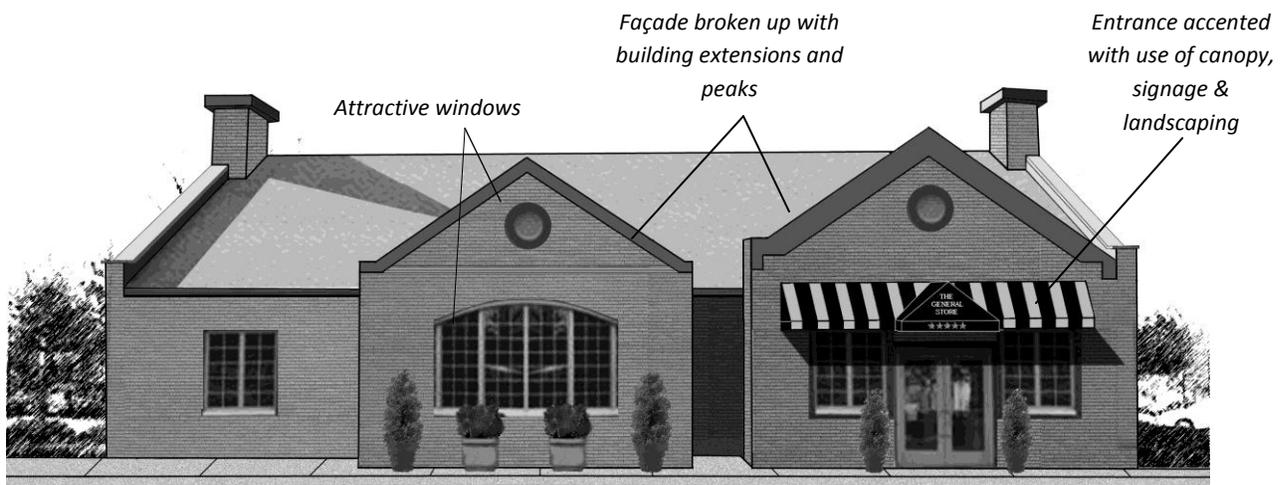
MASSING: The three-dimensional shape of a building(s) height, width, and depth.

PLINTH: A projecting base of an external wall, or the base of courses of a building collectively, if so treated as to give the appearance of a platform.

PORTICO: A covered walk or porch that is supported by columns or pillars; also known as colonnade.

4. General Building Design Standards

- (a) New development, additions and alterations shall employ building types and architectural detailing that are compatible with the architecture of the existing hamlets and Adirondack community character in their massing and external treatment.
- (b) New infill development shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
- (c) For larger structures, the length of any façade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further; 30 feet or less is preferred. Facades may be broken up through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways and other architectural treatments.



Example of a retail or service establishment building design.

5. Building Materials

- (a) For any new building, addition or alternation, the use of natural materials such as stone, brick, wood siding, shingles, slate, etc. are preferred.
- (b) Anodized or galvanized metal is prohibited except when used for roofs, agricultural structures, or additions or alterations to existing structures with anodized or galvanized metal exteriors.
- (c) Muted and traditional colors are generally preferred, with contrasting textures and tones used to add interest. Building colors should emphasize earth tones and colors common to traditional/natural building materials. Strong color may be used sparingly as an accent.

6. Building Orientation and Entrances

- (a) Buildings shall be parallel to the street frontage property line.
- (b) The front façade of buildings shall be oriented towards the public right-of-way with an everyday public entrance in this front façade.
- (c) All primary building entrances shall be accentuated. Accents may include recessed or protruding entrances or the use of canopies, porticos, or overhangs.
- (d) Where rear parking is provided, the provision of a secondary rear entrance is encouraged.



Example of a gas station and convenience store with a consistent architectural style for the building and canopy, gas pumps on the side, parking in the back, sidewalks and landscaping.

7. Walls

- (a) Blank facades with no windows or doorways shall not be permitted along any exterior wall facing a street, parking area, or walking area or other public right-of-way.
- (b) Walls or portions of walls, where windows are not provided, shall have architectural treatments that are similar to the front façade including materials, colors and details. Examples of architectural treatments include but are not limited to: masonry (but not flat concrete block), concrete or masonry plinth at the base of the wall, belt courses of a different texture or color, projecting cornices, projecting canopies, decorative tilework, medallions, translucent glass, vertical/horizontal articulation, lighting fixtures.



***Example of an Adirondack-style mini shopping plaza and signage.
Parking is located on the side with a landscaped front yard setback.***

8. Windows

- (a) When necessary repair or replacement of windows is required, replacement windows shall match the original window in style, configurations and size.
- (b) Smoked, reflective, or black glass in windows is prohibited.

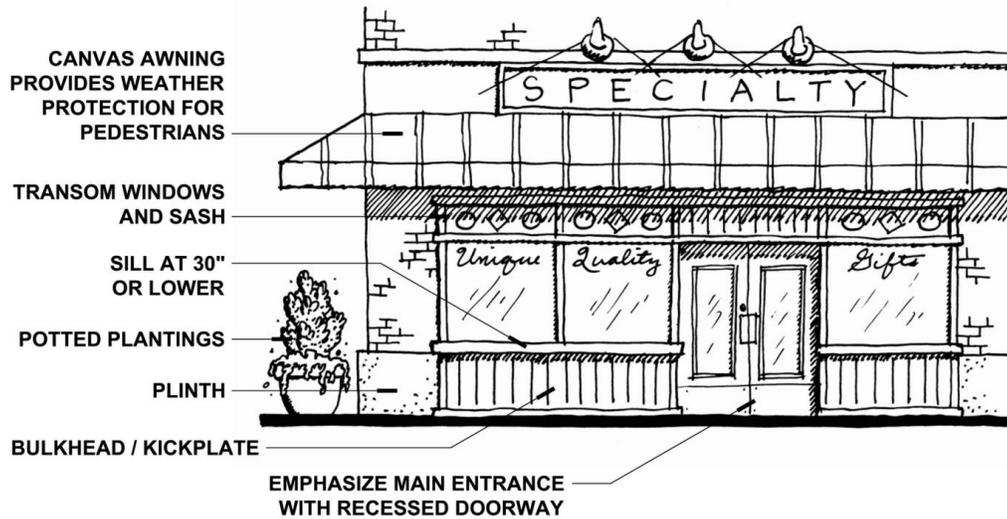
9. Roofs

- (a) Roofs shall be proportional to the rest of the building and for infill development, should be in keeping with the character of adjacent buildings. Hip or gable roofs are preferred. Flat roofs are discouraged but when used shall have a parapet. False mansard-style roofs shall not be used.
- (b) Structures with sloping roofs shall take measures to ensure that the fall of snow, ice, or rain does not create a hazard for pedestrians. Sloping roof structures can employ the use of dormers and gables to give the facade a more visual prominence.

10. Storefronts

- (a) Storefront design should be in keeping with the overall building design. Storefront elements such as windows, entrances and signage provide clarity and lend interest to facades. It is important that the distinction between individual storefronts, the entire building facade, and adjacent properties be maintained by architectural treatment and materials selection.
- (b) Storefront windows and doors shall be consistent to create a cohesive appearance.

- (c) Clear, colorless glass without tinting is preferred for all display windows. Stained glass, colored or translucent glass should be used only for design accents.

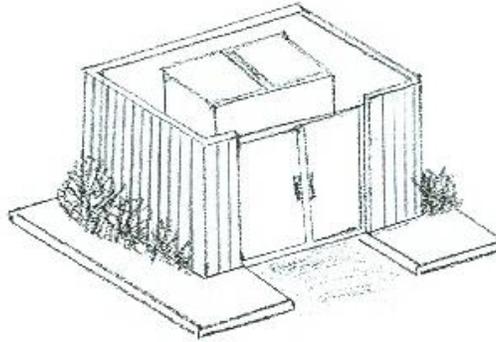


Example of a preferred storefront.

11. Accessory Refuse Storage Areas

The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be sited in the following manner:

- (a) Refuse areas including all dumpsters and garbage cans shall be located behind the principal building, at least 10 feet from the property line.
- (b) Refuse areas shall be entirely screened by a fence or enclosure of at least 6 feet high on all 4 sides. A minimum of 25% of the enclosure shall be screened by landscaping.
- (c) Refuse areas shall be designed to be architecturally compatible with the principal building including the doorway or entrance of the enclosure. The enclosure of the refuse area shall be brick, stockade, wood board fence or materials imitating brick or wood. Enclosures must remain locked, closed and maintained in proper working order.



Example of an enclosed refuse area.

C. Fences, Hedges and Walls

The following standards shall apply to fences, walls and hedges for all uses in all districts except agriculture which shall be exempt.

1. Location

- (a) Fences and freestanding walls shall be setback at least 10 feet from the front property line. Hedges greater than 3 feet in height shall be setback 10 feet from the front property line.
- (b) Fences, freestanding walls and hedges greater than 3 feet in height, shall not be located within 30 feet of a street intersection. The height of 3 feet shall be measured above the curb level, if any, or above the existing road level. In no event, however, shall a hazard to traffic be erected or maintained.

2. Height

- (a) No fence or freestanding wall shall exceed 4 feet in height, as measured from the ground, in any front yard.
- (b) No fence or freestanding wall shall exceed 6 feet in height, as measured from the ground, in any side or rear yard.
- (c) A maximum of 10 feet in height measured from the ground shall be allowed to enclose a private or public tennis court, basketball, or sports courts provided that the fence is semi-transparent, and provided the fence is set back at least 10 feet from the property line.

3. Materials and Construction

- (a) All fences and freestanding walls shall be so installed so that the finished side shall face the adjoining lot, public right-of-ways and shared private right-of-ways; all bracing shall be on the inside of the fence.

- (b) Barbed wire, chicken wire, pallets, tires, plywood and construction fencing shall not be used as a fencing material or as any part of a fence visible from the public right-of-way except when used for agricultural uses.
- (c) Retaining walls visible from the public right-of-way should be faced with masonry or other decorative screening, textures, design, or landscaping to minimize the blank appearance of walls and ensure compatibility with existing structures.
- (d) All fences, walls and hedges shall be maintained and, when necessary, repaired or replaced.

D. Landscaping and Screening

1. Purpose

The purpose of these provisions is to ensure that new site development is integrated as much as possible with the adjacent landscape and/or rural character of the Town of Northampton; to reduce the effects of noise, glare, dust, and heat; and, to prevent soil erosion, reduce stormwater runoff, and buffer and screen adjacent properties. The preservation and/or transplantation of existing trees and vegetation is encouraged where possible.

2. Applicability

The Landscaping and Screening standards described in this section apply to the following development activities. Single family, two-family and agricultural uses are exempt from the standards of this Section D.

- (a) All new construction or change of use.
- (b) Additions and expansions of 1,500 square feet or greater of gross floor area to existing uses other than those described in 2(a) above.
- (c) All retaining walls 6 feet in height or greater measured from finished grade of the lowest side of the wall, shall require a set of stamped plans and specifications by a licensed engineer or landscape architect.
- (d) The creation of more than 3 parking spaces.

3. General Requirements

- (a) A landscaping plan shall be prepared as part of Site Plan.
- (b) The plan shall be prepared and stamped by a licensed landscape architect, engineer or architect unless waived by Planning Board.
- (c) Landscaping required pursuant to an approved site plan shall be installed or funds deposited in, or a certificate of deposit issued by, a bank or trust company located and authorized to do business in this state, under an agreement approved by the Town

Attorney prior to temporary occupancy, and installed before the issuance of final certificate of occupancy.

- (d) The preservation of existing natural vegetation or stands of trees (particularly native species) may be used toward meeting all or part of the landscaping requirements and is encouraged.
- (e) Landscaping shall not interfere with overhead power lines.

4. Site Plan Requirements

The following elements shall be included on the landscape plan as part of the Site Plan application presented for Site Plan Review:

- (a) Existing Vegetation: graphic depiction of existing vegetation “TO REMAIN” and “TO BE REMOVED.” Distinctive (e.g. native) species and colonies of vegetation shall be identified.
 - (1) Species and caliper size for all existing trees 6” DBH and greater to be removed shall be provided in Table form.
- (b) Proposed Plantings: graphic illustration of the mature tree canopy size, and diameter/spread of shrubs and shrub/herbaceous plant massings.
 - (1) A Plant Schedule shall list the common name, botanical name, minimum recommended USDA Growing Zone, size, quantity, and root condition of all proposed plant material.

5. Minimum Planting Requirements

- (a) Landscape elements such as trees, shrubs, herbaceous plantings, walls, paving, etc. shall be planned to create pedestrian-scale spaces.
- (b) The selection of landscaping materials shall be compatible to the Adirondack climate (USDA Growing Zone 5), soil types, and water availability. To ensure survival and usefulness of new plant materials in the near future, the following minimum sizes are required for this region:

| Plant Type | Size |
|-----------------------|-------------------------------|
| Large deciduous trees | 2" to 3" > caliper (diameter) |
| Conifers | 6' to 8' height |
| Small flowering trees | 1" > caliper (diameter) |
| Large shrubs | 30" to 36" height |
| Small shrubs | 18" to 24" height |

- (c) Grass and sod plantings shall use a grass developed for establishment in local conditions.
 - (d) Curbing and paving should be located no closer than the drip line of existing trees to remain unless root bridges, structural soil, or other measures are employed.
 - (e) Mulch shall be natural, organic material.
6. Perimeter Landscaping and Screening
- (a) Landscaped screening or fencing shall be installed along the perimeter of nonresidential uses abutting a residential use to mitigate noise and light spillage from outdoor lighting and cars.
 - (b) For all required landscaped screening, the plant choice, required mature height and width, and placement of such buffers and screening shall be based upon the site topography, distance from buildings and uses, and other existing conditions and proposed improvements. However, the planted buffer shall be at least 6 feet in height at the time of planting, completely screen the view into adjacent properties and mitigate reasonable noise.
7. Parking Lot Landscaping
- (a) Landscape areas shall cover a minimum of 15% of the total paved area of the parking lot.
 - (b) Planted buffers shall be provided between parking areas and adjacent lots and streets.
8. Maintenance
- (a) Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner bears the responsibility for maintenance of required landscaping. The Town of Northampton has the authority to order that dying or dead landscaping be replaced by the current landowner or developer. In addition, the Town will work with a property owner in establishing a realistic replanting plan when landscaping required by this article is lost due to situations beyond the control of the property owner or other related circumstances.
 - (b) If requested, the applicant shall submit a maintenance agreement describing methods of compliance with the requirements of this Article.
 - (c) Action upon non-compliance: failure, neglect or refusal of owner to perform the required maintenance action shall be taken in accordance with the enforcement provisions of Article XIV of this Law.

E. Outdoor Lighting

1. Purpose

The purpose of this section is to require and set minimum standards for outdoor lighting that are appropriate for safety, security, and visibility for pedestrians and motorists, while minimizing glare and light pollution.

2. Applicability

The lighting standards of this section shall apply to all properties in the Town of Northampton.

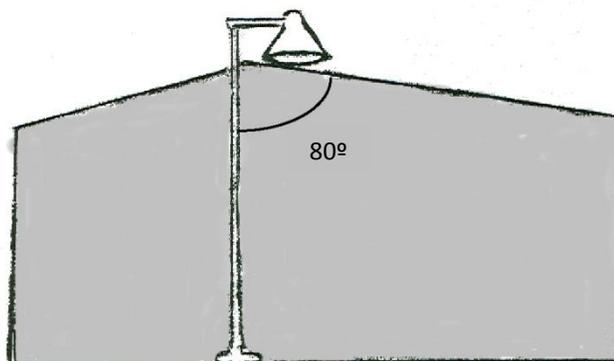
3. Definitions

FULL CUTOFF OR FULL SHIELDED TYPE FIXTURE: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

GLARE: Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

LIGHT FIXTURE: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

LIGHT POLLUTION: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, or causes undesirable glare or unnecessary illumination of adjacent properties.



Example of full cut-off lighting fixture.

4. General Requirements

- (a) The number of light fixtures and the intensity of lighting shall be appropriate to illuminate the location for safety, without glare to adjoining properties.
- (b) Lighting fixtures shall be aimed and shielded in a manner that shall not direct illumination on adjacent residential properties. Full-cutoff fixtures are preferred.
- (c) Installation of supply wires for lighting shall be placed underground.
- (d) Automobile-oriented uses such as gasoline stations, service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy.
- (e) Signs that are wholly illuminated with an exposed incandescent lamp not exceeding 25 watts shall not require shielding.
- (f) Maximum Height. The total height of exterior lighting fixtures, including the base, shall be a maximum of 20 feet and 14 feet for pedestrian walkways and parking lots adjacent to residential uses.



Decorative lighting is preferred.

5. Design

- (a) Exterior lighting shall enhance the building design and adjoining landscape.
- (b) Decorative style lighting is preferred.

6. Prohibited Lighting

- (a) Blinking and flashing lights
- (b) Neon lights

7. Exemptions

- (a) Holiday lighting
- (b) Emergency lighting or temporary construction lighting, as may be required by a public agency.

F. Off-Street Parking and Loading

1. Applicability

- (a) In all districts, the minimum off-street parking and loading requirements of this section shall be met for any newly constructed building, building expansion or change in use.

(b) Structures and land uses in existence or for which building permits have been approved at the time of the adoption of this Law shall not be subject to the parking or loading space requirements of this section. However, any existing parking and loading facilities for such uses shall not be reduced unless they exceed the requirements of this Law, in which case they shall not be reduced below the requirements of this section.

2. Required Number of Off-Street Parking Spaces

(a) The minimum number of off-street parking spaces required shall be calculated using the standards in this subsection and Schedule C below.

- (1) In churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 20 inches of such seating facility shall be counted as one (1) seat.
- (2) For uses not expressly listed in this Section, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Planning Board.
- (3) When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction up to and including ½ shall be disregarded and fractions over ½ shall require one (1) parking space.

(b) In addition to the minimum parking requirements of Schedule C, the following uses located adjacent to NYS Route 30, require at least one (1) parking space 10 feet wide by 50 feet long (10' x 50') for parking a towed boat or recreational vehicle (RV):

- (1) Gasoline Service Station with or without convenience store
- (2) Hotel, Inns and Motels
- (3) Restaurants and Bars
- (4) Other retail and service establishments as determined by the Planning Board

| Schedule C: Minimum Parking Space Requirements | |
|---|--|
| SF = Square Feet GFA= Gross Floor Area | |
| Use | Number of Required Spaces |
| Residential Uses | |
| Multi-family Dwelling | 2 per dwelling unit in addition to any garage space |
| Senior/retirement housing complex | 1 per dwelling unit, plus an additional 5% of the total resident's spaces shall be provide for visitors and others |
| Residential Care Facility | 1 for every 3 beds, plus 1 for every 2 employees |

| Schedule C: Minimum Parking Space Requirements | |
|---|--|
| SF = Square Feet GFA= Gross Floor Area | |
| Use | Number of Required Spaces |
| | during maximum shift |
| Townhouses | 2 per dwelling unit in addition to any garage space |
| Community Uses | |
| Child Day Care | 1 per employee plus 1 per 10 attendees |
| Community center | 1 per 400 SF of GFA |
| Adult Day Care | 1 per employee plus 1 for every 10 attendees |
| Library | 1 per 1,000 SF of GFA |
| Membership club | 1 per 5 members or 1 per 4 seats in largest assembly area, whichever is greater |
| Municipal facility | 1 per employee on the maximum shift, plus 1 space for each 200 SF of GFA |
| Museum or cultural facility | 1 per 1,000 SF of GFA |
| Religious Institution | 1 per 6 seats |
| School | 1 for each staff member, plus 1 space per 5 seats in the largest assembly facility |
| Commercial Uses | |
| Agriculture, accessory retail establishments | 1 per 250 SF of GFA, plus 1 for every 4 employees |
| Assembly and meeting facility | 1 per 4 seats |
| Boat Storage, Commercial | Minimum of 3 |
| Boat Maintenance Facility | Minimum of 3 |
| Bowling alley | 2 per lane |
| Car Wash | Stacking spaces per Article V, Subsection E, plus 2 drying spaces per stall |
| Funeral Home | 1 per 4 seats at maximum capacity |
| Gasoline Station | 5 parking spaces |
| Golf course | 2 spaces per hole |
| Golf, miniature/driving range | 1 per tee |
| Health and fitness club | 1 per 300 SF of GFA |
| Home occupation | 1 for each employee and if the occupation requires any customers and/or clients to visit the premises, at least 2 additional spaces shall be provided. |
| Hotel, inn, motel, bed and breakfast | 1 for each unit, plus 1 space per employee during the peak shift |
| Marina | 1.5 per boat slip |
| Motor vehicle repair | 3 per bay |
| Motor vehicle sales/rental | 1 per 5,000 SF of outdoor display or storage, plus 1 |

| Schedule C: Minimum Parking Space Requirements | |
|--|---|
| SF = Square Feet GFA= Gross Floor Area | |
| Use | Number of Required Spaces |
| | per employee, whichever is greater |
| office, professional/general (including medical clinic) | 1 per 300 SF of GFA |
| Restaurant and bar | 1 for every 4 seats, plus 1 space for every 2 employees |
| Retail store and service establishment unless otherwise listed in Schedule C | 1 for every 250 SF of GFA |
| Veterinarian, office, clinic, hospital | 1 per 350 SF of GFA |
| Industrial Uses | |
| Light manufacturing and industry | 1 for each 2 employees based on peak employment hours and space to accommodate all trucks and other vehicles used in connection with the use |
| Research and Development Facility and Laboratory | 1 per 300 SF of GFA |
| Wholesale, Warehousing, Distribution and Storage | 1 for each 2 employees based on peak employment hours and space to accommodate all trucks and other vehicles used in connection with business |

(c) Accessible Parking Space Requirements

The number of handicapped accessible parking spaces shall be determined based on the total number of parking spaces as set forth in the most recent edition of the New York State Uniform Fire Prevention and Building Code.

(d) Maximum Parking Standards

The maximum number of off-street parking spaces for any building in the HMU, WC, MU and BD Districts shall not exceed more than 120% of the number of spaces required above.

(e) Shared Parking

- (1) Shared parking of areas with multiple uses is encouraged. In the case of a combination of uses on a single parcel, the requirement for off-street parking spaces shall be the sum of the requirements for the various individual uses, unless it can be established by the applicant to the satisfaction of the Planning Board that staggered hours of use would permit reduction of this requirement.
- (2) An agreement establishing joint use of a parking area, approved by the Planning Board, shall be recorded with the Code Enforcement Officer. Such agreements shall run with the land for all properties with joint use of parking areas and require Planning Board approval for any change or termination.

3. Design Standards for Off-Street Parking Spaces

(a) The following minimum standards shall apply to the width and length of required parking spaces.

(1) Standard Perpendicular Parking Spaces

- a. Length – 18 feet
- b. Width – 9 feet

(2) Compact Parking Spaces

- a. Length – 16 feet
- b. Width – 8 feet

(3) Accessible Parking Spaces

- a. Length – 18 feet
- b. Width – 13 feet

(4) Parallel parking spaces shall add 4 feet in length.

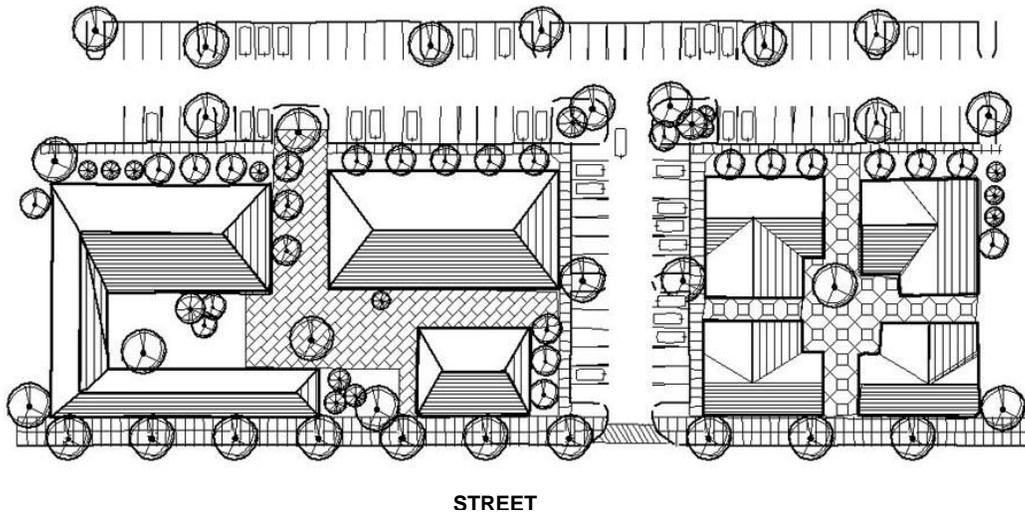
(b) Parking aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

| Parking Angle (degrees) | Aisle Width (feet) | |
|----------------------------|--------------------|-----------------|
| | One way traffic | Two way traffic |
| 0 | 13 | 19 |
| 30 | 11 | 20 |
| 45 | 13 | 21 |
| 60 | 18 | 23 |
| 90 | 22 | 24 |

4. Parking Location and Design

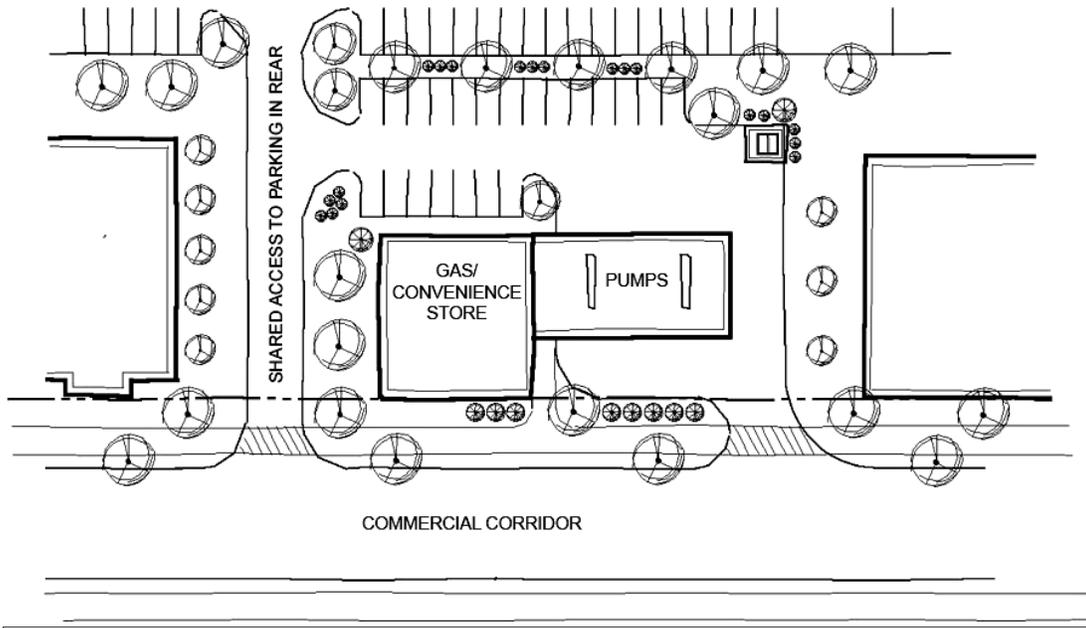
(a) For all new building construction, off-street parking shall be located to the side or rear of the principal building; parking to the rear is preferred. Corner lots shall only provide parking to the rear of the principal building.

(b) Parking lots in the HMU and BD Districts shall be paved and striped to indicate location of parking spaces. For projects that are a change of use from one nonresidential use to another with an existing unpaved lot, paving and striping may be waived for up to 5 years at the discretion of the Planning Board.



Parking lots shall be located to the side or rear of the building – parking to the rear is preferred.

- (c) Parking shall be set back 10 feet from the legal right-of-way.
- (d) Where warranted by site topography, barriers or other safety devices shall be incorporated into the design of the parking area.



Shared access reduces curb cuts. Parking is located in back. Landscaping, including shade trees, along the perimeter and in the parking lot.

- (e) Where appropriate, the Planning Board may require paved connections between abutting parking areas in different ownerships to facilitate traffic flow.
- (f) Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage without breaking up the parking area into smaller lots through the placement of buildings, the use of landscaping, community gathering spaces or other treatments.
- (g) Parking lots shall meet the landscaping and buffering standards of Article VI, Section D, Landscaping and Screening.
- (h) Pedestrian access to and through a parking lot shall be clearly defined with a pedestrian walkway and sufficient lighting.

5. Bicycle Parking

As cycling is a growing activity in the region, bicycle parking is strongly encouraged and should meet the following standards for safety purposes:

- (a) Bicycle parking shall be located and clearly designated in a safe and convenient location, at least as convenient as the majority of auto spaces provided.
- (b) Facilities shall be designed to accommodate U-shaped locking devices and shall support bicycles in a stable position without damage to wheels, frame or other components and shall be securely anchored and of sufficient strength to resist vandalism and theft.

6. Off-Street Loading

Off-street loading facilities shall be provided for each commercial or industrial use and shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway. Any required off-street loading berth shall have a clear area not less than 12 feet in width by 25 feet in length.

G. Pedestrian Design Standards

Pedestrian connections in the form of multi-use pathways or sidewalks may be required by the Planning Board in the GC, HMU, MU, WC or BD Districts connecting existing pathway or sidewalk segments or as part of a new community multi-use trail network.

H. Signage

1. Purpose

The purpose of this section is to provide standards to safeguard life, health, property and public welfare by controlling the number, location, construction, installation, illumination and maintenance of all signs and sign structures in the Town of Northampton. It is the further purpose

of this section to control the quality and quantity of signs so as to enhance the identification of the various business and professional enterprises in the Town and improve the visual quality of the community.

2. Applicability and Procedures

- (a) Except as otherwise provided in this Article, no sign or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged or altered except in conformity with this article and, where applicable, without first obtaining a permit from the Code Enforcement Officer in accordance with the following procedures and standards.
- (b) Application for a sign permit, also known as a “zoning permit” shall be made in writing to the Code Enforcement Officer. One application may include more than one (1) sign, provided that all signs contained in such application are to be erected at the same time on one (1) lot. Applications for new signs or proposed changes in existing signs shall include plans to scale detailing the dimensions and area of the sign(s), the location of the sign(s) on the building, structure or property where the sign(s) will be erected or attached, and a visual simulation or photo to scale illustrating colors, materials, lettering, artwork, and method of illumination, if any. A permit shall be required for any change in the size, shape, lighting, materials or location of an existing sign.
- (c) Each application for a sign permit shall be accompanied by the fee set forth in the current Fee Schedule adopted by the Town Board. Such fee shall be based on all signs contained in such application.

3. Definitions

AWNING (CANOPY) SIGN: A sign painted on, printed on, or attached flat, against the surface of an awning made of canvas or fabric or similar material, which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building. An awning sign shall only display the business name and graphic logo.

DIRECTIONAL SIGN: A sign conveying instructions regarding pedestrian and/or vehicular movement with respect to the premises on which it is located, such as the entrance and exit of a parking area.

FREESTANDING SIGN: A self-supporting sign standing alone on its own foundation. Also a **POLE SIGN**.

ILLUMINATED SIGN: Any sign illuminated by artificial light, either from the interior or exterior of a sign, and includes reflective and phosphorescent light.

INTERNALLY LIT SIGN: Any sign deriving its illumination from an internal source, and shall include all plastic signs lighted from behind, as well as all neon signs, and all lighted awnings lighted in a way as to give the awning the appearance of being lighted.

MONUMENT SIGN: A freestanding sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.

OFF-PREMISE SIGN/BILLBOARD: A sign which is located on a parcel of land other than that parcel where the business, service or event advertised is located.

PORTABLE SIGN: A sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels, or on its own trailer or otherwise. Examples of portable signs include, but are not limited to, sandwich boards, menu boards, attached to A-frames or T-frames, and balloons used as signs.

PROJECTING SIGN: A sign that projects more than 12 inches perpendicular to the buildings face.

ROOF SIGN: A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partly supported by that building.

SIGN HEIGHT: The distance from the highest level of natural ground immediately beneath the sign to the highest point of the sign or its supporting structure. In the case of a sign located on an isolated mound, height shall be measured to the original grade.

VEHICULAR SIGN: Any vehicle and/or trailer to which a sign is affixed or painted in such a manner that the carrying of the sign is no longer incidental to the vehicle's purpose but becomes the primary purpose of the vehicle.

WALL SIGN: A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall.

WINDOW SIGN: A sign mounted or painted on a window of a structure, or inside a structure, that is intended to be seen through a window from the outside.

4. Exempt Signs

The following signs are exempt from the requirements of this Law. These signs may be erected and maintained without a permit or fee, provided that such signs comply with the requirements of this Law.

- (a) Providing consent of the property owner is obtained and that placement does not exceed 60 days and no later than 10 days after said election or event:
 - (1) Political posters, banners, and similar signs.

- (2) Signs or other promotional devices relating to a special event, festival, or similar activity.
- (3) Yard or garage sale signs.
- (b) Holiday Decorations.
- (c) Safety, directional, historical markers or other types of signs erected and maintained by a public agency.
- (d) Signs advertising the sale, lease or rental of the premises upon which the sign is located, that shall not exceed 6 square feet in area. All such signs shall be set back 10 feet from a public right-of-way. Such signs shall not be illuminated.
- (e) Signs denoting a subdivision name and one (1) sign displaying the names of those residing in a subdivision or defined community. The total sign area shall not exceed 36 square feet in area. All such signs shall be set back 10 feet from a public right-of-way. Such signs shall not be illuminated.
- (f) Signs denoting the name and address of the occupants of the premises, which signs shall not exceed 2 square feet in area.
- (g) Temporary signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress, which signs shall not exceed 12 square feet in area in nonresidential zoning districts and not exceeding 6 square feet in area in residential zoning districts and set back at least 10 feet from the public right-of-way. There shall be one (1) such sign per parcel unless on a corner lot in which case one (1) additional sign shall be permitted. Such signs shall be removed after a period of one (1) year.
- (h) Signs used for a roadside stand selling agricultural produce grown on the premises in season, providing that such sign does not exceed 6 square feet in area and 6 feet in height and shall be set back at least 10 feet from the property line. One such sign shall be permitted.
- (i) Private-owner merchandise sale signs for garage sales and auction, not exceeding 4 square feet and one (1) in number for a period not exceeding 7 days in any one (1) calendar year. One (1) such sign shall be permitted.
- (j) Portable signs, which shall not exceed 6 square feet.
- (k) Window signs, as long as they conform to the illumination requirements of this Article and do not cover more than 20% of the glass area or 6 square feet of the pane to which the sign is affixed or displayed.

- (l) Gasoline station signs attached on gasoline pumps, displaying the price of fuel not exceeding 2 square feet; however, the total size of price, logo and any other signage on a pump shall not exceed a combined total of 3 square feet.

5. Prohibited Signs

The following signs are prohibited in the Town of Northampton.

- (a) Signs with any mirror or mirror-like surface, nor any day glowing or other florescent paint or pigment.
- (b) Flashing, moving or rotating signs, except time and temperature information.
- (c) Signs erected or maintained upon the roof of any building or structure.
- (d) Vehicular signs.
- (e) Off-premise signs or billboards, except the following:
 - (1) Town established special public information centers where in approved directional signs for businesses may be located.
 - (2) Business identifications signs located on recreational ball field fencing.
- (f) Signs detracting from or obstructing public view of a historic buildings or structures.
- (g) Permanent or temporary signs erected or placed at or near the intersection of any street in such a manner as to cause a traffic hazard at the intersection or at any location where, by reason of the position, shape, color, or illumination of a sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
- (h) Sign making use of the words "STOP", "LOOK", "DANGER", "CAUTION" or any other word, phrase, symbol or character which may tend to confuse, mislead or resemble any governmental or duly authorized sign.

6. General Provisions

- (a) Sign area calculation

The area of a sign shall be determined by the smallest rectangle that encompasses all of the letters or symbols that make up the sign together with the area of any background of a different color or material than the general finish of the building, whether painted or applied. For the purposes of calculating total sign area, only one side of a two-sided area shall be counted.

- (b) Location of Signs

- (1) No sign shall be erected or maintained within the right-of-way, nor within 10 feet of the roadbed of any public street or highway: nor shall any sign exceeding 20 square feet in the sign area be erected or maintained within 20 feet of the roadbed of any public street or highway; provided, however, that these minimum setback distances shall not apply to signs erected upon any building entirely housing the business or activity with which the signs are principally associated. For the purposes of this provision, the roadbed shall mean the trafficable portion of a road, street, or highway, bounded on either side by the outer edge of the shoulder or guardrail, whichever extends farthest. Where there is no shoulder or guardrail, there shall be deemed to be a shoulder extending four feet from the outer edge of the pavement or unpaved traffic lanes.
- (2) Signs shall not use utility poles or trees, rocks or other natural features as a medium of communication or means of support.
- (3) No sign shall be so located as to detract from or obstruct public view of historic buildings, scenic views, or any other recognized natural features such as a waterfall, glen, etc.

(c) Illumination of Signs

- (1) No sign shall flash or include artificial light that is not maintained stationary and constant in intensity and color at all times. Exempt from this requirement are signs exhibiting time and temperature information.
- (2) Internally lit signs shall only be permitted in the BD and MU Districts and shall not be more than 15 square feet in sign area.
- (3) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into public right of way or residential properties.

(d) Sign Structure

- (1) Except in areas zoned HMU and WC signs shall be made of wood, stone and brick.
- (2) Signs should be designed to be compatible with the surroundings and appropriate architectural character of the Adirondacks and the architectural character of the buildings associated with the sign. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle or oval. No more than 2 typefaces should be used on any one sign or group of signs indicating one message. The number of colors used should be the minimum consistent with the design.

- (3) Sign support structure shall be adequate to support the load of the sign of which it is supporting. Upon request of the Code Enforcement Officer, an engineered design, paid for by the sign owner, may be necessary.

(e) Condition and Maintenance

- (1) Should any sign be or become unsafe, unsightly, damaged, in danger of falling, or is a menace to the public, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Code Enforcement Officer proceed at once to put such sign in a safe and secure condition, renovate or remove the sign; provided, however, that if such a situation is not corrected within 60 days from the date of receipt of written notice, the Code Enforcement Officer shall correct the situation or have it corrected, with the costs assessed to the property's Town tax bill.
- (2) All renovations to any non-conforming sign shall be undertaken in such a manner so as to cause the sign to conform to this Law.

7. Signs in residential districts

Within the RC, RR-1, RR-2, MDR, HR and GC Districts, the following signs are permitted with a permit from the Code Enforcement Officer:

- (a) Major Home Occupation Identification Signs: One business sign for a home occupation shall be allowed and shall meet the following standards:
 - (1) Signs shall bear only the name and profession or occupation of the resident.
 - (2) Signs shall not exceed 2 square feet in area.
 - (3) Signs may be located on the building wall or in the required front yard, provided that it is set back at least 10 feet from all property lines and is not more than 6 feet above the natural ground level at its location.
- (b) Business Identification signs: A property in a residential district utilized for a permitted nonresidential or business purpose shall be permitted one (1) sign unless located on a corner lot where one (1) additional sign shall be permitted and shall meet the following standards:
 - (1) The total cumulative area of all signs permitted on such lot shall be 12 square feet.
 - (2) The maximum height of a freestanding sign above grade level of the road shall be 8 feet and shall be set back at least 10 feet from any property line unless on a corner lot. On a corner lot a freestanding sign shall be set back 20 feet from the intersection.

- (c) Announcement signs or bulletin boards used by religious institutions, community centers, municipal facilities, schools and libraries and other similar uses shall be permitted. One announcement sign, not exceeding 12 square feet in area and 6 feet in height, shall be permitted on each public street frontage of its property, either fixed on the main wall of the building or located in the required front yard, provided that it is set back at least 10 feet from the front property line and at least 25 feet from all other property lines.

8. Signs in the HMU, WC, MU and BD Districts

- (a) Each lot shall be permitted one (1) unless on a corner lot where one (1) additional sign shall be permitted.
- (b) Each lot shall be permitted one (1) freestanding, monument sign and, on a corner lot, one (1) additional wall mounted or projecting sign.
- (c) Signs may advertise more than one (1) business.
- (d) The maximum cumulative sign area permitted for all signs on a lot and the maximum sign area for different types of signs are provided in the Table below. The allowable sign areas differ to reflect the different character of each of these nonresidential or mixed use districts.
- (e) Freestanding signs on Corner lots

Notwithstanding Article IV, C.4.(g), Visibility at Intersections, freestanding signs shall be setback 20 feet from the intersection of the boundary of the right-of-way and there shall be at least 3 feet of clear space between the sign board and the ground, provided that necessary supports may extend through such clear space.

| Schedule D: Sign Standards | | | | | |
|-----------------------------------|---|--|---|-------------------------------------|---|
| Zoning District | Maximum Cumulative Sign Area | Maximum Freestanding Sign Area | Maximum Wall Sign Area | Maximum Projecting Sign Area | Maximum Freestanding Sign Height |
| HMU and WC | 36 square feet; an additional 20 square feet if located on a corner lot (for a second sign) | 12 square feet | 10% of front surface of building or 36 square feet; whichever is lesser | 12 square feet | 8 Feet |
| BD and MU | | 36 square feet; 15square feet for gasoline and auto service stations | 10% of front surface of building or 36 square feet; whichever is lesser | 12 square feet | 15 Feet |

(f) Projecting signs

Projecting signs shall not project more than 3 feet from the side of the building and when suspended over a pedestrian walkway such as a sidewalk or entranceway, the bottom of such signs shall be no lower than 8 feet and no higher than 12 feet above the finished grade.

(g) Wall-mounted signs

Wall-mounted signs shall not extend more than 12 inches from the surface of the wall; shall not cover a window, obscure architectural detailing, interrupt a roof line, or be placed on the roof of a structure.

(h) Awning or canopy signs

The valance portion of an awning or canopy may be used as a sign. The bottom of the awning or canopy shall be at least eight feet above the finished grade.

9. Nonconforming Sign

A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. If the sign is taken down at any point, it will need to be replaced with a conforming sign.

10. Abandoned Signs

Any sign which is located on property which becomes vacant and unoccupied for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall

be deemed to have been abandoned. The sign shall be removed after written notice by the Code Enforcement Officer, to the owner of the property on which the sign is affixed. In the event such sign is not voluntarily removed, subsequent costs of removal by the Town will be assessed against the property owner's tax bill.

ARTICLE VII: PLANNED DEVELOPMENT DISTRICTS

A. Purpose

1. It is the intent of the Planned Development District (PDD) to provide an optional tool for the Town to recognize a defined area for a unified and integrated development that creates more flexible development opportunities than would be possible through the strict application of the land use and development regulations of this Law. Where planned development techniques are deemed appropriate through the rezoning of land to a PDD by the Town Board, the set of use and dimensional specifications located elsewhere in this Law may be replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.
2. In order to carry out the intention of this section, a planned development shall achieve the following objectives:
 - (a) A choice in the types of housing environment, tenure type and community facilities available to existing and potential Town residents.
 - (b) More useable open space and recreation areas.
 - (c) Preservation of trees and outstanding natural topographic and ecological features.
 - (d) A creative use of land and related physical development, which allows an orderly transition of land from a vacant state to a developed state.
 - (e) An efficient use of land resulting in economical networks of utilities and streets.
 - (f) A development pattern in harmony with the planning objectives of the Town.

B. Planned Residential Development (PRD) District

1. Purpose

The purpose of the PRD District is to provide flexibility for residential development that enhances the efficient use of land, energy, community services and utilities, preserves open space and protects natural resources through increased density and housing options.

2. Permitted Location

The planned development district may be applicable to land located in the RR-1, RR-2, MDR or MU Districts where the applicant can demonstrate that the characteristics of the area will meet the objectives of Section A.

3. Permitted Uses

The permitted principal and accessory uses in the PRD include all principal uses permitted in Schedule A for the existing zoning district in which the PRD is being considered, as well as the following additional uses:

- (a) Townhouses
- (b) Multi-family

C. Planned Senior Housing Development (PSHD) District

1. Purpose

The purpose of the PSHD District is to incorporate a variety of housing types at a more flexible density with on-site accessory medical, retail and service uses for purposes of meeting the needs of the Town's senior citizens.

2. Permitted Location

A PSHD district may be applicable to land located in the RR-1, RR-2, MDR, HMU, or MU Districts where the applicant can demonstrate that the characteristics of the area will meet the objectives of Section A.

3. Permitted Uses

- (a) The permitted principal and accessory uses in the PSHD include all principal uses permitted in Schedule A for the existing zoning district in which the PSHD is being considered and may include the following additional uses:
 - (1) Townhouses
 - (2) Multi-family dwellings
 - (3) Cottages
 - (4) Continuing care communities that include Townhouses, apartments or assisted living care
 - (5) Activity and recreational services and facilities serving the residents of the PSHD
 - (6) Medical offices
 - (7) Retail and personal service establishments under 5,000 square feet of gross floor area that are intended to serve the residents of the PSHD
- (b) Age Restriction

Housing described in this section shall exist or be designed and constructed for the needs of seniors and is subject to the management or other legal restrictions that require all of

the units to be occupied by persons 55 years of age or older. Only under the following circumstances may adults under 55 years of age and children reside in the units:

- (1) The adult is the spouse of a person 55 years of age or older.
- (2) The adult's presence is essential for the physical care of a person 55 years of age or older.
- (3) The minor children are residing with their parent, parents or legal guardians where the parent, parents or legal guardians are 55 years of age or older, and the minor children residing therein are under a physical or other disability and cannot care for themselves.

4. Legal assurances for the provision of senior housing

Each application for proposed senior citizen housing development shall be accompanied by appropriate deed restrictions, easements and the like, in form and content satisfactory to the Town Attorney, as may be necessary to provide for and assure continued proper future maintenance and ownership responsibilities for all common areas, facilities and utilities with each stage of development or section thereof.

D. Planned Waterfront Development (PWD) District

1. Purpose

The purpose of the Planned Waterfront Development District is to increase the capacity of the Town's tourism infrastructure. The District permits development projects that include a mix of hospitality uses to be located adjacent to, or fronting on, the Great Sacandaga Lake.

2. Permitted Location

A PWD District may be applicable to land located in the RR-2, MDR or HMU Districts on property with some adjacency to the Great Sacandaga Lake and where the applicant can demonstrate that the characteristics of the area will meet the objectives of Section A.

3. Permitted Uses

- (a) The permitted principal and accessory uses in the PWD District include all principal uses permitted in Schedule A for the existing zoning district in which the PWD District is being considered and shall include a mixture of at least 2 or more of the following additional uses:
 - (1) Bed and Breakfast
 - (2) Conference Center
 - (3) Hotel and Inn and accessory uses such as, but not limited to, spas, conference rooms, restaurants and marinas

- (4) Marina
- (5) Resort
- (6) Restaurant
- (7) Retail or service establishment serving the adjacent neighborhood or visitor population with a maximum gross floor area of under 5,000 square feet of gross floor area
- (8) Cultural Facility

4. Coordinated SEQRA for Zoning Amendment and Site Plan Review

All projects under consideration for PWD District designation shall undergo coordinated review of both the Zoning Amendment and Site Plan Review for the project construction under SEQRA as a Type 1 Action.

E. General requirements for All Planned Development Districts

1. Applicability

Except as otherwise permitted in this Article, all uses and lot development standards for a PDD shall be the same as the permitted use and lot development standards required in Article IV for the existing zoning district in which the PDD under consideration is located.

2. Minimum area

Tracts of land under consideration shall contain a minimum of 10 contiguous acres. The applicant shall have the burden of establishing that the tract is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives established in this Article.

3. Ownership

The tract of land under application for consideration for a planned development district may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the owners or their agent(s) of all property included in the project. The approved plan shall be binding upon all the property owners and such owners shall provide written certification of such binding agreements.

4. Density

- (a) To more effectively utilize land in a planned development, improved environmental quality can often be produced with greater density than is usually permitted in traditional zoning districts. The Town Board shall determine in each case the appropriate land use intensity and/or dwelling unit density for individual projects. The determination of land use intensity ratings or dwelling unit density shall be thoroughly documented, including all facts, opinions and judgments justifying the selection of the densities.

- (b) Notwithstanding subsection (a) above, the aggregate density of the project shall comply with the New York State Adirondack Park Agency Act and the Adirondack Park Land Use and Development Plan.

5. Viewshed preservation

For all PDDs located adjacent to, or fronting on, the Great Sacandaga Lake, views of the Great Sacandaga Lake and/or other natural features shall be studied during site plan/SEQRA review. Site layout and design shall consider public views and viewshed corridors as well as views of the Town from the Great Sacandaga Lake. A viewshed corridor analysis including photo simulations showing the proposed development from public streets, spaces or other critical view receptors identified by the Planning Board, shall be analyzed. Mitigation shall be achieved by reducing the height of the building, changing the design or roof pitch of the building or moving the structures to alternate locations on the site. Landscape screening, while important, shall not be considered a substitute for evaluating building design and orientation options.

6. Shoreline Restrictions

All development projects in a proposed PDD shall meet the shoreline restrictions of Schedule B and Article IV, Schedule B and Subsection C (2) for the existing zoning district where the PDD is proposed.

7. Open Space Requirements

- (a) Common open space totaling not less than 30% percent of the total Planned Development District shall be provided in perpetuity.
- (b) Parking areas, roads, house sites, other impervious surfaces, and their improvements shall not be included in the calculation to determine the amount of available open space. However, the entire tract, apart from these exceptions shall be considered in determining the required amount of open space. The following facilities or improvements may be located on open space land: common septic systems, water systems, stormwater systems, bike paths, walking trails, and other common community facilities that do not involve buildings, such as tennis courts, swimming pools and playgrounds.
- (c) The location, size, and character of the open space must be suitable for the PDD and must be used for amenity or recreational purposes.
- (d) The proposed development design shall strictly minimize disturbance of environmentally sensitive areas. The Planning Board shall encourage areas of open space to be connected, where appropriate. Where important open space areas exist contiguous to the subject parcel, every effort shall be made to locate the on-site protected open space adjacent to these open space areas.
- (e) A recreational fee in lieu of land, as set forth in the Town's Fee Schedule, may be imposed to accommodate the foreseeable recreational needs of the residents of the proposed development, should the Planning Board determine that the open space lands set aside will not provide adequately for these recreational needs.

- (f) The preferred way of protecting open space is for the applicant to provide deed covenants and restrictions acceptable to the Town Attorney. Conservation easements will also be considered in a case where they are transferred to a conservation organization or to a homeowners association acceptable to the Town. However, regardless of how open space is permanently preserved, it is required that the Town be granted third party enforcement rights to enforce the terms of all restrictions, easements or other legally binding instruments providing for open space. Such provisions shall include that the Town shall be entitled to reimbursement for all costs, expenses and attorneys fees incurred in connection with such enforcement, to be collected from the party against whom enforcement is sought.
- (g) Unless otherwise agreed to by the Planning Board, the cost and responsibility of maintaining common open space and facilities shall be borne by the homeowners' association, conservation organization or private owner(s). The Planning Board shall have the authority to require a bond or other security measure to ensure proper maintenance of open space and the facilities located on the subject parcel.
- (h) When a PDD borders on active farm land, no dwelling structure shall be allowed within 100 feet of a field or pasture or 300 feet of a barn.

8. Sewage Treatment Systems

The Town of Northampton encourages shared or community sanitary sewage disposal systems for planned developments. Such systems may be located in the required open space lands, provided such areas are not paved or covered with other impervious surfaces. Sanitary sewage disposal systems of an individual nature may also be located within or extend into required open space areas. Regardless of the type of subsurface sewage disposal methods employed, all required separation distances shall be observed and the ownership and maintenance responsibilities associated therewith shall be clearly defined in agreements submitted for approval as part of the application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.

9. Building Design Standards

All buildings shall be an integral part of the layout and design of the entire development. Individual buildings shall generally be related to each other in design, massing, materials, placement, and connections so as to create a visually and physically integrated development.

10. Landscaping Design Standards

The development shall have a coordinated landscape design for the entire site. Wherever possible, existing trees shall be conserved and integrated into the overall landscape design. Landscaping shall include shrubs, ground cover and street trees. Street trees shall be provided along all streets and pedestrian walkways. Parking lots shall be landscaped and screened.

11. Circulation Design Standards

Roads, pedestrian walkways and/or sidewalks shall be designed as an integral part of the overall site design and shall be connected to the existing sidewalk network.

F. Application and Procedures for all Planned Development Districts

Whenever a PDD is proposed, before any building permit is issued in such PDD and before any subdivision plat or any part thereof may be filed in the office of the Fulton County Clerk, the developer or his/her authorized agent shall apply for and secure approval of such planned development in accordance with the following procedures:

1. Application to Town Board

Application for a PDD shall be made to the Town of Northampton Town Board on such forms as may be provided by the Board or its agent. The Town Board may, if it determines that the proposal merits review, refer the application to the Planning Board for review and recommendation. If the Town Board determines that the proposal does not merit review it shall not refer the application to the Planning Board and no further action on the application shall be taken.

2. Application Submission Requirements

- (a) To address the complexities and importance of the Great Sacandaga Lake waterfront, the application for any PRD, PSHD or PWD located on or adjacent to the Great Sacandaga Lake shall include a Site Plan as described in Article XII, Site Plan Review.
- (b) Except as required in Subsection (a) above, the application for a PRD or PSHD shall include a sketch plan drawn to scale, though it need not be to the precision of a finished engineering drawing and it shall clearly show the following information:
 - (1) Delineation of the various residential areas, indicating for each such area:
 - a. General extent, size and composition in terms of total number of dwelling units.
 - b. Approximate percentage allocation by dwelling unit type (i.e., single family, two-family, Townhouse, multi-family).
 - c. Description of the intended market structure (i.e., luxury, middle-income, moderate income, elderly units, family units, etc.).
 - d. Calculation of the residential density in dwelling units per gross acre (total area including interior roadways) for such area.
 - e. Calculation of total permeable area.
 - (2) The location of any nonresidential uses and the approximate square footage of all non-residential uses.

- (3) The general outlines of the interior roadways system, intended road ownership, and all existing rights-of-way and easements, whether public or private.
- (4) The open space plan. Only usable land shall be considered for such purposes.
- (5) The overall drainage system.
- (6) A topographic map. If grades exceed 5% or portions of the site have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and ponding, the topographic map must show contour intervals of not more than 2 feet of elevation, along with an overlay outlining the above susceptible soil areas, if any. If grades are less than 5%, the topographic map may be at 10 foot contour intervals.
- (7) Sufficiency of water supply and sewage disposal.
- (8) General description of the provisions of community facilities, such as schools, fire protection services, transportation and cultural facilities, and some indication of how these needs are proposed to be accommodated.
- (9) A location map showing existing uses and names of owners of abutting lands.
- (10) A full environmental assessment form.
- (11) Evidence of how the developer's proposed mix of land uses meets existing community demands.
- (12) A general statement as to how common open space is to be owned and maintained.
- (13) If the development is to be phased, a general indication of how the phasing is to proceed.
- (14) Evidence of the applicant's financial competence to carry out the plan.
- (15) A consistency statement identifying compliance with the specific PDD.
- (16) A fiscal impact analysis identifying projected short and long-term impacts on municipal and school district budgets.

3. Referral of the application to the Town of Northampton Planning Board.

The Town Board shall refer the application and accompanying documents to the Planning Board for its review and recommendation. Upon completion of its review, the Planning Board shall prepare and submit a report to the Town Board regarding this application, recommending either adoption, adoption with modification or rejection of the requested rezoning and stating the reasons for such recommendation. If the recommendation is favorable, the report shall include the following findings:

- (a) That the proposal complies with the objectives of the Town's Comprehensive Plan.
- (b) That the proposal meets the intent and objectives of the PDD as expressed in this Article.
- (c) That the proposal is conceptually sound in that it meets local and area-wide needs and it conforms to accepted design principles in the proposed functional roadway and pedestrian system, land use configuration, open space system, drainage system and scale of elements, both absolutely and to one another.
- (d) That there are adequate services and utilities available or proposed to be made available in the construction of the development.
- (e) That traffic will not have an adverse impact on the adjoining transportation system; or, alternatively that proposed traffic mitigation measures will reduce such impacts.

4. Town Board action

(a) Review Planning Board Recommendations

Upon receipt of the report from the Planning Board, the Town Board shall review the application and the Planning Board's recommendation and then take the following actions:

(b) SEQRA

The Town Board shall initiate State Environmental Quality Review. An application for a PDD rezoning shall be a Type 1 Action. The Town Board shall follow the same steps as required for SEQRA in Article XII, Site Plan Review, Section E.

(c) Public Hearing

The Town Board may then set a date for and conduct a public hearing to consider the application.

(d) Referral to County Planning

The Town Board shall refer the application to the Fulton County Planning Board for a referral in accordance with General Municipal Law 239-M.

(e) Town Board Decision

- (1) Upon completion of the public hearing and due consideration of the application, the Town Board shall act to adopt, adopt with modifications, or reject the requested rezoning.
- (2) If the Town Board grants the Planned Development District, the PDD will not be in effect until the Planning Board grants final Site Plan approval and work commences within 2 years.
- (3) The Town Board may attach to its zoning resolution additional conditions or requirements in order to protect the health and safety of the community. Such requirements may include but are not limited to:

- a. Types of uses
- b. The density and intensity of land use
- c. Screening and buffering
- d. Schedule of construction and occupancy
- e. Pedestrian and vehicular circulation system
- f. Parking and snow removal plans
- g. Solid Waste Management plan
- h. Sites for public service
- i. Protection of natural and/or historical features

5. Planning Board Site Plan Approval

Upon approval of the zoning request by the Town Board, the applicant shall submit final plans to the Planning Board for Site Plan Review, consistent with the site plans submitted with the application to rezone, with such modifications as may have been required by the Town Board. Final site plan submittal requirements shall be as set forth in Article XII, Site Plan Review of this Law.

6. Required Timely Commencement of Project.

The applicant of any project within an area zoned as a PDD shall, commence building and construction within 2 years following final approval of the Planning Board. In the event a building permit is not secured, the Planned Development approval shall terminate and the project parcel(s) shall revert to the district classification.

ARTICLE VIII: SUBDIVISION OF LAND

A. General Provisions

1. Planning Board Authority

The Town of Northampton Planning Board has the power and authority to approve or disapprove plats for subdivision within the Town of Northampton.

2. Policy

The Town of Northampton Planning Board shall consider land subdivision plats as part of a plan for the orderly, efficient, economic, environmentally sound development of the Town and toward that goal require that all land subdivision follow the guidelines under Section F, General Requirements and Design Standards for Subdivision.

In cases where the Planning Board finds that a proposed subdivision may adversely affect the preservation of natural or cultural resources and/or prime farmland or farmland of statewide importance according to the soil survey prepared for Fulton County by the U.S. Department of Agriculture, the Planning Board may require an applicant to submit a plan for a Conservation Subdivision as provided for in Section 278 of New York State Town Law and Section E of this Article.

These subdivision regulations shall supplement and facilitate the provisions of this Law, the Zoning Map and Town's Comprehensive Plan. The following objectives shall guide the Planning Board's decisions:

- (a) Land is to be subdivided in a way that protects the natural, cultural and scenic resources of the Town for the benefit of all residents.
- (b) Subdivided lots shall be of such character that they can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- (c) Proper provision shall be made for water supply, drainage, sewage, utilities and other needed improvements.
- (d) Proposed development shall be planned such that it is compatible with sound development patterns of adjacent and neighboring properties within the Town of Northampton.
- (e) Proposed public roads shall compose a convenient system and shall be of such width, grade and location as to accommodate present and prospective traffic, and shall meet Town highway specifications and other local laws of the Town of Northampton. Rural road standards will be promoted for development within RC, RR-1, RR-2 and MDR Districts with requirements matching the low intensity rural purpose.

- (f) Provision shall be made for adequate permanent reservations of open space, pedestrian trails, viewing areas, and parks, and such areas shall be shown on the plat.
- (g) Provision shall be made for maintaining undeveloped natural areas and corridors to mitigate any adverse environmental impacts of a proposed subdivision, and to sustain biodiversity, protect water resources, agricultural soils, historic and archaeological assets, and viewsheds in order to implement the Town’s policies of protecting environmental and cultural resources pursuant to this Law, the Town Comprehensive Plan and other applicable local laws.
- (h) All reviews of applications specified in these regulations shall be coordinated with involved agencies and boards at the local, County and State levels to ensure consistent, well-designed subdivisions and decision-making that will benefit the Town of Northampton.
- (i) In their interpretation and application, provisions of these regulations shall be held to the minimum requirements. More stringent provisions may be required if it is demonstrated that different or higher standards are necessary to promote the Town’s public health, safety and welfare.

3. Inconsistencies with Town Law

Should any of these regulations conflict or be inconsistent with any provision of the Town Law, such provision of the Town Law shall apply.

4. Self-imposed restrictions

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the plat.

B. Definitions

1. Word interpretation

The word “street” includes “road,” “highway” and “lane”; and “watercourse” includes “drain,” “ditch” and “stream.” The word “shall” is mandatory unless otherwise indicated.

2. Terms defined

Unless otherwise expressly stated in this Law, the following terms shall, for the purpose of these regulations, have the meanings indicated below. Other terms found in this Article may be defined in Article XVI, Definitions.

APPLICANT: See OWNER.

BUILDING ENVELOPES: The preferred area(s) for development on a property based upon site conditions and after discussion with the Planning Board.

CONSERVATION EASEMENT: The grant of a property right or interest from a property owner to a unit of government or qualified conservation organization that permanently limits some uses of the land in order to protect its conservation values. Landowners continue to own and use their land and may sell or pass it on to heirs.

CONSERVATION SUBDIVISION: A subdivision that preserves at least 50% or more of a property's buildable land in large contiguous areas of open space and/or agricultural soils through more compact design, and that does not alter the underlying density for that district unless through specific incentives defined in this Law.

EASEMENT: A right granted to use certain land for a special purpose not inconsistent with the general property rights of the owner.

HOMEOWNERS ASSOCIATION (HOA): An incorporated organization that owns and maintains property for the common benefit of individual homeowners or lot owners in a subdivision, condominium or planned community. The Association collects monthly fees from all owners to pay for common area maintenance, handle legal and safety issues and enforce the covenants, conditions, and restrictions set by the developer.

LOT LINE ADJUSTMENT: A modification of lot boundaries in which a portion of one (1) or more lots is added to an adjoining lot without increasing the total number of buildable lots.

OFFICIAL MAP, TOWN: A map established by the Town Board under Section 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted and established by law and all changes or additions thereto made under the provisions of Section 273 of the Town Law.

OFFICIAL SUBMITTAL DATE: The date when a sketch plan, a preliminary layout or a subdivision plat shall be considered submitted to the Planning Board, hereby defined to be the date of the meeting of the Planning Board at which all required surveys, plans and data described in Section G of this Article are submitted.

OWNER: The owner of the land proposed to be subdivided or his/her duly authorized agent.

PAVEMENT: The paved portion of a street, including paved shoulders and on street parking areas, but not including sidewalks and driveways.

PLAT: A map representing a tract of land showing the boundaries and location of individual properties and streets prepared and signed by a New York State licensed land surveyor and New York State licensed professional engineer, licensed landscape architect, which shall have his/her New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

PRE-APPLICATION MEETING: Discussion of initial concepts for a proposed subdivision with the reviewing board and, for Major Subdivisions, with submission of a Resource Analysis.

PRELIMINARY PLAT: A plan prepared by a New York State licensed professional engineer, New York State licensed land surveyor, New York State registered architect or a New York State licensed landscape architect, on a base map prepared by a New York State licensed land surveyor, showing existing features of the land and proposed street utility and lot layout within and adjacent to a subdivision.

PRELIMINARY REVIEW: Preliminary project plans submitted to the Planning Board for review and comment prior to the submission of a formal application.

PRIVATE ROAD: A privately owned and maintained road that does not require a turnaround, and is governed by a shared maintenance agreement among all owners. A private road may serve up to 3 residences without a private home owners association or more than 3 residences with a private home owners association which shall maintain the road. For purposes of this Law, a SHARED DRIVEWAY is a private road.

REAR LANE: A strip of land over which there is a right-of-way, publicly or privately owned, on which no building fronts, serving as a secondary means of access to 2 or more properties.

RESOURCE ANALYSIS: The inventory and evaluation of natural, historic and cultural resources on a property to identify those resources to be protected and provide the basis for the maximum density calculation and determine locations for building envelopes.

RESUBDIVISION: A change in a subdivision plat or resubdivision plat filed in the office of the Fulton County Clerk, which change affects any street layout shown on such plat, affects any area reserved thereon for public use or diminishes the size of any lot shown thereon.

RIDGE: A ridge is a geological feature that includes a continuous elevational crest for some distance. Ridges can be termed hills or mountains depending on size and shape.

SHARED DRIVEWAY: See PRIVATE ROAD.

SIGHT DISTANCE: The distance an object 18 inches off the pavement is visible from an eye level 4 ½ feet above the pavement (average-height of driver's eyes).

SIGNIFICANT WILDLIFE HABITATS: Lands that contain significant food, water, or cover for native terrestrial and aquatic species of animals and plants.

SKETCH PLAN: A freehand sketch made on a topographic survey map showing the proposed subdivision in relation to existing conditions.

STREET: A public or private way, which affords the principal means of access to abutting properties including any highway.

The following functional classification is used in these regulations.

- (a) **RESIDENTIAL COLLECTOR ROAD:** A residential collector road collects traffic from residential areas and channels it to larger roads, such as county highways, state highways, arterials, and interstates. It is well-traveled and accommodates a variety of vehicles, including large delivery trucks, school buses, pick-up trucks, vans and cars.
- (b) **RESIDENTIAL AND FORESTRY/FARM ACCESS ROAD:** This road, used mostly by cars, logging trucks and farm vehicles, provides access solely to residences, farm or forestry areas. Traffic on this road is light, but it may include occasional large trucks, school buses and farm equipment.
- (c) **CUL-DE-SAC or DEAD-END STREET:** A minor street with one (1) end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround.

STREET WIDTH: The distance between property lines.

SUBDIVIDER: Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION: The division of any parcel of land into 2 or more lots, blocks or sites, with or without streets or highways and includes resubdivision.

SUBDIVISION, MAJOR: Any subdivision not classified as a Minor Subdivision, including but not limited to, subdivisions of 5 or more lots, or any size subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION, MINOR: Any subdivision containing not more than 4 lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map or this Zoning and Subdivision Law.

SUPERINTENDENT: The duly elected Town Superintendent of Highways or other such authorized official.

C. Lot Line Adjustments

1. An applicant may request that the subdivision review process be waived when a proposed subdivision is a lot line adjustment that meets the following criteria:
 - (a) It would not create an additional lot.
 - (b) It is a minor modification of an existing lot line; or is the conveyance and merger of a portion of one parcel to an adjoining parcel.

- (c) It would not create a nonconforming parcel or cause any other parcel to become nonconforming under this Law or the New York State Adirondack Park Agency Act and Adirondack Park Land Use and Development Plan.
- (d) It would comply with all applicable zoning requirements of this Law and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries.

2. Submission requirements

To request a lot line adjustment waiver, the applicant shall submit:

- (a) A waiver application that shall be signed by the parcel owners, or their duly authorized agents, of both affected parcels.
- (b) Seven (7) copies of a plat or map signed by a New York State Licensed Land Surveyor of the parcels affected by the proposed adjustment, showing all existing buildings, the location of existing utility or other easements or rights of the location of existing utility or other easements or rights-of-way of wells and of septic systems. The map shall show the existing lot lines and the location of the proposed new lot line, and the existing and new setback distances to any existing buildings.

The map shall have the title “LOT LINE ADJUSTMENT between properties of (name) and (name)”, and shall include a restriction to the effect that the land added to the existing parcel, and the existing parcel are combined to form a single, undivided lot.

- (c) A fee as established by the Town Board in the Schedule of Fees.

3. Planning Board Review and Approval

- (a) Upon submission of a complete application, the Planning Board shall, within 62 days, review the application and shall either approve or deny the application. Approval may be granted when the Planning Board determines that the proposed adjustment meets all requirements for a Lot Line Adjustment and would not adversely affect the site’s development or neighboring properties, would not alter the essential characteristics of the neighborhood or adversely affect the health, safety or welfare of Town residents.
- (b) No public hearing shall be required.
- (c) If the waiver is granted, the applicant shall file a map with the Fulton County Clerk within 30 days of the approval date. The map shall be signed by an empowered duly authorized officer of the Town of Northampton Planning Board. No person shall file plans for any lot line adjustment without first obtaining the Planning Board’s signature on the plans.
- (d) If the Planning Board denies the request for waiver, the applicant may proceed with the minor subdivision review process as set forth in this Article.

D. Minor and Major Subdivision Application and Approval Procedure

1. Compliance required

Whenever any subdivision or resubdivision of land in the Town of Northampton is proposed, the subdividing owner or their authorized agent shall apply for and secure approval of such proposed subdivision before any contract for the sale of any part thereof is made and before any permit for the erection of a structure in such proposed subdivision shall be granted. Approval of a proposed subdivision shall be obtained in accordance with the procedure specified in this Section.

2. Pre-application procedure

Prior to filing a formal application for approval of a subdivision plat pursuant to this Section, the applicant shall follow the pre-application procedure. This procedure consists of a Pre-Application Meeting and submission of a Sketch Plan. All applicants are encouraged to attend a Pre-application Meeting prior to submitting the Sketch Plan and applicants for major subdivisions are required to do so. An applicant for a Major Subdivision is also required to submit a Resource Analysis.

(a) Pre-application meeting

- (1) The Pre-application Meeting is an opportunity for the applicant to present and discuss a conceptual plan for the proposed subdivision prior to committing resources to the preparation of a Sketch Plan. The conceptual discussion shall guide the layout of the subdivision that will be shown in subsequent plan submission(s).
 - a. In preparation for this meeting, the applicant should become familiar with this Article and all other relevant provisions of this Law, the Comprehensive Plan and SEQR requirements in order to have a general understanding of the subdivision review process.
 - b. No statement, comment or other communication made during this informal review shall be binding upon any party.
 - c. The pre-application process is required solely to assure that Town development goals are recognized as they may apply to the site in question. This should help expedite the process by getting the review off to a cooperative start, before the applicant has made a substantial investment in the application process.

(b) Resource Analysis for Major Subdivisions

- (1) The purpose of the Resource Analysis is to provide information to the Planning Board at the beginning of the subdivision process regarding natural conditions or features that may create development constraints or unique features to consider protecting on a parcel. The Resource Analysis includes the identification and general location of land with development constraints and other features known to

exist on the parcel including but not limited to historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats, viewsheds and similar irreplaceable assets.

- (2) Prior to, or in conjunction with, a submission of a sketch plan, an applicant for a major subdivision shall submit a Resource Analysis and participate in a discussion with the Planning Board to determine a conceptual plan for the proposed subdivision. The submission requirements for a Resource Analysis are included in Subsection G (3). This will provide an opportunity for the owner and the Planning Board to discuss the appropriate range and intensity of development; the general locations intended for development; areas planned to remain undeveloped; and general access alignment.
- (3) To verify that all necessary information is discussed and reviewed in this process, the applicant and the Planning Board shall fill out a Resource Analysis Assessment Form and provide a copy to the applicant upon completion. In its review, the Planning Board members may schedule a field visit to the site, and this site walk may be necessary before the assessment can be completed.
- (4) Based on identification of development constraints and other features in the Resource Analysis, the Planning Board will make recommendations for modification or redesign to be incorporated by the applicant in the next submission to the Planning Board and indicate to the applicant the priority resources to be preserved. Any requirements of this Law which the applicant requests to be waived should be discussed at this time.
- (5) The Resource Analysis and Conceptual Plan discussion does not allow filing of a plat with the County Clerk or authorize the sale or lease of, or any offer to sell or lease any lots in such subdivision or any part thereof. Resource Analysis and Conceptual Discussion allows the applicant to proceed with Sketch Plan application.

(c) Sketch Plan

- (1) The purpose of the Sketch Plan is to review and discuss the proposed subdivision and reach general agreement on the requirements of this Article and to classify the subdivision as either a minor or major subdivision.
- (2) Prior to filing a formal application for approval of a subdivision plat pursuant to Subsection D (3), Minor subdivisions or Subsection D (4), Preliminary Plat, the applicant shall submit 7 copies of a Sketch Plan at least 10 days prior to the regular meeting of the Planning Board and a filing fee as specified by the Town Fee Schedule shall accompany the submission. Required information for the Sketch Plan is specified in Subsection G (6), Sketch plan, of these regulations.
- (3) The subdivider or his/her duly authorized representative shall attend the meeting of the Planning Board to discuss the requirements of this Article for street improvements, drainage, sewerage, water supply, fire protection and other

improvements, as well as the availability of existing services and other pertinent information. At such meeting the Planning Board shall also discuss other requirements of this Zoning and Subdivision Law.

(4) Subdivision Classification

Classification of the Sketch Plan is to be made at this time by the Planning Board as to whether it is a Minor or Major Subdivision as defined in this Law. The Board may require, however, when it deems it necessary for protection of public health, safety or welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

In the event that the Sketch Plan is unacceptable, the applicant will be asked to submit a new plan before proceeding with a final plat, or a preliminary plat in the case of a major subdivision. Reasons for recommended modifications or rejection of the sketch plan shall be reflected in the minutes of the Planning Board. The Planning Board may, in its discretion, choose to provide a written summary of these determinations.

3. Minor subdivisions

(a) Application

Within 6 months after classification of a proposal as a minor subdivision by the Planning Board, the subdivider shall submit a subdivision plat as an application for approval of a minor subdivision plat. Said application shall contain the requirements listed in Subsection G (8), Final Plat of these regulations and shall conform to the general requirements and design standards specified in Subsection F of this Article. Fees as specified in the Town Fee Schedule for each minor subdivision shall accompany the application. A subdivider is only allowed one (1) minor subdivision of said land every 3 years. The Planning Board shall have the authority to modify survey requirements for minor subdivisions such that only the land being subdivided must be surveyed by a New York State licensed land surveyor. The balance of the land, so long as the subdivision does not result in an undersized lot, does not need to be surveyed unless requested by the Planning Board.

(b) Number of copies

The original and 7 copies of the subdivision plat shall be presented to the Planning Board at least 10 days prior to a scheduled monthly meeting of the Planning Board.

(c) Public hearing

A public hearing shall be held by the Planning Board within 62 days from the time of submission of the subdivision plat for approval. Said hearing shall be advertised in a newspaper of general circulation in the Town at least 10 days before such hearing. Property owners located within 100 feet of the land proposed to be subdivided shall be sent a copy of the Public Hearing Notice via Certified mail.

(d) Action on subdivision plat

- (1) The Planning Board shall, within 62 days from the date of the public hearing, act to conditionally approve, conditionally approve with modification, disapprove or grant final approval and authorize the signing of the subdivision plat. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure of the Planning Board to act within such time shall constitute approval of the plat.
- (2) Upon granting conditional approval, with or without modification to the plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval, the applicant shall provide two (2) Mylar copies of the plat to be signed by the duly-authorized officer as conditionally approved, and a copy filed in the Town Clerk's Office. Conditional approval of a plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its opinion such extension is warranted in the circumstances, for not to exceed 2 additional periods of 90 days each.

(e) Plat void if revised after approval

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Planning Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void; and the Planning Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

(f) Filing of approved plat

Approval of the plat shall expire within 62 days from the date of such approval unless within such 62 day period such plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided in Section 276 of New York State Town Law.

4. Major Subdivision

(a) Preliminary Plat

Prior to filing an application for the approval of a plat, the applicant shall comply with the Pre-Application procedure as described in Subsection D(2) by attending a Pre-Application Meeting, providing a Sketch Plan and preparing the Resource Analysis as described in Subsection D(2) of this Subsection.

(1) Application procedure

Prior to filing an application for the approval of a plat, the applicant shall file an application for the approval of a preliminary plat. The application shall:

- a. Be made on forms available at the office of the Code Enforcement Officer.
- b. Include all land that the applicant proposes to subdivide.
- c. Be accompanied by an original and 7 copies of the preliminary plat and supplementary material described in Subsection G(7), Preliminary Plat of these regulations.
- d. Comply in all respects with the requirements specified in Subsection G, General Requirements and Design Standards of these regulations and with the provisions of Section 276 and Section 277 of New York State Town Law.
- e. Be submitted to the Clerk of the Planning Board.
- f. Be accompanied by fees as specified by the Town Fee schedule.

(2) Study of preliminary plat

The Planning Board will carefully study the practicability of the preliminary plat, taking into consideration the results of the resource analysis and sketch plan discussions, the requirements of the community, the best use of the land being subdivided and the policy set forth in Subsection A(2), Policy. Particular attention will be given to the proposed arrangement, location and width of streets; the relation of proposed streets to the topography of the land; sewage disposal; drainage; proposed lot sizes, shape and layout; future development of adjoining lands as yet unsubdivided; the requirements of the Town Comprehensive Plan, this Law and the Official Map; and matters enumerated in Section 277 of New York State Town Law.

(3) Applicant to attend Planning Board meeting

The applicant shall attend a regular meeting of the Planning Board to discuss the preliminary plat and the Board's tentative conclusions.

(4) Approval of the preliminary plat

- a. Within 62 days after the receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the Town at least 10 days before such hearing. Property owners located within 100 feet of the land proposed to be subdivided shall be sent a copy of the Public Hearing Notice via Certified mail. The Planning Board may provide

that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat.

- b. Within 62 days after the date of such hearing, the Planning Board shall approve, with or without modification, or disapprove such preliminary plat; and the ground of a modification, if any, or the ground for disapproval shall be stated upon the records of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any, as it deems necessary for submission of the plat in final form.
- c. Within 5 days of the approval of such preliminary plat it shall be certified by the Clerk of the Planning Board as granted preliminary approval, a copy filed in its office, a certified copy mailed to the owner and a copy forwarded to the Town Board. Failure of the Planning Board to act within the time periods prescribed herein shall constitute approval of the preliminary plat.
- d. When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds therefore which it will require as prerequisite to the approval of the subdivision plat. Approval of a preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.
- e. Approval of the preliminary plat may not be revoked by the Planning Board unless a substantial change in the character of the area or the availability of new information about the site and its surroundings indicate the unsuitability of the development, as shown on the preliminary plat. Before revocation, the applicant shall be informed, in writing, of the reasons therefore and shall be given an opportunity to be heard before the Planning Board.
- f. Approval of a preliminary plat shall expire 6 months from the date of approval. Extensions for periods of 6 months may be granted by the Planning Board upon application. Such applications for extensions may be granted unless changed conditions or new information indicate the unsuitability of the development as shown on the preliminary plat.

(b) Final plat

(1) Application procedure

Within 6 months after tentative approval of the preliminary plat is granted, the applicant shall file with the Planning Board an application for approval of a final plat. The application shall:

- a. Be made on forms provided by the Planning Board at the time tentative approval of the preliminary plat was granted.
- b. Include the entire subdivision or a section thereof which derives access from a street improved to Town standards or for which street a performance bond for such improvement is held by the Town.
- c. Be accompanied by an original and 7 copies of the plat, as described in Subsection G.7., Final Plat, of these regulations.
- d. Comply in all respects with the preliminary layout as tentatively approved.
- e. Comply with the improvement requirements of Subsection H, Required Improvements and Agreements, of these regulations.
- f. Be presented to the Clerk of the Planning Board at least 10 days prior to a regular meeting of the Board.

(2) Public hearing

Within 62 days of the submission of a plat in final form for approval, a hearing shall be advertised at least once in a newspaper of general circulation in the Town at least 5 days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under Subsection D (4), Preliminary Plat of this Article, and modified in accordance with the requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.

(3) Action on proposed subdivision plat

- a. The Planning Board shall, by resolution, conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Clerk of the Planning Board, if no hearing is held, or in the event a hearing is held, within 62 days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefore shall be deemed approval of the plat.

b. Upon resolution of conditional approval of such final plat, the Planning Board shall empower a duly-authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within 5 days of such resolution, the plat shall be certified by the Clerk of the Planning Board as conditionally approved, a copy filed in his/her office and a certified copy mailed to the applicant. The copy mailed to the applicant shall include a certified statement of such requirements that, when completed, will authorize the signing of the conditionally-approved final plat. Upon completion of such requirements, the applicant shall provide two (2) Mylar copies of the plat to be signed by said duly-authorized officer of the Planning Board. Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally-approved plat may be submitted for signature, if in its opinion, such extension is warranted in the circumstances, for not to exceed 2 additional periods of 90 days each.

(4) Plat void if revised after approval

No changes, erasures, modifications or revisions shall be made on any plat after approval has been given by the Board. In the event that any plat, when recorded, contains any such changes, the plat shall be considered null and void and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

(5) Filing of approved plat

Approval of the plat shall expire within 62 days from the date of such approval unless within such 62 day period such plat shall have been duly recorded by the owner in the office of the Fulton County Clerk. If the plat is not filed within this period, the approval shall expire as provided in Section 276 of New York State Town Law.

(6) Division of plat into 2 or more sections - phasing

The Planning Board may permit the plat to be divided into 2 or more sections to allow the phasing of a subdivision, subject to such conditions as it deems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the approval of the plat. The approved plat, or any approved section thereof, shall be recorded within 62 days of approval, subject to any conditions imposed, and shall encompass at least 10% of the total number of lots shown on the plat. Approval of any other sections not recorded shall expire unless recorded before the expiration of the period to which such plat is entitled under the provisions of Section 265-a of New York State Town Law. In the event the applicant does not record all approved sections, the entire plat shall be filed with the Town Clerk within 30 days from the recording of the plat or any approved section thereof, and the applicant shall file with the

Planning Board a photostatic copy of the plat certified by the County Clerk to be a true copy of the recorded plat.

(7) Public acceptance of proposed streets and park areas

The approval by the Planning Board of a plat shall not be deemed to constitute or imply the acceptance by the Town of any street, park, playground or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town Board covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

(8) As-built drawings of required improvements

Drawings showing the location of all required improvements as built shall be certified by a New York State licensed land surveyor and filed with the Planning Board at least 30 days prior to the acceptance of the improvements by the Town.

(c) Issuance of building permits

A building permit for erection of a structure in a development laid out subsequent to the adoption of these regulations shall not be issued unless the street giving access to the proposed building appears on a recorded plat approved by the Planning Board and unless such street has been suitably improved or bonded to cover the full cost of improvement.

(d) Improvements in streets

No public municipal street utility or improvement shall be constructed by the Town in any street or highway until it has become a public street or highway and is duly placed on the Official Map. However, subject to the discretion of the Town Board, a subsurface utility or improvement operated from revenue by the Town or by a special district may be constructed by the Town in a private street, provided that a public easement satisfactory to the Town Board is obtained for such utility or improvement.

E. Conservation Subdivision

1. Applicability

For major subdivisions, the Planning Board may require, at its discretion, a Conservation Subdivision as outlined herein whereby at least 40% of the land is permanently preserved. Conservation Subdivision requirements may be applied to minor subdivisions if desired by the applicant.

2. Purpose

- (a) To permanently preserve open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, in a manner that is consistent with the Town of Northampton Comprehensive Plan;
 - (b) To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision;
 - (c) To minimize the total amount of disturbance on the site;
 - (d) To further the goals and policies of the Town of Northampton Comprehensive Plan;
and
 - (e) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner.
3. Steps in the process
- (a) Resource Analysis
 - (b) Sketch Plan
 - (c) Preliminary Plat Review
 - (d) Final Plat Review
4. Resource Analysis
- (a) The Resource Analysis required in Subsection D.2(b) of this Article shall be used to determine the amount of constrained land and other unique features with conservation value.
 - (b) The Planning Board shall make a final determination as to which land has the most conservation value and should be protected from development. This determination shall be based upon an analysis that weighs the relative importance of the environmental resources on the site and shall be expressed in a written report supporting its decision (the Conservation Findings).
 - (c) The Planning Board may incorporate information provided by, but not limited to, its own research, site visits, consultants, other qualified experts or agencies or from public comments. If, as a result of the SEQRA review, information arises to cause the Resource Analysis to change, such change will be made at that time, by the Planning Board based on the intent and purpose of the Resource Analysis as provided in Subsection D.2(b) and the purpose of a Conservation Subdivision provided in Subsection E.2 of this Article.
 - (d) The outcome of the Resource Analysis and the Planning Board's Conservation Findings shall be used as the basis for Sketch Plan Review.

5. Sketch plan review

- (a) At the conclusion of the Resource Analysis process a Sketch Plan shall be submitted.
- (b) The Sketch Plan shall show the following:
 - (1) Preferred locations for intensive development as well as acceptable locations for less dense development.
 - (2) Proposed lot locations and roads.
 - (3) Land to be permanently preserved and recommended conservation uses, ownership, and management guidelines for such land.
 - (4) Land suitable for stormwater management facilities, which may be located within the preserved land area.
- (c) At least 40% of the total acreage shall be preserved by and shown as such on the Sketch Plan, based upon the Conservation Findings. The Planning Board may require more based on the findings of the Resource Analysis.

6. Lot Sizes in Conservation Subdivisions

The Planning Board shall determine appropriate lot sizes in the course of its review of a Conservation Subdivision based upon the criteria established in this section and the requirements of the NYS Department of Health, Town services and or private water/sewage systems may be used to meet these requirements. In order to permit a clustered lot configuration, wells and septic systems may also be located in areas of protected open space, provided that necessary easements are provided for maintenance of these facilities.

7. Other area and dimensional requirements

- (a) In no case shall the number of Principal Building Units exceed the number that would be permitted under a conventional subdivision.
- (b) There shall be no required area, bulk, or dimensional standards in a Conservation Subdivision with the exception of building height and building length as stated in the Dimensional Table and where such subdivision abuts an existing residence, all side and rear yard setbacks are required as stated in the Dimensional Table for the district where the Conservation Subdivision is located.
- (c) The applicant shall specify dimensional requirements for a proposed Conservation Subdivision by identifying setbacks and other lot dimensions to be incorporated into the Final Plat. The Planning Board may vary bulk requirements to accommodate a Conservation Subdivision. The Planning Board may entertain an application to develop a portion of a parcel if a Resource Analysis is provided for the entire parcel.

8. Permanent open space in conservation subdivisions
 - (a) Open space set aside in a Conservation Subdivision shall be permanently preserved as required by this Section. Developed lands shall not impact the conservation value of the permanent open space.
 - (b) Open space permanently preserved shall be done in the manner described in Subsection 8 of this Article.

F. General Requirements and Design Standards for Subdivisions

1. Compliance required

The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in Subsection A (2), Policy, of these regulations and the following standards.

2. Preservation of existing features

Existing features identified as part of the Resource Analysis which would add value to residential development, such as scenic views from roadways and public trails, ridgelines, water resources, steep slopes, active farmland, rock outcrops, forested areas, stone walls, hedgerows, wildlife nesting or migration areas and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

3. Density Calculation

- (a) Whenever a parcel of land is subdivided, the proposed subdivision shall comply with both maximum density and minimum lot size requirements of the land use district as established in Article IV, Schedule B unless Conservation Subdivision is used pursuant to Subsection E of this Article in which case the minimum lot size requirements may be reduced.
- (b) The maximum number of lots into which a parcel may be subdivided shall be determined by dividing the parcel size by the required minimum acreage per principal building provided in Schedule B. If no minimum acreage per principal building is required, the maximum number of lots into which a parcel may be subdivided shall be determined using the minimum lot size.
- (c) The Planning Board shall establish, and the applicant shall show on the plat, the number of lots, the number of dwellings and dwelling units and the number of permissible resubdivisions that may be created on the entire parcel to be subdivided.

4. Minimum Lot Standards

- (a) Lots shall be arranged in a manner that protects land of conservation value and protects the scenic resources of the Town. Compact development is encouraged if it advances the protection of significant resources.
- (b) The minimum lot size, lot width and other dimensional standards of Article IV, Schedule B shall apply.
- (c) Side lot lines shall be substantially at right angles or radial to street lines.
- (d) Through Lots or reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. An easement of suitable width, across which there shall be no right of access, may be required along the line of lots abutting such traffic artery or other disadvantageous use. As an alternate, where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such street.
- (e) The plat shall provide each lot with satisfactory access to an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval. Private streets may be permitted only by resolution of the Town Board.
- (f) Radius corners shall be provided on the property line substantially concentric with the curb radius corners.

5. Streets

(a) General planning standards

The arrangement, character, extent, width, grade and location of all streets shall be considered in relation to the proposed uses of the land to be served by such streets.

(b) Relation to topography

Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.

(c) Intersections

Intersections of residential collector streets by other streets shall be at least 1,000 feet apart.

(d) Visibility at intersections

Within the triangular area formed at corners by the intersecting street lines, for a distance of 30 feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Fences, walls, hedges or other landscaping shall not obstruct such visibility and shall meet the standards of Article VI (C) of this Law.

(e) Layout of minor streets

Minor streets shall be so laid out that their use by through traffic will be discouraged.

(f) Treatment of arterial streets

Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(g) Minimum curvature

When continuing street lines (projected right-of-way tangents) deflect from each other at any one (1) point by more than 10°, they shall be connected by a curve with a radius at the inner street right-of-way line determined from the alignment standards specified in Subsection (h) below.

(h) Alignment standards in relation to design speeds

Alignment standards in relation to design speeds are provided in the following table:

| Schedule E: Street Alignment Standards | | | | |
|---|---|---------------------------------|--|---|
| Design Speed (mph) | Minimum Radius of Horizontal Curves (feet) | Maximum Percent of Grade | Minimum Forward Sight Distance (feet) | Minimum Length of Vertical Curve for Each 1% of Change in Grade (feet) |
| 20 | 100 | 10 | 150 | 10 |
| 25 | 200 | 10 | 175 | 15 |
| 30 | 250 | 10 | 200 | 20 |
| 35 | 350 | 10 | 250 | 30 |
| 40 | 450 | 8 | 275 | 35 |
| 45 | 600 | 8 | 325 | 55 |
| 50 | 750 | 8 | 350 | 70 |

(i) Rear Lanes

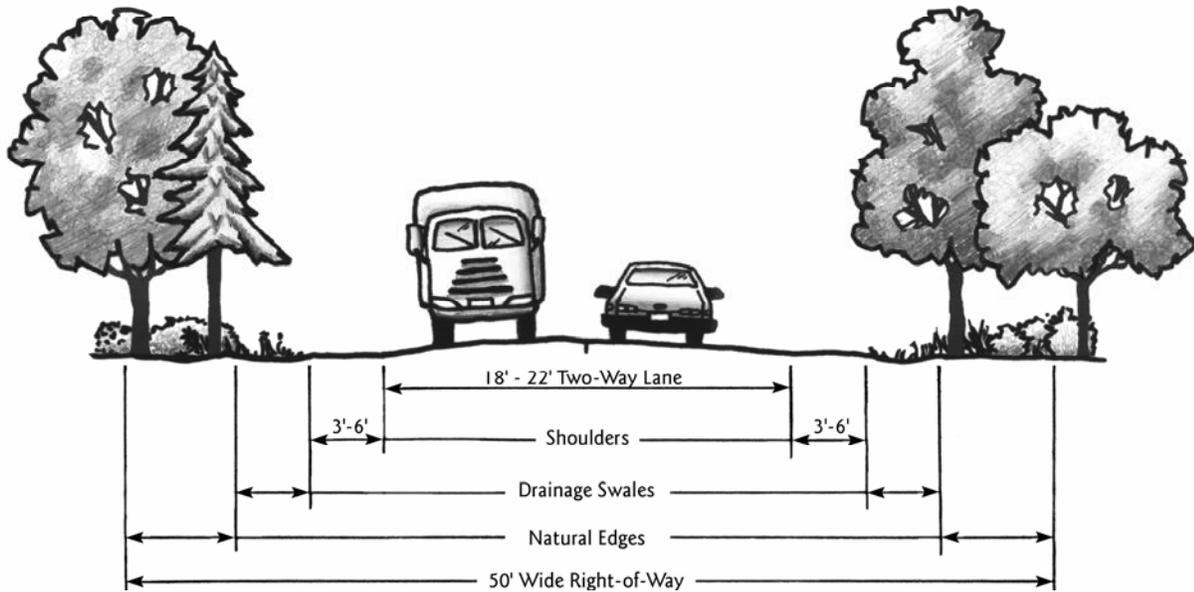
(1) Rear lanes may be provided in any districts as private accessways.

- (2) Intersections of rear lanes and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movements.
- (3) Dead-end rear lanes shall be avoided when possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead end, as determined by the Planning Board.

(j) Design Standards

Subdivision streets shall be designed to reflect the rural character of the Town of Northampton. The following design guides and standards should be referenced in the design of subdivision roads for all residential collector roads, residential access roads, private roads and cul-de-sacs.

| Schedule F: Road Standards | |
|--|---|
| Right- of-way width | 50 ft.*; plus a 35 ft. turn radius for cul-de-sacs |
| Pavement width (minimum-maximum) | 18 ft. min. – 22 ft. max.; except private roads which shall be 16 ft. min -18 ft. max. |
| Shoulder width (minimum-maximum) | Residential collector 3 ft min. - 6 ft. max on each side; all other roads 1ft. min - 2 ft. max on each side |
| Grade (minimum-maximum) | 1% minimum -10% maximum |
| Curb Radii (minimum-maximum) | 5 ft. minimum -10 feet maximum |
| Minimum tangent length between reverse curves | Residential collector 100 ft; all other roads 50 ft. |
| Maximum grades within 150 feet of center-line intersections | 1.5% |
| Minimum distance between center-line offsets at street jogs | 300 ft. for residential collector; all other roads 125 ft. |
| Maximum length of Cul-de-sac | 800 ft.** |
| Minimum outside radius of cul-de-sac pavement | 75 ft. |
| Angle at intersections of street center lines (degrees) | 90° |
| <p>* 50' right-of-way is required by State Highway Law, but grading and clearing should be reduced to the minimum necessary.</p> <p>**Except where, in the judgment of the Planning Board, the cul-de-sac does not impose any problem and constitutes a positive design feature.</p> <p>Note: Rear lanes, 12-16 pavement width, are allowed in hamlet areas and where the size and configuration of the subdivision is conducive to rear lanes.</p> <p>Note: Standards are not given for arterial streets, as they would in all probability be built by the state or county.</p> | |



(k) Continuation of streets into adjacent property

Streets shall be arranged to provide for the continuation of streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly, where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turn-around, a minimum of 50 feet in radius, shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued.

(l) Permanent dead-end streets (cul-de-sac)

Where a street does not extend to the boundary of the subdivision and it's not needed for access to adjoining property, it shall be separated from such boundary by a distance of no less than 100 feet.

(m) Street names

All streets shall be named, and such names shall be subject to the approval of the Town Planning Board. Names shall be sufficiently different in sound and in spelling from the other street names in the Town so as not to cause confusion. A street that is a continuation of an existing street shall bear the same name.

(n) Sidewalks, bike lanes and curbs

Sidewalks, bike lanes and curbs shall be provided when considered necessary and appropriate for pedestrian safety. Sidewalks and curbs shall be made of concrete unless other materials are approved at the discretion of the Planning Board.

(o) Improvements

Improvements shall be as indicated in Subsection H, Required Improvements and Agreements.

(p) Private roads

The Planning Board may approve paved or unpaved private roads to provide access to lots in subdivisions, provided that the Planning Board finds that the proposed subdivision will protect the rural, scenic character of the Town. The private road requirements are as follows:

- (1) The maximum number of lots gaining access through any portion of a private road shall be 3 without a private Homeowners Association (HOA) or 4 or more lots with an HOA.
- (2) Written approval from the Town Superintendent of Highways and the Town's engineer shall be secured before approval of any private roads.
- (3) An HOA must be created to own and provide for the perpetual care and maintenance of the private road with 4 or more lots. The Planning Board shall have discretion to determine whether a performance bond must be posted by the applicant to ensure the proper completion of the private road and, if so, how much the performance bond shall be and what form it shall take.
- (4) Such HOA must have the power to assess the subdivision lot owners for their share of the maintenance costs of the private road. The HOA shall ensure that the road will always be maintained and kept open to permit emergency vehicle access.
- (5) The private road can only be offered for dedication to the Town of Northampton if it conforms to Town Highway specifications for private roads in effect on the date of the offer of dedication. However, the Town Board shall be under no obligation to accept such an offer of dedication, even if the road conforms to Town Highway specifications. In the event such dedication becomes necessary to ensure public safety, the cost of bringing the road up to Town Highway specifications shall be borne by the HOA.
- (6) The subdivision plat shall show the road clearly labeled "private road."
- (7) Road design shall comply with the standards for private roads in this Law.

- (8) The Planning Board may waive the requirement of a private road maintained by a HOA if it finds, after consulting with the attorney for the Planning Board or the Town Attorney, that a common drive maintained pursuant to a recorded maintenance agreement, executed by the applicant as a condition of subdivision approval, will provide the same protections to lot owners and the Town as would a private road owned by a HOA.

6. Blocks

(a) General planning standards

- (1) The length, width and shape of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Zoning requirements as to lot sizes and dimensions.
 - c. Need for convenient access, circulation and control safety of street traffic.
 - d. Limitations and opportunities of topography.
- (2) Irregular-shaped blocks or oversize blocks indented by cul-de-sac, parking courts or loop streets and containing interior block parks or playgrounds will be acceptable when properly designed, as determined by the Planning Board. Such blocks shall include adequate off-street parking, facilities for pedestrian access from streets to all lots, proper easements for utility lines and satisfactory provision for maintenance of park and open space, where included.
- (3) Non-residential blocks intended for commercial or industrial use shall be of such length and width as is suitable for their prospective use. Such blocks shall include adequate provisions for off-street parking and servicing.

(b) Design standards

- (1) Block lengths for residential access roads shall not be less than 400 feet; blocks abutting on designated arterial streets shall be not less than 1,000 feet.
- (2) Blocks over 800 feet in length may be required to have a crosswalk, if necessary, to facilitate pedestrian circulation to a school, park, recreation area, or other similar neighborhood facility.

7. Driveways

- (a) The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be 10%. In cases of unreasonable hardship affecting a particular property, the approving authority may permit construction of a driveway that exceeds this standard provided that the increase in

driveway grade is the minimum increase required, and further provided that in no case shall such driveway grade be permitted to exceed 15%.

- (b) The minimum width of the driveway at the street pavement line shall be 15 feet, tapering to a minimum of 10 feet at the right-of-way line.
- (c) Clear visibility shall be provided in both directions at all exit points so that the driver of a motor vehicle will have an unobstructed view of the highway from the driveway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the motor vehicle in the driveway.
- (d) Shared driveways are encouraged where appropriate to maintain rural character and provide an economical and attractive method of serving up to 3 homes.

8. Preservation of Open Space

- (a) If the arrangement of lots results in large expanses of preserved open space, the preserved open space may be included as a portion of one (1) or more large lots, or may be contained in a separate open space lot. Such open space may be owned by a homeowner's association, private landowner(s), utility company, a non-profit organization, or the Town or other governmental entity, as long as it is permanently protected from development by a conservation easement held by a unit of government or qualified conservation organization.

(1) Permanent Preservation by Conservation Easement

A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, may be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be approved by the Planning Board and shall be required as a condition of Final Plat approval. The conservation easement shall be recorded in the Fulton County Clerk's Office prior to or simultaneously with the filing of the final subdivision plat in the County Clerk's Office. The Town shall maintain a current map which displays all lands under easement or deed restricted.

The conservation easement shall limit residential, industrial, or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation). Access roads, driveways, wells, local utility distribution lines, underground sewage disposal facilities, stormwater management facilities, trails, temporary structures for passive outdoor recreation, and agricultural structures may be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices.

(2) Ownership of Open Space Land

Open space land shall under all circumstances be protected by a perpetual conservation easement, but may be owned in common by a homeowner's association (HOA), offered for dedication to Town, County, or State governments, transferred to a non-profit organization acceptable to the Planning Board, held in private ownership, or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

- a. The HOA must be established before the approved subdivision Final Plat is signed, and must comply with all applicable provisions of the General Business Law.
- b. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
- c. The open space restrictions must be in perpetuity.
- d. The HOA must be responsible for liability insurance, property taxes, and the maintenance of recreational and other facilities and private roads.
- e. Property owners must pay their pro rate share of the costs in subsection (2) (d) above and the assessment levied by the HOA must be able to become a lien on the property.
- f. The HOA must be able to adjust the assessment to meet changed needs.
- g. The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA, for all open space to be conveyed to the Town. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder, or to pay its real property taxes.
- h. Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.

- i. The attorney for the reviewing board shall find that the HOA documents presented satisfy the conditions in Subsections (a) through (h) above and such other conditions as the Planning Board shall deem necessary.

9. Reservations and dedications

(a) Public sites, parks, playgrounds and recreational areas

The Planning Board shall require adequate, convenient and suitable areas for parks and playgrounds, or other recreational purposes, to be reserved on the plat, but in no case more than 10% of the gross area of any subdivision. The area shall be shown and marked on the plat "reserved for park, playground or recreational purposes." In cases where the Planning Board finds that due to the size, topography or location of the subdivision, land for parks, playgrounds and recreational areas cannot be properly located therein, or if in the opinion of the Board, is not desirable, the Board may waive this requirement. The Board shall then require the payment of a park fee in accordance with the Town's fee schedule.

(b) Dedications

- (1) Where a dedication is required, it shall be accomplished as follows:

The subdivider shall provide not less than 10% of the gross area of the subdivision as shown on the preliminary layout. Where such dedication would amount to less than 2 acres, the subdivider shall, in lieu thereof, pay a fee to the Town for each lot in his subdivision, to be computed as follows: average value of 1 acre of undeveloped land adjacent to a public road within 1/4 mile of any point within that subdivision, divided by 50 dwelling units, equals the fees per lot.

- (2) Moneys received by the Town from such payments shall be placed in a parkland acquisition and development fund, such moneys to be expended for acquiring parklands.

(c) Realignment or widening of existing streets

Where the subdivision borders an existing street and the Official Map indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "reserved for street alignment (or widening) purposes."

(d) Utility and drainage easements

- (1) Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 20 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or side lot lines.

- (2) All subdivisions shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development and shall comply with the requirements of the Town Engineer.
- (3) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width as to encompass the 25 year flood area of such watercourse.
- (4) Right-of-way for storm drainage must be sufficient for facilities to handle not only the anticipated discharge from the property being subdivided, but also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.

(e) Easements for pedestrian access

The Planning Board may require pedestrian access from streets to schools, parks, playgrounds or other nearby streets in order to facilitate perpetual unobstructed easements at least 20 feet in width.

(f) Responsibility for ownership of reservations

Ownership shall be clearly indicated on all reservations.

G. Required Data and Documents

1. Compliance required

Any subdivider who proposes to develop a subdivision in the Town of Northampton shall submit plats and documents as provided in this Section.

2. General requirements

The following general requirements are applicable to the sketch plan, preliminary layout and the subdivision plat submittal.

- (a) A New York State licensed land surveyor shall be required for all subdivision plats.
- (b) A New York State licensed engineer shall be required for all Major Subdivision plats.
- (c) Sketch plans and plats shall be clearly and legibly drawn at an adequate scale to show detail from 1" = 50' to 1" = 200' for parcels under 100 acres; and 1" = 200' for parcels of 100 acres or more.

- (d) Drawings shall be submitted on uniform size sheets not larger than 36 x 48 inches. When more than one (1) sheet is required to show the plat, an index map of the same size shall be submitted.
- (e) All submissions shall indicate the proposed subdivision name or identifying title; the words “Town of Northampton, Fulton County, New York”; the name and address and seal of the NYS licensed engineer and land surveyor responsible for the plat; and the date, approximate true North point and graphic scale.

3. Resource Analysis Assessment Data and Documents

Pre-applications for a major subdivision shall be submitted to the Planning Board in 7 copies and shall include a Resource Analysis with the following information:

- (a) The proposed subdivision name or identifying title, and the words “Town of Northampton, Fulton County, New York.”
- (b) The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
- (c) Aerial map at a scale of 1” = 400’ or larger, showing the location of the proposed subdivision parcel with respect to all streets and property within 1,000 feet of the applicant’s parcel and superimposed with 10’ contours, NYSDEC wetlands, NWI wetlands, floodplains, streams, water bodies, NYSDEC Natural Heritage Program data, and public trails.
- (d) A list including general location of features known to exist on the parcel including but not limited to historic buildings, stone walls, rock outcrops, significant trees and stands of trees, potential wildlife habitats and viewsheds. This list is a preliminary step in identifying existing features and is subject to modification and interpretation of the reviewing bodies.
- (e) Provide an 8½ x 11 soils map indicating if Prime and/or Statewide important soils, as defined by the Soil Survey of Fulton County New York, exist on the property.
- (f) General subdivision information necessary to explain and/or supplement the Aerial Map.

4. SEQR Classification

New York State Environmental Quality Review (SEQR) classification should be determined by the Planning Board and discussed with the applicant at completion of the Pre-Application Meeting.

5. SEQR

The Planning Board shall initiate the New York State Environmental Quality Review Act (SEQR) process, as defined in Article 8 of the Environmental Conservation Law and Part 617 of the New

York Code of Rules and Regulations, upon completion of the Sketch Plan phase of the Pre-Application process, and when a Preliminary Plat application is determined to be complete. The Planning Board shall review the short or full Environmental Assessment Form, and if applicable, the Draft Environmental Impact Statement submitted by the applicant with the Preliminary Plat application materials. The applicant shall be informed by the Board as to whether the application will be subject to additional environmental review as specified in the SEQR regulations. All requirements of SEQR shall be completed prior to any approval of the Preliminary Plat by the Planning Board.

6. Sketch Plan

The Sketch Plan should show the proposed layout of streets, lots and other major subdivision features based upon the resource analysis and density calculation including the following:

- (a) A vicinity map sketched at a scale of 2,000 feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads, commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.
- (b) A density calculation as outlined in Subsection F.3. Density Calculation.
- (c) Sketch plan on a topographic survey of the proposed area to be subdivided showing, in simple sketch form, the proposed layout of streets, lots and other features.
- (d) General subdivision information necessary to explain and/or supplement the vicinity map and sketch plan.

7. Preliminary plat

The preliminary plat submitted to the Planning Board shall be at an adequate scale to show detail from 1" = 50' to 1" = 200' for parcels under 100 acres; and 1" = 200' for parcels of 100 acres or more and shall extend 500 feet past the parcel boundary and shall show or be accompanied by the following information, except where the Planning Board has determined to waive such requirements:

- (a) Data required by Subsection G.2., General Requirements.
- (b) The name of the property owner(s) and the authorized applicant, if different from the property owner(s).
- (c) Tax number of all parcels to be subdivided.
- (d) Location, bearings and distances of trace boundary including georeferencing information or latitude and longitude coordinates of the plat as available.
- (e) A vicinity map sketched at a scale of 2,000 feet to the inch, showing the relationship of the proposed subdivision to existing community facilities that serve it, such as roads,

commercial areas, schools, etc. Such a sketch may be superimposed upon a United States Geological Survey Map of the area.

- (f) Topography at a contour interval of not more than 10 feet, unless waived by the Planning Board and referred to a datum satisfactory to the Board.
- (g) The names of property owners within 200 feet of the property boundary, including those adjoining and those across roads fronting the proposed development. If the proposed development property is within an agricultural district containing a farm operation or within 500 feet of a farm operation located in an agricultural district, the applicant shall complete an Agricultural Data statement, in accordance with NYS Agriculture District Law, which shall contain the name and address of the applicant, a description of the proposed project and its location, and the name and address of all property owners within 500 feet of the property boundary.
- (h) Location, name and dimensions of existing streets, easements, deed restrictions, zoning district boundaries, property lines, buildings, parks and public properties.
- (i) Location of existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow.
- (j) Location of pertinent natural and other features such as watercourses, wetlands, floodplains, rock outcrops, stone walls, agricultural district lands, contiguous forest, and single trees 15” or more in diameter (dbh) as measured 4 feet above the base of the trunk.
- (k) Location, width and approximate grade of all proposed streets with approximate elevations shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.
- (l) Proposed provision of sanitary waste disposal, water supply, fire protection, stormwater drainage, street trees, streetlight fixtures, street signs and sidewalks.
- (m) Lot lines of all proposed or existing lots, and suggested building envelopes.
- (n) Conceptual future plans for the parcel, if any.
- (o) Location and approximate dimensions of all property proposed to be reserved for park or public uses.
- (p) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable).
- (q) Information on all other County and State permits required for subdivision plat approval.
- (r) A written statement of any requests for specific waivers of requirements by the Planning Board.

- (s) Other data which must be available for consideration of the subdivision at this stage.

8. Final plat

The plat submitted to the Board shall show or be accompanied by the following information:

- (a) Data required by Subsection G.2., General Requirements and Subsection G.7., Preliminary Plat, subsections (b) through (s).
- (b) Location, width and name of each proposed street and typical cross sections showing street pavement and, where required, curbs, gutters and sidewalks.
- (c) Lengths and deflection angles of all straight lines and radii: length, central angles, chords and tangent distances of all curves for each street proposed.
- (d) Profiles showing existing and proposed elevations along the center line of all proposed streets and the elevations of existing streets for a distance of 100 feet either side of their intersection with a proposed street.
- (e) Present elevations of all proposed streets shown every 100 feet at 5 points on a line at right angles to the center line of the street, said elevation points being indicated at the center line of the street, each property line and points 30 feet inside each property line (only when required by the Board because of the existence of steep slopes).
- (f) Setback lines.
- (g) Location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers; the exact location of utilities and fire hydrants.
- (h) Location of any existing wells onsite and other proposed lot wells and individual water supply system details such as pumps, storage, treatment, controls, etc.
- (i) Location of street trees, street lighting standards and street signs.
- (j) Areas of all lots in hundredths of an acre; lots numbers as directed by the Town Assessor; and location, material and size of all permanent monuments.
- (k) Accurate location of all property to be offered for dedication for public use, with the purpose indicated thereon, and of all property to be reserved by deed covenant for the common use of the property owners of the subdivision.
- (l) Sufficient data, acceptable to the Highway Superintendent, to readily determine the location, bearing and length of all street, lot and boundary lines and to reproduce such lines upon the ground.
- (m) Necessary agreements in connection with required easements or releases.

- (n) Formal offers of cession to the Town of all streets and public parks.

H. Required Improvements and Agreements

1. Completion of improvements or filing of bond required

Prior to an action by the Planning Board approving a plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate Town departments, all the street and other improvements specified in the action approving said plat or, as an alternative, to file with the Town Board a bond in an amount estimated by the Planning Board to secure to the Town the satisfactory construction and installation of the incomplete portion of the required improvements. All required improvements shall be made by the applicant at his expense without reimbursement by the Town or any district therein.

2. Performance bonds

Performance bonds shall comply with the requirements of Section 277 of New York State Town Law and shall be satisfactory to the Town Board as to form, sufficiency and manner of execution. A period of one (1) year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed shall be specified by the Planning Board and expressed in the bond. The bond shall also provide that an amount determined adequate by the Planning Board shall be retained for a period of one (1) year after the date of completion of the required improvements to assure their satisfactory condition.

3. Required improvements

(a) Monuments

Monuments shall be placed at all block corners, angle points, points of curvature in streets and points of tangency or horizontal curves, and at intermediate points as required by the Town Engineer. However, in no case shall there be less than 4 permanent monuments per block. At least one (1) monument in each subdivision shall be related to the United States Geological Survey system and shall bear the true elevation above sea level. In addition, markers shall be placed at all points when street lines intersect the plat boundary and at all lot corners. The monuments and markers shall be of such material, size and length as may be approved by the Town Engineer.

(b) Water and sewerage facilities

Facilities for water and sewerage shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction over the planning and installation of these in the area of the subdivision; however, the following minimum requirements of the Town shall be met:

- (1) Existing and proposed wells are located at minimum separation distances from on-site and off-site potential sources of contamination as specified in Appendix 5-B of 10 NYCRR Part 5.

- (2) A central water supply system shall be designed with adequate pressures, mains and fire hydrants to meet Association of Fire Underwriters' specifications for a Class C protected area.
- (3) All water mains shall be at least 6 inches in diameter.
- (4) Sanitary sewers shall not be used for stormwater drainage.
- (5) Central sewerage system shall provide a 4" minimum size connection to each lot.

(c) Storm drainage facilities

- (1) Regulation. The New York State Department of Environmental Conservation (NYSDEC) regulates stormwater management practice installation under SPDES General Permit GP-02-01. The technical standards for stormwater practice design are in the New York Stormwater Management Design Manual.
- (2) Drainage. The NYSDEC's, *Reducing the Impacts of Stormwater Runoff from New Development*, should be consulted. A primary goal is to ensure that the peak rate of surface water flowing off site shall not increase above predevelopment conditions, and shall not adversely affect drainage on adjacent properties or public roads.

(3) General design

- a. Preferred runoff pattern. Preferred design of streets and grading in relation to storm drainage shall be such that runoff from roofs, driveways and other impervious surfaces will be collected in the ditches and/or gutters along the street in short runs [300 or 400 feet] and will then be diverted from the surface into storm sewers or natural watercourses unless storm sewers are to be installed.
- b. Downstream disposal. Subdivision and development of an area increases and concentrates the runoff of stormwater from the area. Applicants are warned that such increase may cause flood or erosion damage to undeveloped properties lying downstream. Storm drainage channels opening on unimproved land shall empty into natural watercourses unless a suitable agreement is reached with the owner of the downstream property for another method of handling. In any instance, the disposal of storm drainage downstream shall be satisfactory to the Planning Board as advised by the Town Engineer.

(4) Open Water courses

The use of open watercourses for drainage may involve problems relating to safety, erosion control, stagnant water, protection of capacity and appearance, all of which shall be given adequate attention by the developer as follows:

- a. Safety. Broad, shallow courses shall be created wherever necessary to increase capacity or eliminate steep banks, except in those areas where natural conditions are such that erosion of banks will not occur. Ditches shall, wherever feasible, be in the shape of a wide-top “V” with rounded or squared invert.
- b. Erosion control. Adequate measure shall be taken to prevent erosion. The Planning Board shall require seeding, sodding, planting, riprap or such other measures as may be necessary to prevent scouring.
- c. Drainage. The developer shall avoid the creation or continuation of swampy areas or stagnant pools. The Planning Board shall require fill and/or channel improvements in order to forestall such problems.
- d. Protection of capacity. The developer shall provide adequate measures for the protection of open drainage channels by establishing drainage easements sufficiently wide [generally 20 feet] to enable the working of the channel by motorized equipment, or, alternately, where authorized by the Planning Board, a center block park of a minimum width of 50 feet. All easements shall prohibit the erection of structures, the dumping of fill or the alteration of obstruction of the watercourses without the written permission of the Town Board. Property lines shall be so drawn as to allow drainage easements alongside and rear lot lines, except that drainage easements may be allowed to cross lots larger than 1 acre.
- e. Appearance. As natural watercourses can be an attractive asset to the subdivision as well as to the community, the developer shall, where possible, improve and beautify the watercourses to this end.

(5) Design of storm sewers

- a. Size and grade. Storm sewers shall have a minimum diameter of 12 inches and a minimum grade of 0.5%.
- b. Manholes. Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches or less are used, and not more than 540 feet apart where larger sizes are installed.
- c. Change in direction. Special sections with radii of 10 to 15 feet shall be installed where abrupt changes are made in alignment.

(6) Design of ditches and gutters

- a. Length of flow. Subdivisions shall be so designed that the length of flow of water in a gutter or roadside ditch does not exceed 300 feet, except as permitted by the Planning Board. Runs exceeding the maximum shall be put in storm sewers or diverted to natural drainageways.

- b. Minimum grade. All enclosed drainage courses shall be designed with sufficient grade to create a water flow velocity of 3 feet per second. A lesser grade may be permitted by the Planning Board where such a grade cannot be achieved.
 - c. Street crossing. Water in gutters and ditches shall not be allowed to flow over intersecting streets but shall be placed in adequate culverts.
 - d. Depth and shape of ditches. Where roadside ditches are permitted for runs of more than 300 feet, or where subgrade drainage is necessary, the bottom of such ditch should be below the subgrade and/at a minimum, should be approximately 18 inches below the crown of the road. Ditches shall be V-shaped or parabolic with sides sloping at approximately 1 inch to 3 inches horizontal, except where another cross-section plan is authorized.
- (7) Erosion control. Suitable headwalls, endwalls, ditch seeding or sodding and other procedures or devices to prevent erosion shall be used. Town soil and erosion control regulations should be referenced.
- (d) Street and other improvements
- (1) Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, except where the Planning Board may waive, subject to appropriate conditions, such improvements if they are not considered requisite in the interest of public health, safety and general welfare.
 - (2) Underground utilities required by the Planning Board shall be placed between the paved roadway and street line to simplify location and repair of the lines, the subdivider shall install underground service connections to the property line of each lot before the street is paved. Utility location should take into consideration the location of future street trees so as to minimize the risk of future disturbance of trees during repair activities.
 - (3) Grading and improvements shall conform to the Town minimum road specifications and shall be approved as to design and specifications by the Town Highway Superintendent.

4. Inspection

The Town may employ an inspector to act as agent of the Planning Board for the purposes of assuring the satisfactory completion of improvements required by the Planning Board, and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the Town costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved drawings, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

5. Public utilities

The Planning Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Planning Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved plat.

ARTICLE IX: NONCONFORMING USES AND STRUCTURES

A. Purpose

The purpose of this Article is to regulate nonconforming uses and structures. The zoning districts established by this Law are designed to guide the future use of the Town's land by encouraging the development of desirable residential, commercial and other uses with appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare. The regulations of this Article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts as well as to afford opportunities for creative use and reuse of those other nonconformities that contribute to a neighborhood or the community and are consistent with the goals of the Comprehensive Plan.

B. Continuation of nonconforming uses and structures

1. The lawful use of any structure or land existing at the time of the enactment of this Law may be continued although such use does not conform to the provisions of this Law.
2. Any building or structure, for which a valid building permit was lawfully issued prior to the adoption of this Law, may be completed and used in accordance with the plans and specifications for such building or structure.
3. Any pre-existing legal use which is allowable by Special Use Permit under this Law, but which has not been issued a Special Use Permit, shall be considered a permitted use. The expansion of such a use, other than a single-family or two-family residence, shall require Site Plan approval, unless such expansion has been permitted by a prior site plan approval.

C. Discontinuance

1. Whenever a structure or land used for or occupied by a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be used or occupied as a non-conforming use except as provided in Section D.
2. A nonconforming use shall be deemed to have been discontinued if it is changed to a conforming use.

D. Re-establishment

A non-conforming structure or use may be rebuilt in the event that it is damaged or destroyed by fire, flood, wind or other natural disaster, to the extent of 75% or less of its fair market value at the time of such damage, provided that the structure occupy the same or a lesser footprint including bulk and area, and may not exceed the original height of the totally or partially destroyed structure. Such rebuilding may require Site Plan Review as determined by the Code Enforcement Officer. The restoration or rebuilding shall be commenced within 6 calendar months of such damage or destruction and be completed within 24 calendar months. A 6 month extension may be granted by the Planning Board if the Planning Board determines there to be extenuating circumstances.

E. Improvements

1. A non-conforming use or structure shall be maintained and shall not constitute a danger to the health, safety or general welfare of the public.
2. A building within which there is a non-conforming use may be improved upon with approval by the Planning Board that the proposed improvements or remodeling of a building, including the improvement of its exterior appearance and of its grounds, would result in enhancing the compatibility of such building with its surroundings. Such improvements shall require Site Plan Review.

F. Documentation of Nonconforming Status

1. Purpose

The Town of Northampton acknowledges that amending land use regulations may cause certain uses, structures, and/or lots to become non-conforming. The following process provides a means by which a landowner or business owner may document the nonconforming status of a use, structure or lot.

2. Procedure

- (a) Application for documentation of non-conforming status shall be made to the Code Enforcement Officer and shall include, but not be limited to:
 - (1) Submission of a written application on a form provided by the Code Enforcement Officer;
 - (2) Payment of the application fee; this fee shall be waived if the applicant submits the application within 18 months of the adoption of this Law; and
 - (3) Proof that the use, structure, or lot was established prior to the effective date of this law. The applicant may submit to the Code Enforcement Officer pictures, financial evidence, sworn statements or any other documentary evidence.
- (b) The Code Enforcement Officer shall refer the application to the Zoning Board of Appeals with a recommendation stating whether or not the non-conformity was legally established prior to the adoption of this law.
- (c) The Zoning Board of Appeals shall make a determination as to the prior legal non-conforming status of the use, structure or lot. The Zoning Board of Appeals shall make a determination on whether the use, structure, and/or lot is entitled to prior nonconforming status based upon all of the information provided, which may include documentary evidence submitted, site inspections, interviews with the applicant or any other persons, or any other information that can reasonably be considered relevant.
 - (1) The Zoning Board of Appeals may hold a public hearing to gather additional information and evidence relevant to the non-conforming status of the uses, structures, and/or lot. If a public hearing is held it shall be held within 45 days of

the first meeting of the Zoning Board of Appeals, following the referral from the Code Enforcement Officer.

- (2) The determination of the Zoning Board of Appeals shall be made within 45 days of the referral from the Code Enforcement Officer or within 45 days of the close of the public hearing if a hearing is held; unless said time periods are extended by mutual agreement between the applicant and the Zoning Board of Appeals.
 - (3) A copy of the determination of non-conforming status shall be mailed to the applicant and recorded with the Zoning Board of Appeals clerk and filed in the office of the Code Enforcement Officer.
- (d) A positive determination of non-conforming status by the Zoning Board of Appeals shall create a conclusive presumption of legal non-conforming status.

3. Veracity

The filing or submittal of false information, or information that is patently misleading, with the Code Enforcement Officer or the Zoning Board of Appeals, as it pertains to any material matter before the Zoning Board of Appeals shall be a violation of this Law.

ARTICLE X: TEMPORARY USES

A. Applicability

The following temporary uses are permitted in any zoning district subject to the following standards and may be subject to the issuance of a Zoning Permit from the Code Enforcement Officer, pursuant to Article XIV: Administration and Enforcement.

B. Permitted Temporary Use – Permit Exemptions

The following temporary uses shall be permitted without a Zoning Permit:

1. Recreational vehicles as temporary housing
 - (a) Notwithstanding the Town’s “Ordinance For the Regulation of Travel Trailers and Trailer Camps,” a recreational vehicle intended for portable temporary housing of guests or occupants may be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot outside the boundary of the Sacandaga Park Neighborhood Conservation Overlay District, or in any other location approved for such use outside the boundary of the Sacandaga Park Neighborhood Conservation Overlay District, for up to 30 consecutive days within a twelve month period. There shall be no fee charged for such occupancy.
 - (b) A recreational vehicle may used for temporary housing of the owner of the lot on which a residential dwelling is being constructed in conjunction with a valid Building Permit.
 - (c) The use of a recreational vehicle as temporary housing as described in Subsection (a) above, within the boundary of the Sacandaga Park Neighborhood Conservation Overlay District, shall be prohibited.
2. Roadside stands or farm stands provided that such use meets the following standards:
 - (a) The stand does not utilize a permanent, roadside structure.
 - (b) The stand is setback a minimum of 10 feet from the public right of way.
 - (c) One (1) temporary sign with a maximum of 6 square feet in size shall be permitted, however, such sign shall be located at least 10 feet from the public right of way.
 - (d) Safe ingress and egress from the farm or roadside stand shall be required including the provision of adequate pull-off areas and parking for at least 3 vehicles.
3. Contractors' offices, equipment sheds and construction staging areas

- (a) Contractors' offices, equipment sheds and construction staging areas containing no sleeping or cooking accommodations may be permitted in any district when used in conjunction with a valid Building Permit.
 - (b) Temporary storage shall be allowed as an accessory use to the contractor's office or equipment shed.
 - (c) Such use shall be limited to a period not to exceed the duration of the Building Permit and shall be removed immediately upon expiration thereof.
4. Christmas tree and wreath sales lots off-premise from site where grown
- (a) Such use shall be limited to a period not to exceed 45 days of operation per year.
5. Portable Storage Containers
- (a) A portable storage container may be temporarily located on a lot of record as part of temporary storage solution. Portable storage containers shall not include dumpsters, tractor trailers or other vessels with other traditional uses.
 - (b) No more than one (1) portable storage container shall be allowed at any location for more than one (1) time per calendar year, and for not greater than a period of 30 consecutive days. A one-time 30 day extension may be granted by the Code Enforcement Officer.
 - (c) Portable storage containers shall meet the front, rear and side yard setback requirements for accessory uses provided in Article III (C) (1) (b) of this Law. No part of the proposed portable storage container shall encroach upon any required setback.

C. Permitted Temporary Uses Requiring a Zoning Permit

Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses of land are permitted following the issuance of a Temporary Use Permit:

1. Recreational Vehicles on Undeveloped Lots
- (a) Notwithstanding the Town's "Ordinance for the Regulation of Mobile Homes and Mobile Home Parks and Travel Trailers and Trailer Camps", a recreational vehicle (RV), as defined by this Law in Article XVI, Definitions and meeting the requirements of this Section C, may be used for recreational or temporary housing purposes on an undeveloped lot unless it is located within the boundary of the Sacandaga Park Neighborhood Conservation Overlay District or on lands adjoining the Hudson River Black River Regulating District (HRBRRD) regulated property.
 - (b) A limit of one (1) recreational vehicle shall be permitted on an undeveloped lot for a period of up to 90 days within a calendar year, except that no recreational vehicle shall be permitted on an undeveloped lot within the boundary of the Sacandaga Park

Neighborhood Conservation Overlay District or on lands adjoining the Hudson River Black River Regulating District (HRBRRD) regulated property. Upon expiration of the 90 day permit, the recreational vehicle shall be removed from the undeveloped lot in its entirety. No recreational vehicle shall be stored, parked for an extended period or otherwise abandoned on an undeveloped lot while not in use".

- (c) A Temporary Use Permit for the temporary use of a recreational vehicle as described in this section shall be issued by the Planning Board. In considering a Temporary Use Permit application, the Planning Board may take into consideration the following:
 - (1) Location of the lot and the recreational vehicle in relation to adjacent lots.
 - (2) Access to electrical connections or use of a generator.
 - (3) Method of waste disposal.
 - (4) Input from adjacent land owners.

2. Farmers Markets and other Open Air Markets

- (a) Parking: Adequate parking shall be provided.
- (b) Safe ingress and egress from the farmers market or open air market shall be required including the provision of adequate pull-off areas and adequate parking.
- (c) Signs: One (1) freestanding sign not exceeding 6 square feet in area and 6 feet in height is permitted unless located on a corner lot whereby one (1) additional sign is permitted.

3. Temporary Trailers – Disaster Relief

During the period immediately following an emergency or disaster identified as such by the Town Board, the Code Enforcement Officer may issue a Temporary Use Permit for one (1) or more trailers for a period not to exceed one (1) year. The number of such trailers shall be limited to one (1) per affected household or business, unless additional temporary trailers are authorized by the Planning Board as a Special Use Permit. Said temporary permit may be extended for additional successive periods of 6 months each, if the Code Enforcement Officer finds that construction has been diligently pursued and that justifiable circumstances require such an extension.

ARTICLE XI: SPECIAL USE PERMITS

A. Purpose

Under these regulations, special uses are considered to be uses which may be appropriate in the district in which they are located, but which possess special characteristics which may pose land use or nuisance concerns or difficulties if controlled only by the district regulation applicable to permitted uses.

Accordingly, such uses are further controlled by a procedure which requires special consideration and may include additional regulations for each such use in order to mitigate any such problems or difficulties and minimize the impact upon the district. Each use warrants consideration as an individual case in the district and on the specific lot on which it is proposed to be located. Granting of a Special Use Permit for a special use in a zoning district shall be based on its own unique facts and circumstances and shall not establish any precedent for granting of a Special Use Permit for the use or any other Special Permit Use on any other lot in the district or in other districts.

B. General Procedures and Provisions

1. All uses of land listed in Schedule A as uses permitted with a Special Use Permit shall be allowed upon issuance of a Special Use Permit by the Town Planning Board.
2. All special use permit review and approval shall occur as a part of any applicable Site Plan Review. Applicants shall refer to Article XII, Site Plan Review, for application content.
3. Site plan approval is required in the consideration of those Special Use Permit uses involving new construction, or any land development activities not specifically exempted by Article XII, Site Plan Review. Such Site Plan Review shall be carried out either in conjunction with or after, these special use permit procedures.
4. Procedures for Special Use Permits not requiring Site Plan Review.
 - (a) In cases where special use permits involve the conversion of an existing structure from one use to another with no exterior physical changes to the site or structure, or which involve only those activities exempt from Site Plan Review, a request for Special Use Permit shall be submitted on an application form available at the Town of Northampton Code Enforcement Office.
 - (b) Each application shall be accompanied by a fee as established by the Town Board in the Schedule of Fees no part of which is refundable.
 - (c) Applications shall be submitted to the Code Enforcement Officer, who shall then transmit to the Planning Board.

- (d) The Planning Board shall provide notification of an application for a Special Use Permit to the Historic Landmark Commission of the Town of Northampton. The Landmark Commission shall have 30 days to provide comment to the Planning Board on the application.

C. Special Use Review Criteria

The Planning Board shall consider the following general criteria when making a determination for a Special Use Permit:

1. The proposed building or use complies with all zoning district, overlay districts and other specific requirements of this Law, and will be consistent with the purposes of this Law and of the zoning district in which it is located.
2. If the property is in a residential district, it will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social and economic impacts.
3. The proposed building or use shall not substantially impact the nature and character of the surrounding neighborhood. In determining substantial impact, the Planning Board shall consider the location and size of the proposed use, the nature and intensity of the operations involved in or conducted in connection with the proposed use, the size of the site in relation to the proposed use and the location of the site with respect to streets giving access to the proposed use.
4. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
5. Operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use not requiring a special use permit.
6. The proposed building or use shall be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
7. The proposed building or use shall not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.
8. The proposed building or use shall not have an adverse impact on adjacent historic resources as formally recognized by the Town and the New York State and Federal Registers of Historic Places.

9. The use will not conflict in any way with the Town of Northampton Comprehensive Plan and other adopted Town plans.

D. Notice and hearing

1. Upon the filing of an application for a Special Use Permit, the Planning Board shall set a reasonable time and place for a public hearing to consider the application. If the public hearing is to be concurrent with the public hearing required for Site Plan Review, only one (1) advertisement notice is needed.
2. A notice shall be published at least 10 days prior to the hearing in at least one (1) newspaper of general circulation within the Town. Each notice shall include the time, date, place, purpose of the hearing, and location of the subject proposal.

E. Referrals

Where the consideration for a Special Use Permit involves land within 500 feet of an adjoining municipality, or from the boundary of any existing or proposed county or state park, or from the right-of-way of any existing or proposed state or county highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county, or state or county-owned land on which a public building is situated, the application shall be referred to the Fulton County Planning Board at least 30 days before the public hearing and acted upon in accord with the provision of Section 239-m of the General Municipal Law.

F. Decision and notification

1. The Planning Board shall not issue a Special Use Permit unless it makes a written finding that the proposed use will satisfy the criteria set forth in Subsection C above. In order to reach positive findings in support of the Special Use Permit, the Planning Board may require conditions of, and/or modifications to, the project. Such conditions must relate to the impact of the project. If the Planning Board does not make a positive finding in support of the Special Use Permit, it shall deny the Special Use Permit. In issuance of such a denial, the record of the Planning Board must address the criteria outlined in Subsection C above and include the facts and reasons upon which such denial was based.
2. Within 62 days from the date of any public hearing, the Planning Board shall render a decision. For purposes of this section, a decision shall be deemed “rendered” upon the written permit being signed by the Chairman. Not later than 5 days following the rendering of the decision of the Planning Board granting or denying the application, the applicant and parties of record shall be notified of the decision in writing. Such written notification shall include the findings of fact for denial or approval, whichever is applicable.
3. The Board shall file the decision in the Town Clerk’s Office within 5 business days after the day it is rendered. The Planning Board will also retain in its files a copy of each decision, which files shall be available for inspection by the public.

G. Special use permit restrictions, expiration, revocation and enforcement

1. A Special Use Permit shall pertain only to the specific property for which the application was made. Such granted permit does not apply to any other property the applicant may control.
2. A Special Use Permit shall be deemed to authorize only the particular special use or uses specified therein.
3. A Special Use Permit may be issued as:
 - (a) Permanent: Permanent except where the permitted use is discontinued for any reason for a period of 2 years or more.
 - (b) Conditional: Permanent with conditions where the Special Use Permit is approved with specified conditions that shall be met or the permit shall expire.
 - (c) Temporary: Permit ceases on a specified date and not to be renewable.
 - (d) Renewable: Temporary but renewable within a specified period of time set by the Planning Board.
4. A Special Use Permit may be revoked by the Planning Board if the conditions of the Special Use Permit are violated.
5. A conditional Special Use Permit approval shall expire at the end of 6 months if the conditions have not been satisfied. The Planning Board may, however, consent to an extension of up to 6 additional months.
6. Any violation of the conditions of a Special Use Permit or a violation of any applicable performance criteria of this Law shall be deemed a violation of this Law and shall be subject to enforcement action as provided in Article XIV, Administration and Enforcement.
7. All Special Use Permits shall run with the land and will be transferred to successive property owners provided the permit has not expired and it is not revoked for failure to meet the permit conditions.

ARTICLE XII: SITE PLAN REVIEW

A. Land use activities requiring review

1. Site Plan approval by the Planning Board shall be required for all new permitted land use activities listed on Schedule A: Use Regulations except for the following uses and activities which shall be exempt from Site Plan approval:
 - (a) A change of use that shall not result in a new, altered or expanded structure.
 - (b) Construction of seasonal or four season single family dwellings and two-family dwellings and their ordinary accessory structures.
 - (c) Placement of individual manufactured homes (excludes manufactured home parks).
 - (d) Construction of agricultural structures with a gross floor area of less than 10,000 square feet.
 - (e) Ordinary landscaping or grading that is not conducted in connection with land use reviewable under the provisions of this Law.
 - (f) Ordinary repair or maintenance or interior alterations to existing structures or uses.
2. Site Plan review shall be included as an integral part of the Special Use Permit approval process and no separate Site Plan approval shall be required for uses requiring a Special Use Permit.
3. Site Plan approval shall also be required for any development which is the functional equivalent of a land subdivision but which is structured for ownership purposes as a condominium project. In such cases, the Planning Board shall apply all relevant review criteria contained in Article VIII, Subdivision of Land as well as the provisions of this Article.
4. Site plan approval shall be included as an integral part of the license approval process for a manufactured home park.

B. Pre-application Meeting

Prior to the submission of an application, a pre-application meeting may be requested by the applicant. The purpose of a pre-application meeting with the Code Enforcement Officer is to inform the applicant of applicable procedures, submission requirements, development standards and other pertinent matters before the applicant finalizes the development proposal. Opinions of the Code Enforcement Officer presented during a pre-application meeting are advisory only and do not represent a commitment on behalf of the Town or represented agency regarding the acceptability of the development proposal.

C. Site Plan review procedures

1. Application for Site Plan approval shall be made to the Planning Board using forms supplied by and delivered to the Code Enforcement Officer in the manner prescribed in Subsection 6 below.
2. Prior to formal submission of a detailed site plan, there shall be a conceptual sketch plan conference with the Planning Board to review the basic site design concept, provide the applicant with constructive suggestions, and generally, to determine the information to be required in order to have a complete application. At the sketch plan conference, the applicant should provide the data discussed below in addition to a statement or rough sketch describing what is proposed:
 - (a) Name and address of applicant and authorization of owner, if different from applicant.
 - (b) Name and address of owner(s) of record, if different from applicant.
 - (c) Name and address of person or firm preparing the plan and map.
 - (d) The zoning district(s) in which the proposed land use activity is located.
 - (e) The Adirondack Park Agency land classification(s) for the proposed land use activity.
 - (f) An area map at an appropriate scale showing the parcel under consideration for site plan review, and all properties, subdivisions, streets and easements within 500 feet of the boundaries of the parcel under consideration.
 - (g) A map of site topography at no more than 2 foot contour intervals. If general site grades exceed 5% or portions of the site have susceptibility to erosion, flooding or ponding, a soil's overlay on the topographic map is recommended.
 - (h) All existing structures, wooded areas, streams and other significant physical features, with the portion to be subdivided.
 - (i) All the utilities available and all streets which are either proposed, mapped or built.
 - (j) An aerial photograph at an appropriate scale showing the parcel under consideration for Site Plan review and all properties within 500 feet of the boundaries of the parcel under consideration.
 - (k) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable).
3. The Code Enforcement Officer or the Planning Board may request additional information including any of the items listed in Subsection 8 below. The Code Enforcement Officer and the Planning Board are not limited to this list and may request any additional information it deems necessary or appropriate. In determining the amount of information it will require,

the Code Enforcement Officer or the Planning Board will consider the type of use, its location, and the size and potential impact of the project.

4. The Planning Board may require that any plans submitted as part of a Site Plan application be stamped by a New York State licensed land surveyor, engineer, architect, landscape architect or other appropriate licensed professional as applicable.
5. The Planning Board may request that conceptual elevation drawings of proposed structures be included in the Site Plan application.
6. After the conceptual Sketch Plan Review with the Planning Board, the applicant shall provide a minimum of 7 copies of the application for Site Plan review to the Code Enforcement Officer accompanied by information drawn from the checklist in Subsection 7 below and Subsections 4 and 5 above, as determined necessary by the Planning Board at the sketch plan conference. Where applicable, site plan drawings and plans shall be submitted in a large scale format of 22" x 34" or greater and shall also be submitted electronically in GIS or CAD format. In addition to the Site Plan drawings, the applicant shall submit:
 - (a) A long-form Environmental Assessment Form or Draft Environmental Impact Statement (DEIS).
 - (b) The Site Plan application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Planning Board.
7. Site plan checklist:

The following is a list of required information to be included in all Site Plan applications.

- (a) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
- (b) North arrow, scale and date.
- (c) Boundaries of the property plotted to scale by a New York State licensed land surveyor.
- (d) Existing watercourses, wetlands and floodplains.
- (e) Grading and drainage plan, showing existing and proposed contours.
- (f) Location, design, type of construction, proposed use and exterior dimensions of all buildings.
- (g) Location, design and construction materials of all parking and truck-loading areas, showing access and egress.
- (h) Provision for pedestrian access including sidewalks and street furniture.
- (i) Location of any outdoor storage, loading areas, and/or dumpsters.

- (j) Location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
 - (k) Stamped plans describing the method of sewage disposal and location, design and construction materials of such facilities.
 - (l) Description of the method of securing potable water and the location, design and construction materials of the facility that will supply that water.
 - (m) Location of fire and other emergency zones, including the location of fire hydrants.
 - (n) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy.
 - (o) Location, size and design and construction materials of all proposed signs.
 - (p) Location and proposed development of all buffer areas, including existing vegetative cover.
 - (q) Location and design of outdoor lighting facilities.
 - (r) Designation of the amount of building area proposed for retail sales or similar commercial activity.
 - (s) General landscaping plan and planting schedule.
 - (t) An estimated project construction schedule and phasing sequences.
 - (u) A description and illustration (if available) of any anticipated future expansion plans.
 - (v) Record of application for and approval status of all necessary permits from state, federal and county officials.
 - (w) Identification of any federal, state or county permits required for the project's execution.
 - (x) Other elements to the proposed development as considered necessary by the Planning Board, including, within reason, engineering plans to illustrate grading plan, public or private utilities systems and such other supporting data as may be necessary.
8. Additional Requirements. In addition to the above, the Planning Board may require the applicant to submit additional information to aid in rendering a decision. Additional information may include, but is not limited to:
- (a) Traffic study to show the impact of the project on existing traffic patterns.
 - (b) On-site testing for water quantity and/or quality.
 - (c) Preparation of a Visual Impact Assessment (VIA) for the project using as guidance New York State Department of Environmental Conservation's Visual Policy, "Assessing and Mitigating Visual Impacts, DEP-00-2" as part of compliance with the State Environmental Quality Review Act (SEQRA).

- (d) Study to review the potential for air pollution when a use is identified as releasing possible pollutants.
 - (e) Study to indicate the project's impact on adjacent watercourses in regard to increased water runoff and/or release of effluent to a nearby stream.
 - (f) Project's impact on existing public services such as ambulance services, fire service, hospitals, utilities and schools.
9. The Planning Board shall provide notification of an application for Site Plan Review to the Historic Landmark Commission of the Town of Northampton. The Landmark Commission shall have 30 days to provide written comments to the Planning Board on the application.

D. Application for Area Variance

Where a proposed Site Plan contains one or more features which do not comply with the dimensional regulations of this Law, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article XIII, Variances and Appeals of this Law without a decision or determination by the Code Enforcement Officer.

E. SEQRA Compliance

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within 20 days. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this Law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

F. Planning Board review

- 1. General criteria. The Planning Board's review shall include, as appropriate, but not limited to, the following criteria:
 - (a) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (b) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (c) Location, arrangements, appearance and sufficiency of off-street parking and loading.
 - (d) Location, arrangement, size, design and general site compatibility of buildings as required in Article VI, Additional Site Development Standards.
 - (e) Adequacy of stormwater and drainage facilities.
 - (f) Adequacy of water supply and sewage disposal facilities.

- (g) Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
- (h) Compliance with the lighting standards of Article VI (E), Lighting Standards, of this Law.
- (i) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation as required in Article VI (D), Landscaping and Screening standards.
- (j) Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (k) Adequacy of protection of the Town's natural resources.
- (l) Adequacy of protection for and compatibility with any adjacent historic resources as formally recognized by the Town and the New York State and Federal Registers of Historic Places.
- (m) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

G. Planning Board action

1. Notices and referrals. Applications which meet the criteria of Sections 239-l and 239-m of the New York General Municipal Law regarding referral to the County must be sent to the County Planning Board prior to the Planning Board decision. Applications that meet the criteria of Section 239-nn shall notify neighboring municipalities.
2. Public Hearings
 - (a) The Planning Board may conduct a public hearing on the Site Plan. In its consideration of whether or not to conduct a public hearing, the Planning Board shall take into consideration whether the proposed development will have any of the following impacts and whether they have been adequately addressed in the proposed site plan:
 - (1) Impact on adjacent properties
 - (2) Visual impact from the public right-of-way and the Great Sacandaga Lake Reservoir
 - (3) Traffic impact
 - (4) Impact on community infrastructure
 - (5) Impact on the environment
 - (6) Impact on viewsheds
 - (7) Impact on historic resources
 - (b) Such hearing shall be held within 62 days of the date that the Planning Board determines that the application for Site Plan review is complete and shall be advertised in the Town's official newspaper or, if there is none, in a newspaper of general circulation in the Town at least 10 days before the public hearing. Property owners

located within 100 feet of the property under site plan review shall receive a copy of the Public Hearing notice via Certified mail.

3. Planning Board Decision

- (a) Within 62 days of the public hearing, the Planning Board shall make a decision unless the period is extended by mutual agreement between the applicant and the Planning Board.
- (b) A copy of the decision shall be immediately filed in the Town Clerk's office and mailed to the applicant.
- (c) If the Planning Board's decision includes a requirement that modifications be incorporated in the Site Plan, conformance with these modifications shall be considered a condition of approval. If the Site Plan is disapproved, the Planning Board may recommend further study of the Site Plan and resubmission to the Planning Board after it has been revised or redesigned.
- (d) The activity for which the Site Plan was approved shall be completed within 24 months. The Planning Board may provide an extension of up to 18 months upon an applicant's request.

H. Performance Guarantee

To ensure the completion of required improvements; such as but not limited to roads, landscaping, or other improvements required by the Planning Board, the applicant may be required to post performance bond(s) or other form of security pursuant to cover the full cost of the infrastructure and improvements as estimated by the Planning Board or designated Town department in accordance with the procedures provided for in Section 274-a, Subsection 7 and Section 277, Subsection 9 of New York State Town Law. A period of one (1) year (or such other period as the Planning Board may determine appropriate, not to exceed 3 years) shall be set forth in the bond within which required improvements must be completed.

ARTICLE XIII: VARIANCES AND APPEALS

A. Organization and General Procedures of Zoning Board of Appeals

1. A Zoning Board of Appeals (“Board”) is hereby created in accordance with Section 267 of New York State Town Law.
2. The Board shall consist of 5 members.
3. The Board shall prescribe rules for the conduct of its affairs.
4. All meetings of the Board shall be open to the public. A quorum shall consist of 3 members.

B. Powers and Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall have all the power and duties proscribed by this Law which are more particularly specified as follows:

1. Interpretation of the Zoning and Subdivision Law or Zoning Map of the Town of Northampton.
2. Upon appeal from a decision by the Code Enforcement Officer or on request by any official or board of the Town, the Zoning Board Appeals shall decide any question involving the interpretation of any provision of this Law.
3. Determinations of prior legal non-conforming status for uses and structures as described in Article IX (F), Nonconforming Uses and Structures.
4. Variances

The Zoning Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant variances, as follows:

(a) Use Variances

- (1) A use variance is an authorization by the Zoning Board of Appeals that allows a specified use in a zoning district where such specified use is not allowed. No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - 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;

- c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. That the alleged hardship has not been self-created.
 - (2) The Board, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (b) Area variances
 - (1) An area variance is an authorization by the Zoning Board of Appeals that allows a departure from the requirements of this Law. Area variances include any departure not covered by a use variance (for example, lot size, yard sizes and number of parking spaces). In making its determination, on an area variance application the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - 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;
 - c. Whether the requested area variance is substantial;
 - d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (2) The Board, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (c) Imposition of conditions

The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

C. Application to the Zoning Board of Appeals

All applications for variances shall be made in a form required by the Board, and shall be accompanied by payment of a filing fee as established in the Schedule of Fees which have been promulgated by the Town Board and a plot plan signed by a New York State licensed land surveyor, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.

D. Public Hearings, Notices and Referrals

1. The Zoning Board of Appeals shall hold a public hearing on all appeals or applications within 62 days of filing of a complete and proper appeal or application. Notice of the public hearing shall be provided in the following manner:
 - (a) The public hearing shall be advertised by the Board in the newspaper of general circulation in the Town at least 10 days before the public hearing.
 - (b) At the cost of the applicant, the Board shall send a notice by standard United States mail to the owners of properties within 100 feet of the property affected by the proposed application, including properties on the opposite side of the street or highway.
 - (c) If the land involved in an application is within 500 feet of the boundary of any other municipality, the Board shall mail a notice of the public hearing to the municipal clerk of such other municipality.
 - (d) If the land involved in an application is within 500 feet of an adjoining municipality, or from the boundary of any existing or proposed county or state park, or from the right-of-way of any existing or proposed state or county highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county, or state or county-owned land on which a public building is situated, the appeal shall be referred to the Fulton County Planning Board at least 30 days before the public hearing and acted upon in accord with the provision of Section 239-m of New York State General Municipal Law.

E. Zoning Board of Appeals Decisions and Notification

1. All decisions of the Zoning Board of Appeals shall be recorded in the form of a written resolution and shall contain the basis for the decision of the Board and a detailed summary of the facts upon which the determination was rendered. In the case of variances, the decision shall state whether or not the standards set forth in Subsection B of this Article and Section 267-b of New York State Town Law for unnecessary hardship (Use Variances) or practical difficulty (Area Variances), as the case may be, have or have not been met and such determination shall be supported by findings of facts thereby warranting the reversal or affirmation of the Code Enforcement Officer. The decision shall also state in detail what conditions and safeguards are required.

2. If a use variance is granted for a use requiring Site Plan review, the applicant shall obtain Site Plan approval from the Planning Board prior to commencing the use or obtaining a Building permit or Zoning permit.
3. Building permits authorized by the Board on variance cases shall be obtained within 120 days and shall automatically expire if construction under the permit is not started within 120 days of issuance and completed within one (1) year. Extensions of these periods may be granted by the Board where cause is shown.

ARTICLE XIV: ADMINISTRATION AND ENFORCEMENT

A. Powers and Duties of Code Enforcement Officer

1. It shall be the duty of the Code Enforcement Officer to administer and enforce the provisions of this Law and other applicable local, state and federal laws.
2. Should the Code Enforcement Officer be in doubt as to the meaning or intent of any provisions of this Law, or as to the location of any district boundary line on the Zoning Map, or as to the propriety of issuing a Building Permit, Zoning Permit or Certificate of Occupancy in a particular case related to the provisions of this Law, the Code Enforcement Officer shall appeal the matter to the Zoning Board of Appeals for interpretation or decision.

B. Zoning and Building Permits

1. Applicability
 - (a) A Zoning Permit shall be required for the following uses:
 - (1) The establishment of an accessory apartment as defined in Article V, Section A.
 - (2) The construction or alteration of a sign as permitted in Article VI, Section G.
 - (3) The establishment of a major home occupation as defined in Article V, Subsection H (3).
 - (4) The conversion or change in use of any existing building, structure, or parcel of land to verify that such use is in accordance with this Law. If a change of use involves the construction, re-construction, alteration or enlargement of a structure, only one (1) combined Zoning and Building Permit shall be required.
 - (b) A Building Permit shall be required for the erection, construction, re-construction, enlargement, alteration, replacement, demolition, or removal of any building or structure equal to or greater than 144 square feet in size.
 - (c) No building permit shall be required for any alteration of or ordinary repairs to an existing building or structure which is not structural in nature, and which is not intended to or does not provide for a new or extended use of the building, structure or premises.
 - (d) In the case of emergency action to deal with damage from fire or other casualty, the applicant may commence construction required to stabilize a structure without a building permit. In order to protect the safety of persons entering such a structure to stabilize it, a permit shall be applied for as soon as possible and in no event more than one (1) week following such fire or casualty.
 - (e) Nothing in this Law shall require any change in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior

to the effective date of this Law or any amendment thereto affecting such building or structure, or the use thereof, provided that:

- (1) The construction of such building or structure shall have been begun and diligently prosecuted within 3 months from the date of such permit.
- (2) The entire building or structure shall be completed according to such filed and approved plans upon which the issuance of such permit was based, within one (1) year from the effective date of this Law or any such amendment thereto.
- (3) In the event that either condition is not complied with, such building permit shall be revoked by the Code Enforcement Officer.

2. Steps to obtain Zoning and/or Building Permits

- (a) Any person intending to undertake a change in use of a building or lot or new construction or structural alteration shall apply to the Code Enforcement Officer for a building permit or zoning permit by submitting the appropriate application form and paying the required fee as established by the Town Board.
- (b) The Code Enforcement Officer shall grant or deny the permit as provided, or refer the application to the Planning Board if a Special Use Permit and/or Site Plan approval is required.
- (c) If a building or zoning permit is issued, the applicant may proceed to undertake the action permitted upon submission of any required fee as established by the Town Board. Upon completion of any construction, the applicant shall apply to the Code Enforcement Officer for a Certificate of Occupancy (for building permits only).
- (d) If the Code Enforcement Officer finds that the applicant's action has been taken in accordance with the building permit, the Code Enforcement Officer shall issue a Certificate of Occupancy, allowing the structure to be occupied.
- (e) If the Code Enforcement Officer denies a building or zoning permit and does not refer the application to the Planning Board or Town Board, the applicant may appeal to the Zoning Board of Appeals.

3. Application Submission Requirements for a Zoning and/or Building Permit

- (a) All applications for a Building and Zoning permit shall be made on prescribed forms provided by the Code Enforcement Officer and shall include the required application fee as established by the Town Board and 2 copies of the following information:
 - (1) Land: A description of the land on which the proposed use or construction will occur, including deed and filed map references, lot numbers and tax parcel numbers.
 - (2) Use, occupancy: A statement of the existing and proposed use of all parts of the land and the location, character and existing and proposed use of any existing or proposed buildings or structures; including the number of floors, entrances,

rooms, type of construction and the kind and extent of any exterior horizontal extension proposed toward any boundary or street line of the lot.

- (3) Identity of owner and applicant: The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations.
 - (4) Description of work or changes in use: A brief description of the nature of the proposed work or change in use.
 - (5) Valuation of work: The valuation of the proposed construction work, if any.
 - (6) Plans and Specifications: In addition to the requirements of Subsection 2(a) above, each application for a building permit shall be accompanied by 2 copies of plans and specifications, including a map, survey (if applicable), site development or plot plan, drawn to scale, showing the courses, dimensions and detail of all the boundary lines of the proposed lot of occupancy and the adjacent street boundaries.
 - (7) A copy of the Adirondack Park Agency response to either a Jurisdiction Inquiry Form or permit application (as applicable).
- (b) Applications for a building permit for the construction of a new structure or expansion of an existing structure equal to 1,500 gross square feet or more shall require plans and specifications that shall bear the signature of the person responsible for the design and drawings and where required by the Education Law or any other applicable statutes, laws, rules or regulations of the State of New York, the seal of a licensed architect, licensed professional engineer or licensed landscape architect.
 - (c) The Code Enforcement Officer may waive one or more of the requirements of this Article for minor alterations, as defined in the New York State Uniform Fire Prevention and Building Code.
 - (d) Additional information: Such other information as may reasonably be required by the Code Enforcement Officer to establish compliance of the proposed work or change in use with the requirements of this Law.

4. Action upon Zoning and Building Permit Applications

- (a) The Code Enforcement Officer shall review a Building or Zoning Permit application and approve, deny, or refer the application to the Planning Board if Site Plan Review or a Special Use Permit is required. The Code Enforcement Officer shall provide a written reason for any denial. A copy of the approved or disapproved application shall be delivered or sent by certified mail, return receipt to the applicant.
- (b) An application with the approval of the Code Enforcement Officer shall constitute the Building Permit or Zoning Permit, which shall become effective when the Code Enforcement Officer has filed written approval of the permit application in the office of the Town Clerk. A copy of the building permit shall be placed in the permanent property file for the property.

- (c) After completion of footings and establishment of the forms on the first course of the foundation walls, or equivalent structure, the owner shall notify the Code Enforcement Officer. If required by the Code Enforcement Officer, the owner shall cause a survey to be made by a New York State licensed land surveyor, showing the true location of such foundation walls with respect to the lot lines of the lot, and a copy of such survey shall be filed with the Code Enforcement Officer before construction is continued.

5. Appeal

An appeal may be made to the Zoning Board of Appeals from any decision of the Code Enforcement Officer within 45 days of the decision.

6. Termination of Building or Zoning Permit

An approved Building or Zoning permit shall terminate and become void if there is no construction or commencement of the new use within one (1) year of the date of approval. Building and Zoning Permits may be extended for one (1) additional year with the payment of an extension fee as per the Schedule of Fees established by the Town Board.

C. Certificates of Occupancy

1. Applicability

- (a) No land use shall be altered and no building shall be occupied, used or changed in use until Certificate of Occupancy has been approved and issued by the Code Enforcement Officer stating that the building or proposed use thereof complies with the provisions of this law and substantially in compliance with all other applicable laws and regulations.
- (b) No Certificate of Occupancy shall be issued until the road or roads have been completed sufficiently to provide proper and reasonable ingress and egress for emergency vehicles.
- (c) No Certificate of Occupancy shall be issued without prior approval of water supply and sewerage facilities by the New York State Department of Health or the Code Enforcement Officer.

2. Application

- (a) A Certificate of Occupancy shall be applied for upon completion of construction. Said Certificate shall be issued within 10 days after the erection or alteration has been approved as complying with the provisions of this Law.
- (b) The Code Enforcement Officer shall maintain a record of all Certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.

3. Temporary Certificates

Upon request, the Code Enforcement Officer may issue a Temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the Building Permit has been completed, provided such portion or portions as have been completed may be occupied

safely without endangering life or the public welfare. Such Permit shall be effective for a period not to exceed 30 days.

4. Refusal

If the Code Enforcement Officer, after final inspection, refuses to issue a Certificate of Occupancy, he or she shall state such refusal in writing with the cause and immediately mail notice of such refusal by certified mail, return receipt requested, to the applicant at the address indicated on the application. Such notice shall include information on the appeals procedure.

5. Appeal

An appeal may be made to the Zoning Board of Appeals from any decision of the Code Enforcement Officer within 45 days of the decision.

D. Violations, Penalties and Remedies

1. Violations

(a) Complaints and Investigations

Whenever a suspected violation of this Law occurs, any person may file a signed written complaint reporting such violation to the Code Enforcement Officer. The Code Enforcement Officer shall investigate any written complaint made to his/her office. All written complaints shall be properly recorded, filed, and promptly investigated by the Code Enforcement Officer, and reported to the Town Board.

(b) Notice of Violation

- (1) Upon finding there to be a violation of this Law, the Code Enforcement Officer shall transmit a written Notice of Violation certified mail, return receipt requested, to the owner and tenants of the property upon which the alleged violation occurs, describing the alleged violation, with a copy to the Town Board. The Notice of Violation shall require an answer or correction of the alleged violation to the satisfaction of the Code Enforcement Officer within a reasonable time limit set by the Code Enforcement Officer. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Code Enforcement Officer within the time limit constitutes admission of a violation of this Law. The notice shall further state that, upon request of those to whom it is directed, technical determinations of the nature and extent of the violation as alleged will be made, and that, if a violation as alleged is found, costs of the determinations will be charged against those responsible, in addition to such other penalties as may be appropriate, and that, if it is determined that no violation exists, costs of determination will be borne by the Town.
- (2) If, within the time limit set, there is no reply, but the alleged violation is corrected to the satisfaction of the Code Enforcement Officer, a "Notation of Compliance" shall be made on the Code Enforcement Officer's copy of the notice.
- (3) If there is no reply within the time limit set (thus establishing admission of a violation of this Law) and the alleged violation is not corrected to the satisfaction

of the Code Enforcement Officer within the time limit set, the Code Enforcement Officer shall take action in accordance with Subsection (c) below.

- (4) A permanent record of all Notices of Violation and their disposition shall be kept in the office of the Code Enforcement Officer.

(c) Abatement of Violations

The Code Enforcement Officer or the Town Board may issue a stop-work or cease-and-desist order and/or institute an appropriate legal action or proceeding to prevent, restrain, correct, or abate any violation of this Law to prevent the occupancy of premises, or to prevent any activity, business, or use that violates this Law.

(1) Stop Work Orders

- a. Stop Work Orders shall be in writing, dated and signed by the Code Enforcement Officer with the stated reason(s) for issuance and if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- b. The Stop Work Order, or copy thereof, shall be transmitted certified mail, return receipt to the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder). The Code Enforcement Officer shall be permitted, but not required, to transmit a copy of the Stop Work Order by certified mail to any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order; provided however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.
- c. Upon issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- d. The issuance of a Stop Work Order shall not be the exclusive remedy to a violation, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under this Law or any other local Law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

(2) Appearance Tickets

The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this Law.

(3) Legal Action

An action or proceeding may be instituted in the name of the Town of Northampton in Justice Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of the Town of Northampton.

2. Penalties

(a) Civil Penalties

Any person who violates any provision of this Law or who fails to do any act required thereby shall, for each and every such violation, be liable to a civil penalty of not less than \$150.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.

(b) Criminal penalties

In addition to the civil penalties described in Subsection 2(a), the following criminal penalties shall apply:

- (1) First Offense. A violation of this Law is an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed 6 months, or both for conviction of a first offense;
- (2) Second Offense. A second violation of the same section of Law or any other provision of this Law, both of which were committed within a period of 5 years, is punishable by a fine not less than \$350 nor more than \$700.00 or imprisonment for a period not to exceed 6 months, or both;
- (3) Third and subsequent offense. A third violation of the same section of Law or any other provision of this Law, all of which were committed within a period of 5 years, is punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six months, or both.
- (4) Each week's continued violation shall constitute a separate additional violation.
- (5) Where the person committing such violation is a partnership, association or corporation, the principal executive officer, partner, agent or manager may be considered to be the "person" for the purposes of this article.
- (6) Such fines or penalties may be compromised or released by the Town Board as a part of any disposition.

3. Unpaid Fines

If a fine is imposed and is not paid within 30 days or such other time period established by the Court, then following mailing of the Notice described herein, the unpaid fines shall be assessed by the Town as a lien against the fine debtor's real property in the Town and added to the current tax roll by the Town as an unpaid charge attributable to the real property. Prior to assessing this lien for unpaid fines, the Town shall mail a notice to the fine debtor at his/her last known address by

regular first-class mail stating that unless the fines are paid within 15 days of the notice date, they will be assessed and collected as an unpaid charge attributable to the real property.

4. Additional Remedy

The imposition of penalties for any violation of this Law shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for a violation of any provision of this Law shall not prevent the abatement of a violation pursuant to Subsection 1(c). The expenses of the Town in enforcing such removal, including legal fees, may be chargeable (in addition to the criminal and civil penalties) to the offender, and may be recovered in a civil court of appropriate jurisdiction.

ARTICLE XV: AMENDMENTS

A. Authority

The Town Board, from time to time on its own motion, on petition by property owners, or on recommendation of the Planning Board may amend, supplement, modify or repeal in whole or in part this Law.

B. Procedures

1. Petitions

(a) Any petition for amendments shall be submitted in quadruplicate to the Town Clerk with an application as established by the Town Board in the Schedule of Fees. Any petition for a change in the Zoning Map shall include the following:

- (1) The name of the property owner.
- (2) A map accurately drawn to an appropriate scale showing the proposed zone district boundary changes, property lines, the calculated areas affected in acres or square feet, the street rights-of-way in the immediate vicinity, and the lands and names of owners immediately adjacent to and extending within 300 feet of all boundaries of the property to be rezoned.
- (3) A metes and bounds description of the proposed amendment.

(b) Any petitioner shall submit evidence that he/she has notified by certified mail, return receipt request, all the property owners within 300 feet of all boundaries of the affected property.

2. Referrals

(a) Any such proposed change in the text or zoning map of this Law shall first be referred to the Planning Board (except a proposal from the Planning Board), which shall submit a written report to the Town Board prior to a public hearing on the proposed amendment by the Town Board. The Planning Board shall favorably recommend adoption of an amendment or change in this chapter or in a district boundary only if:

- (1) Such change does not conflict with the general purposes, goals and intent of this Law; and
- (2) Such change is consistent with the Comprehensive Plan.

- (b) The Planning Board shall submit to the Town Board its advisory report within 30 days after receiving notice from the Town Clerk of the proposed change. The failure to make such report within 45 days shall be deemed to be a favorable recommendation.
- (c) Proposed amendment shall be referred to the Fulton County Planning Board under the provisions of Section 239-m of the New York State General Municipal Law. No action shall be taken to approve a proposed zoning amendment referred to the County until its recommendation has been received, or 30 days have elapsed after its receipt of the full statement of the proposed amendment, unless the County and Town agree to an extension beyond the 30-day requirement for the County's review.

3. SEQRA Compliance

The Town Board shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes, Rules and Regulations.

4. Public Hearing

- (a) If the Town Board chooses to consider a proposed zoning amendment, it shall, by resolution at a duly called meeting, set the time and place for a public hearing on the proposed amendment. If a proposed amendment is initiated by petition, the petitioner shall be responsible for publication of notice and for notice to adjacent municipalities, if necessary.
- (b) Publication of Notice
 - (1) Newspaper notice of hearing. At least 10 days prior to the date of such public hearing, a notice of the time and place shall appear in the official newspaper. Such notice shall describe the area, boundaries, regulations or requirements that such proposed change involves.
 - (2) Written notice of change or amendment. At least 10 days prior to the date of said public hearing, written notice of such proposed change or amendment affecting property within 500 feet of the boundaries of the Town of Northampton shall be given to the Town Clerk. The Town shall have the right to appeal and to be heard at such public hearing with respect to any such proposed change or amendment.

C. Adoption

- 1. The Town Board may adopt amendments to this Law by a majority vote of its membership, except in the case of local protest as described in Subsection (2) below.
- 2. A protest against a proposed change or amendment to this Law, if signed by the owners of 20% or more of the area of the land included in such proposed change, or by the owners of

20% or more of the land immediately adjacent extending 100 feet from the proposed change, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, shall require the favorable vote of at least 4 members of the Town Board to become effective.

ARTICLE XVI: DEFINITIONS

A. Use of words and terms

1. Except where specifically defined herein, all words used in this Law shall carry their customary meanings.
2. Unless the context clearly indicates the contrary, words used in the present tense includes the future, the singular number includes the plural, and the plural the singular.
3. The word “person” includes a profit or non-profit corporation, company, partnership or individual.
4. The word “lot” includes the word “plot,” and the word “land.”
5. The word “structure” includes the word “building.”
6. The word “used” refers to the actual fact that a lot or land, building or structure is being occupied or maintained for a particular use. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”

B. Definition of words and terms

ACCESS: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

ACCESSORY DWELLING UNIT: A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. Also, accessory apartment and in-law apartment.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

ACCESSORY USE, CUSTOMARY: An accessory use that is customary to a principal building including a private garage, parking area or lot, patio, garden or storage shed, pools and ball courts.

ADIRONDACK PARK AGENCY or AGENCY: The Adirondack Park Agency created by Section 803 of Article 27 of the Executive Law of the State of New York.

ADIRONDACK PARK AGENCY ACT: Article 27 of the Executive Law of the State of New York, including any future amendments thereto.

ADIRONDACK PARK: Land lying within the area described in Subdivision 1 of Section 9-0101 of the Environmental Conservation Law of the State of New York, including any future amendments thereto.

ADULT USE: A bookstore, video store, entertainment cabaret or nightclub, motion picture theater, theatre, massage establishment as defined below, or a retail store or other establishment which

prominently features entertainment or materials with sexually explicit content. An establishment which sells such materials as an incidental part of its business or which presents such material or entertainment primarily as a form of legitimate artistic expression shall not be considered an adult use.

1. **ADULT BOOK AND/OR VIDEO STORE:** An establishment having as a substantial or significant portion (more than 25% of merchandise in number, value or bulk and/or more than 10% floor area) of its stock in trade books, magazines, periodicals or other printed or digital matter or photographs, films, videos, digitalized compact discs, slides or other visual representations, which are characterized by the exposure or emphasis of specified sexual activities or specified anatomical areas or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, which are for sale, rental or viewing on or off the premises.
2. **ADULT ENTERTAINMENT CABARET:** A public or private establishment which regularly presents topless and/or bottomless dancers, strippers, waiters or waitresses, male or female impersonators, lingerie models or exotic dancers, or other similar entertainment or films, motion pictures, digitalized compact discs or videos, slides or other photographic or digital material, or which utilizes employees that as part of their employment, regularly expose patrons to specified sexual activities or specified anatomical areas.
3. **ADULT THEATER:** A theater, concert hall, auditorium or similar establishment which, for any form of consideration regularly features live performances characterized by the exposure of specified sexual activities or specified anatomical areas.
4. **ADULT MOTION-PICTURE THEATER:** Any motion-picture theater where, for any form of consideration, films, motion pictures, digitalized compact discs or videocassettes, slides or other photographic or digital reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
5. **MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths or steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, or duly licensed massage therapist, or barbershop or beauty salon, athletic club, health club, school, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental accessory service.
6. **SPECIFIED SEXUAL ACTIVITIES:** Any of the following specified activities: human genitals in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse, oral copulation or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

AGRICULTURE: The commercial use of land and structures for the production, preservation, nonindustrial processing, storage and sale of agricultural commodities such as crops, plants, flowers, vines, trees, sod, shrubs, livestock, honey, Christmas trees, compost, poultry or dairy products, not including agricultural industry or farms primarily for the disposal of offal or garbage. Commercial horse

boarding operations and the raising or breeding of horses are agricultural uses, distinguished from the business use of teaching or training people to ride a horse. (See RIDING ACADEMY.) A roadside stand not exceeding 800 square feet in footprint area and a riding academy operated in conjunction with a farm operation (as defined herein) shall be deemed to be agricultural accessory uses. Agricultural activities on residential parcels of less than five acres shall be deemed to be not agriculture, but a residential accessory use.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Also **STRUCTURAL ALTERATION**.

AMENDMENT: A change to any portion of this Zoning and Subdivision Law which includes revisions to the zoning text and/or the official zoning map; the authority for any amendment lies solely with the Town Board.

ANIMAL SHELTER: Any structure or property which houses stray, abandoned or owner-surrendered animals except for fish for impoundment purposes for future disposition including redemption, adoption, sale or disposal. This use may include facilities for the destruction and disposal of animals. Foster home sites and mobile adoption sites may be utilized in the operation of the animal shelter.

ANTENNA: See **WIRELESS COMMUNICATION FACILITY**. A structure or device utilized for the receiving and/or transmitting of radio signals, not enclosed within a building or structure, and any form of satellite receiving dishes. It shall specifically exclude customary VHF and UHF TV antennae and TV/Radio transmission towers licensed for public broadcast by the FCC. Also **SATELLITE DISH**.

AREA, BUILDING: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps; all dimensions shall be measured between the exterior faces of walls.

AREA, FLOOR: The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines and basements, but excluding exterior balconies, unfinished basements and attics. All horizontal dimensions of each "floor area" shall be measured by the exterior face of walls of each such floor, including the walls of roofed porches having more than one wall. The "floor area" of a building shall include the floor area of accessory buildings on the same lot, measured the same way.

ARTIST STUDIO: A workshop or workroom for the creation of fine arts and crafts such as painting, sculpturing, photography or other handmade pieces of art. The space may include a residential unit and it may also include teaching area for small groups of ten or less. Also **ARTIST LOFT**.

ASSEMBLY OR MEETING FACILITIES: A structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include but are not limited to concert halls, arenas, lecture halls, banquet facilities and similar facilities. This definition excludes community centers, membership clubs or theaters.

BAR: A place in which the principal income is derived from the sale or serving of alcoholic beverages for consumption on the premises, with or without live entertainment. Also **TAVERN**.

BASEMENT: A story partly below grade and having a portion of its clear floor-to-ceiling height above the average grade of the adjoining ground.

BED AND BREAKFAST: An owner-occupied single dwelling unit in which at least one (1), but not more than 4, sleeping rooms are provided by the owner-occupant as overnight/lodging facilities, with or without meals, for the accommodation of transient guests.

BERM: A man-made mound of earth designed for decorative, screening or buffering purposes.

BOAT LAUNCH: A place, site or structure to facilitate the ingress or egress of a watercraft into or onto a body of water.

BOAT MAINTENANCE FACILITY: Any building, land area or other premises, or portion thereof, used or intended to be used for the care, maintenance and/or repair of boats and/or marine products and accessories.

BOAT STORAGE, COMMERCIAL: A place, site or structure used to store more than 3 boats, not registered to family members for 30 consecutive days or more.

BROADCASTING FACILITY, RADIO OR TELEVISION: Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

BUFFER AREA: A strip of land, usually landscaped and open in area, intended to protect one type of land use from the other that may be incompatible or separate and partially obstruct the view of 2 adjacent land uses or properties from one another. Also SCREENING.

BUILDABLE LAND: That portion of a lot which is suitable for building structures and locating septic disposal facilities, i.e. all land excluding wetlands and watercourses, steep slopes and flood hazard areas as mapped on the Federal Emergency Management Agency's Insurance Rate Map.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING, ACCESSORY: See STRUCTURE, ACCESSORY.

BUILDING, PRINCIPAL: A building in which the main or principal use of the lot on which said building is situated is conducted.

CALIPER: The diameter of a tree trunk.

CAMPGROUND: Any area designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter. This definition shall not include a mobile home park, boarding house, hotel or motel.

CAMP, GROUP: Any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups.

CARPORT: A roofed structure not more than 75 percent enclosed by walls and attached to the main building for the purpose of providing shelter for one or more motor vehicles. See also CARPORT, TEMPORARY.

CARPORT, TEMPORARY: An accessory structure made of canvas, aluminum, or similar materials, or any combination thereof, on movable framing for the shade and shelter of motorized vehicles.

CAR WASH: A structure or building designed for the washing, waxing, cleaning or similar treatment of automobiles as its principle function.

CEMETERY: Property used for the interring of the dead. This use shall not include facilities for cremation.

CERTIFICATE OF OCCUPANCY: A document issued by the Code Enforcement Officer allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable Town laws and ordinances. For purposes of this Law, a Certificate of Occupancy may be a CERTIFICATE OF COMPLIANCE as deemed appropriate by the Code Enforcement Officer.

CLUB, MEMBERSHIP: Buildings and/or land owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose to which membership is required for participation and not primarily operation for profit nor to render a service that is customarily carried on as a business.

COMMON USE DRIVEWAY: A private deeded right-of-way which serves as the access to no more than 2 lots or parcels of land.

COMMUNITY CENTER: A not-for-profit or publicly owned facility providing community facilities such as recreational programs and meeting rooms that are open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE PLAN: The Comprehensive Plan adopted by the Town Board for the future preservation and development of the Town of Northampton pursuant to Section 272-a of the Town Law, including a part of such plan separately adopted and any update or amendment to such plan.

CONDOMINIUM: A building or groups of buildings in which dwelling units are owned individually, and the owners own the structure, common areas and facilities jointly.

CONSERVATION EASEMENT: A voluntary agreement between a private landowner and a municipal agency or qualified not-for-profit corporation to restrict the development, management, or use of the land. That agency holds the interest and is empowered to enforce its restrictions against the current landowner and all subsequent owners of the land.

CONVENIENCE STORE: Any retail establishment containing less than 5,000 square feet offering for sale prepackaged food products, household items, newspapers and magazines, or sandwiches or other

freshly prepared foods, such as salads, for off-site consumption. For purposes of this definition a convenience store does not include the dispensing of gasoline.

CROSSWALK: A right-of-way, publicly or privately owned, which cuts across a block to furnish access for pedestrians to adjacent street or properties.

CULTURAL FACILITY: A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

DAY CARE, ADULT: Provision of daytime care to adults whose ability to independently perform the normal activities of daily life is limited by age or physical or other impairment but who do not require the level of care provided by nursing homes or medical facilities. Said care shall be provided for a period of time of more than 3 but less than 12 hours on any given day.

DAY CARE, FAMILY/CHILD: A program or facility caring for children. Said care shall be provided for a period of time of more than 3 hours per day but less than 24 hours on any given day for any given child by an individual, association, corporation, institution or agency whose activities including providing child day care or operating a facility where child day care is provided as defined in Section 390 of the New York State Social Services Law.

DECK: A roofless outdoor space built as an aboveground platform projecting from the wall of a principal building or accessory structure.

DEED RESTRICTION: A restriction on the use of a property set forth in the deed. Also **RESTRICTIVE COVENANT**.

DENSITY: The lot area per dwelling unit required in the zoning district regulations.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to construction or alteration of buildings or other structures, as well as clear-cutting mining, dredging, filling, paving, excavations, or drilling operations.

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

DRIVE-THROUGH FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. A drive-through facility is considered an accessory use. A gasoline service station is not considered a drive-through facility for purposes of this Law.

DRIVEWAY: A private way providing vehicular access from a public or private road to a single lot, facility or establishment.

DWELLING: A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

DWELLING, MULTI-FAMILY: A building containing separate living units for 3 or more families.

DWELLING, SEASONAL: A dwelling which is occupied for no more than six months of the year and may only be designed for seasonal use by virtue of its construction, or the design or construction of the infrastructure servicing the building.

DWELLING, SINGLE-FAMILY: A freestanding residential dwelling designed for and occupied by one household only.

DWELLING, TWO-FAMILY: A building containing separate living units for 2 families.

DWELLING UNIT: A building or portion thereof, providing complete housekeeping facilities for one family.

ENTERTAINMENT AND RECREATION FACILITY, COMMERCIAL: Any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, theaters, bowling alleys, movie theaters, dance halls or clubs, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include adult entertainment businesses, taverns, pubs, golf courses or parks.

FAMILY: One or more persons who live together in one (1) dwelling unit and maintain a common household. It may consist of a single person or of 2 or more persons, whether or not related by blood, marriage or adoption. Family may also include domestic servants and gratuitous guests.

FARMERS MARKET: See OPEN AIR MARKET.

FENCE: Any artificially constructed barrier constructed of any material or combination of materials erected to enclose or screen areas of land from view.

FLEA MARKET: See OPEN AIR MARKET.

FORESTRY USES: Forestry uses include the raising and growing of trees, both natural stands and plantations; logging operations, including temporary storage sheds and portable sawmills.

FOUNDATION: A system of components that are controlled by Section R401 of the 2007 Residential Code of New York State. These components are required to be capable of accommodating all loads according to Section R301 of the same Code. This accommodation also includes transmission of the resulting loads to the soil.

FUNERAL HOME: A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services. Such facilities shall not include crematoriums.

GARAGE, PRIVATE: An enclosed space for the storage of one or more motor vehicles (a private airplane may be considered as a motor vehicle in this instance) provided that no business, occupation or service is conducted for profit therein nor space therein for more than one (1) car leased to a non-resident of the premises.

GASOLINE STATION: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental. A gas station may include the sale of propane or kerosene as accessory uses.

GOLF COURSE: A tract of land for playing golf for a fee, improved with tees, greens and fairways and which may include clubhouses, pro shops, food and beverage service and shelters.

GOLF COURSE, MINIATURE: Any parcel of land that is used for the game of golf played at a much decreased scale and commonly referred to as "miniature golf."

GREENHOUSE: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. Also **NURSERY**.

GROSS FLOOR AREA: The aggregate floor area of an entire building or structure enclosed by an including the surrounding exterior walls.

GUEST COTTAGE: An accessory structure designed for guests of a residence as an accessory to a single family dwelling and which: is used only on an occasional basis; is used only by guests of the resident(s) of the single family dwelling; is not offered or available for rent or hire separately from the single family dwelling; contains one-half or less of the enclosed floor space of the single family dwelling or 2,000 square feet, whichever is less; and otherwise meets the definition of accessory structure. Only one dwelling unit may be considered an accessory structure guest cottage for each single family dwelling on a property.

HAZARDOUS MATERIAL: Includes any of the following:

1. Petroleum.
2. Any substance or combination of substances designated as a hazardous substance under Section 311 of the Federal Water Pollution Control Act (33 USC 1321).
3. Any substance listed by the NYS DEC which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly stored or otherwise managed.

HAZARDOUS WASTE: All materials or chemicals listed as hazardous wastes pursuant to Article 27 of the Environmental Conservation Law (ECL), and all toxic pollutants as defined in subdivision nineteen of Section 17-0105 of the ECL.

HEIGHT, STRUCTURE: The vertical distance from the highest point of a structure to the lowest point of either the natural or finished grade.

HOME OCCUPATION: An occupation carried on in a dwelling unit or accessory structure by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public. It may provide additional services such as restaurants, meeting rooms, and recreational facilities. Also INN.

HUDSON RIVER BLACK RIVER REGULATING DISTRICT: The Hudson River Black River Regulating District created by Article 15 Title 21 of the Environmental Conservation Law of the State of New York.

IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas (paved or gravel), sidewalks, patios and paved recreation areas.

IMPERVIOUS SURFACE COVERAGE: The percentage of the area of a lot that is covered by impervious surface.

INDUSTRY, LIGHT: A use which involves the fabrication, reshaping, reworking, assembly, or combination of products, including processing, packaging, incidental storage, sales and distribution of such products, but is exclusive of uses that require offensive, noisy, or otherwise objectionable disturbances, such as vibration, dust, and odors. Light Industry does not include from raw materials, such as but not limited to: asphalt, cement, charcoal, fuel briquettes, chemicals and related products which may be dangerous, offensive, or create nuisances; and processes, whether or not related to such production including but not limited to nitrating, milling, reduction, refining, melting, alloying and distillation.

KENNEL: A commercial establishment in which more than 4 dogs, cats or other domesticated animals owned by another person are temporarily boarded for a fee or compensation.

LOT: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

LOT AREA: The total horizontal area included with LOT LINES.

LOT AREA, MINIMUM: The smallest lot area established by this Law on which a use or structure may be located in a particular zoning district.

LOT, CORNER: A lot at the junction of and fronting on 2 or more intersecting streets.

LOT COVERAGE: The percentage of the area of the lot covered by a structure or structures or roofed areas excluding projecting eaves, balconies, decks and similar features.

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

LOT, FLAG: A lot with 2 distinct parts:

1. The flag, which is the only building site and is located behind another lot.
2. The pole, which connects the flag to the street, provides the only street frontage for the lot and at any point is less than the minimum lot width for the zone.
3. A lot with access provided to the bulk of the lot by means of a narrow corridor.

LOT FRONTAGE: A lot line, which is coincident with a street line.

LOT LINES: Any line dividing one lot from another lot or from a street.

LOT OF RECORD: Any lot which has been established as such by plat, survey record, or deed prior to the date of this Law as shown on the records in the Office of the County Clerk.

LOT, THROUGH: A lot which faces on 2 streets at opposites ends of the lot, which is not a corner lot.

LOT WIDTH: The distance between side lot lines measured at right angles to the lot depth at a point from the front lot line equal to the front yard specified for the district.

LUMBERYARD: A lot with or without a building or structure utilized for the storage of building and construction materials and equipment for sale to the public, which may include a drive-through facility.

MAJOR, RECREATIONAL EQUIPMENT: Major recreational equipment includes travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snow machines and snow machine trailers, all-terrain vehicles, and cases or boxes used for transporting recreational equipment whether occupied by such equipment or not. Such major recreational equipment shall only be for private use by the principal owner of the lot.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built with a trailer hitch and a permanent chassis and wheels and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

MANUFACTURED HOME SITE: A plot of land within a manufactured home park that is designated for, and designated as, the location for only one (1) manufactured home and customary accessory uses.

MANUFACTURED HOME PARK: A plot or tract of land separated into 2 or more spaces or lots, which are rented or leased or offered for rent or lease to persons for the installation of manufactured homes for use and occupancy as residences.

MANUFACTURING: The making or fabrication of raw material by hand, art, machinery, or combination thereof, into finished parts or products.

MARINA: A facility for the storing, servicing, fueling, berthing and securing of boats and that may include eating, sleeping and retail facilities for owners, crews and guests.

MEAN HIGH WATER MARK: The average annual high water level of a lake, pond, reservoir, river, stream, creek or other body of water.

MIXED USE: The development of a lot, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, service, public or entertainment.

MODULAR HOME: A factory fabricated, New York State Building Code approved transportable building unit, designed to be used by itself or to be incorporated with similar units at a building site, into a modular structure and placed on a permanent foundation. Modular homes shall bear the New York State building code certification as factory-manufactured dwellings. For purposes of this Law a modular home is a single family home.

MOTEL: A building or group of detached or connected buildings designed or used for providing transient sleeping accommodations where each accommodation unit maintains a separate outside entrance.

MOTOR VEHICLE REPAIR GARAGE: A building, premises or land in which or on which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

MOTORIZED VEHICLE SALES, LEASE AND/OR RENTAL: The use of a building, land area, or other premises or portion thereof, for the display, sale, rental or lease of motorized vehicles including but not limited to automobiles, boats, motorcycles, recreational travel vehicles (RVs), including any warranty repair work and other repair service conducted as an accessory use.

MUNICIPAL FACILITIES: Basic uses and services usually furnished by the Town of Northampton but which also may be provided by private enterprise, essential to the support of the community including municipal offices and buildings, emergency services such as ambulance and fire protection, water supply and sewage treatment facilities. This definition does not include community centers, public utilities or public transportation shelters.

NATURAL PRODUCTS EXTRACTION/USES: The excavation, processing and/or sale of earth; topsoil; sand; gravel; clay or other natural mineral deposits or the quarrying of any kind of rock formation.

NONCONFORMING LOT: A lot of record which does not comply with the area, shape, frontage, or locational provisions of this Law for the district in which it is located.

NONCONFORMING STRUCTURE: A building or structure that was lawfully erected prior to the adoption or amendment of this Law but that no longer complies with all regulations applicable to the zoning district in which the structure is located.

NONCONFORMING USE: A use or activity which lawfully existed prior to the adoption or amendment of this Law but fails by reason of such adoption or amendment to conform to the present use requirements of the district in which it is located.

OFFICE: A building or portion thereof used primarily for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment. No manufacturing processes, retail sales, construction, or warehousing occur on the premises.

OFFICE, GENERAL: A building or portion of a building wherein services are performed involving predominantly administrative or clerical operations.

OFFICE, PROFESSIONAL: The use of office related spaces for such professional services that are provided by accountants, attorneys, architects, engineers, dentists, physicians and similar professionals.

OFFICIAL NEWSPAPER: The newspaper or newspapers designated by the Town for the publication of official notices of meetings and public hearings.

OFF-STREET PARKING: An area used as a parking lot.

OPEN AIR MARKET: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. Open air markets include, but are not limited to flea markets, farmers markets and craft fairs.

OUTDOOR WOOD BOILER: A fuel burning device that is:

1. designed to burn wood or other fuels;
2. specified by the manufacturer for outdoor installation or installation in structures not normally occupied by humans; and
3. used to heat building space and/or water via the distribution, typically through pipes, of a gas or liquid (e.g., water or water/antifreeze mixture) heated in the device.

PARKING LOT: An off-street, ground-level open area for the temporary storage of motor vehicles. Does not include an area used exclusively for the display of motor vehicles for sale as part of a motor vehicle sales establishment.

PARKING, SHARED: Two or more land uses or a multi-tenant building that merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s).

PARKING SPACE: A stall or berth which is arranged and intended for parking of a motor vehicle in a garage or parking lot.

PARK, PUBLIC: Land that is publicly owned or controlled for the purpose of providing parks, recreation, or open space for public use.

PATIO: A level surfaced area adjacent to a principal building which has an average elevation of not more than 30 inches, and without walls or a roof. A patio may be constructed of any materials.

PLAT: A map representing a tract of land showing the boundaries and location of individual properties and streets prepared by a licensed professional engineer, registered architect, licensed land surveyor or licensed landscape architect, which shall have his/her New York State seal affixed thereon and on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

PORCH: A roofed area attached to or part of and with direct access to or from the building. For purposes of this Law a porch may be glazed or screened, however, it shall not be heated or air conditioned and, if glazed, the percentage of window area to wall area shall not be less than 50 percent.

PUBLIC TRANSPORTATION SHELTER: A facility located at selected points along public transportation routes for passenger pickup, drop off or transfer.

PUBLIC UTILITIES: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable, fiber optics, transportation, water, or sewage systems. Telecommunication facilities and telecommunication towers may be considered public utility facilities; however, nothing in this definition shall exempt wireless telecommunications from being subject to the Telecommunications Tower section of this Law.

PUBLIC WATER AND SEWER SYSTEMS: Any municipal water and sewer system or privately operated water and sewer system regulated by the Public Service Commission and approved by the Health Department or their successor agencies.

RECREATION AND RECREATION FACILITY, PUBLIC: Recreation facility operated as a nonprofit enterprise by the Town of Northampton, any other governmental entity or any nonprofit organization and open to the general public.

RECREATIONAL VEHICLE (RV): Any portable vehicle or structure which is designed to be self propelled or permanently towable on its own wheels (sometimes referred to as a “fifth-wheel” or “tow-behind”); which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes.

RESEARCH AND DEVELOPMENT FACILITY: A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of a new product, and uses accessory thereto, excluding biological laboratories.

RESIDENTIAL CARE FACILITY: Any building used as a group residence or extended care facility for the care of persons, including assisted living facilities and nursing homes, where compensation and/or reimbursement of costs is paid to an operator, pursuant to State or Federal standards, licensing requirements, or programs funding residential care services.

RESORT: A building or group of buildings having individual sleeping units for hire that includes a restaurant on the premises, offers the inclusion of the cost of meals in the room rates and has outdoor recreation facilities and entertainment. In addition, the lot shall be of sufficient size as to provide at least 0.5 acre per individual room. In no case shall casino gambling be allowed on the premise of any resort.

RESTAURANT: A business establishment whose principal business is the selling of prepared food and beverages to the customer in a ready-to-consume state. The term restaurant includes sit down restaurants and take-out restaurants.

RELIGIOUS INSTITUTION: A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. It includes churches, synagogues, temples, mosques, or other such places of worship and religious activity.

RETAIL SALES AND SERVICE ESTABLISHMENTS: A building or portion thereof engaged in selling goods, services or merchandise to the general public for personal and household consumption and rendering services incidental to the sale of such goods.

RIDING ACADEMY: Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY: Property that is publicly owned or upon which a governmental entity has an expressed or implied property interest (e.g. fee title or easement) held for a public purpose. Examples of such public purpose include, by way of example and not by limitation, a highway, a street, sidewalks, drainage facilities, a crosswalk, a railroad, a road, an electric transmission line, an oil or gas pipeline, a water main, a sanitary or storm sewer main, shade trees or for any other special use. The usage of the term “right of way” for subdivision platting purposes means that every right-of-way established and shown on a final plat is separate and distinct from the lots or parcels adjoining the right-of-way, and is not included, within the dimensions or areas of such lots or parcels. Rights-of-way involving maintenance by a public agency are dedicated to public use by the maker of the plat on which the right-of-way is established.

ROADSIDE STAND: A direct marketing operation offering outdoor shopping. Such an operation is seasonal in nature and features food stands such as, but not limited, to hot dog stands, as well as locally produced agricultural products, enhanced agricultural products and handmade crafts.

SAW MILL: A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCHOOL, PRIVATE: A private facility furnishing comprehensive curriculum of academic instruction similar to that of a public school on the, pre-kindergarten, kindergarten, primary and/or secondary level.

SCHOOL, PUBLIC: Any place offering instruction in any branch of knowledge under the supervision of the State of New York.

SELF STORAGE FACILITY: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SETBACK: The minimum horizontal distance between the streets, rear or side lines of the lot and the front, rear or side lines of a structure. When 2 or more lots under single ownership are used, the exterior property lines so grouped shall be used in determining offsets.

SHED: Any accessory structure used for storage or containment.

SIDEWALKS: Any strip or section of concrete or granite a minimum of five feet in width, the prime purpose of which is a walkway.

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia or any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

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

SHOOTING RANGE, OUTDOOR: The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots.

SHORELINE: That line at which land adjoins the waters of lakes, ponds, rivers and streams.

SHORELINE BUILDING SETBACK: The shortest distance, measured horizontally, between any point of a building and the shoreline of any lake, reservoir, or pond, or the shorelines of any brook, stream or river within the Town.

SHORELINE FRONTAGE: The distance measured along the shoreline as it winds and turns between the boundary lines of a lot as they intersect the shoreline of any lake, reservoir, or pond and the shorelines of any river to be studied as wild, scenic, or recreational river in accordance with the Environmental Conservation Law or any river or stream navigable by boat, including by canoe.

SHORELINE LOT WIDTH: The minimum contiguous distance between the side lines of a lot as it winds and turns at the location of the proposed structure.

SOLAR ENERGY SYSTEM: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use.

SPECIAL USE PERMIT: A special use permit is an allowed use in a district, which because of its unique characteristics requires individual consideration in each case by the Planning Board, before it may be permitted.

SPORTSMAN'S CLUB: Establishments primarily engaged in providing opportunities for hunting, fishing, skeet, trap, target shooting and other shooting sports. See also SHOOTING RANGE, OUTDOOR.

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

STABLE, COMMERCIAL: A building and/or land used in or on which equines are kept for sale or hire to the public. Breeding, boarding or training of equines may also be conducted.

STORAGE, OUTDOOR: Land used for the keeping of goods, wares, equipment or supplies outside of a structure.

STREET: A public or private way, which affords the principal means of access to abutting properties, including any highway.

STREET GRADE: The officially established grade of the street upon which a lot fronts; or, if there is no officially established grade, the existing grade of the street shall be taken as the street grade.

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

STRUCTURAL ALTERATION: Any change in the supporting members of a structure, including but not limited to bearing walls, retaining walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected on or under the ground or upon another structure or building such as buildings, sheds, single family dwellings, mobile homes, signs, tanks, fences, poles, and any fixtures, additions and alterations thereto.

STRUCTURE, ACCESORY: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

SUBDIVIDER: Any person, firm, corporation, partnership or association who or which shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION: The division of any parcel of land into 2 or more lots, plots, sites or other division of land, with or without streets, for the purpose of immediate or future sale or building development.

TAVERN: See BAR.

THEATER: A building or part of a building devoted to the presentation of theatrical or other entertainment performances including the showing of motion pictures on a paid admission basis.

THEATER, DRIVE-IN: An open lot devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

TOWN ENGINEER: A New York State licensed engineer providing professional services to the Town of Northampton as a consultant or as an employee of the Town.

TOWNHOUSE: A building on its own separate lot containing one (1) dwelling unit with a private entrance, that occupies space from the ground to the roof, and is attached to one or more other Townhouse dwelling units by at least one (1) common wall.

UNDEVELOPED LOT: Land that is generally in its natural state before development. For purposes of this definition, some clearing of natural vegetation may have occurred on an undeveloped lot.

USE: The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, PERMITTED: A specific principal use of a building, structure, lot or land which this Law provides for in a particular district as a matter of right. Also **PERMITTED USE**.

USE, PRINCIPAL: The main or primary purpose of which a building, structure and/or lot is designed, arranged or intended, or for which they may be used, occupied or maintained under this code. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this code shall be considered an accessory use.

USE, PROHIBITED: A use of a building, structure, lot or land, or part thereof, which is not listed as a permitted use or a use requiring a special permit.

VARIANCE, AREA: The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE: The authorization 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 regulations. An increase in density or intensity of use shall be deemed to require a use variance if such increase is not allowed by right or by Special Permit.

VETERINARY OFFICE AND HOSPITAL: Any structure where animals or pets are given medical or surgical treatment, including short-term boarding of animals when boarding is for the purpose of monitoring recovery, but not including boarding or kenneling. Also **ANIMAL HOSPITAL**.

WALL: A structure of wood, stone or other materials or combination thereof intended for security, screening or enclosure or for the retention of earth, stone, fill or other materials as in the case of retaining walls or bulkheads.

WAREHOUSE: A facility characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

WATER-DEPENDENT USES: An activity which requires a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, waterborne commerce and ferries.

WATER-ENHANCED OR WATER-RELATED USES: Uses that have no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users is increased significantly when it is adjacent or has visual access to the waterfront.

WATERBODY: Any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

WATERCOURSE: Any natural or artificial, intermittent, seasonal or permanent, and public or private water body or water segment. A water body is intermittently, seasonally or permanently inundated with water and contains a discernible shoreline and includes ponds, lakes and reservoirs. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.

WETLAND: All areas that comprises hydric soils and/or are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytic vegetation as defined by Federal Interagency Committee for Wetlands Delineation 1989; Federal Manual for Identifying and Delineating Jurisdictional Wetlands; United States Army Corp. of Engineers; United States Environmental Protection Agency; United States Fish and Wildlife Service; and U.S.D.A Soil Conservation Service, Washington D.C.; Cooperative Technical Publication. Wetland areas include vernal pools, wet meadows, marshes, swamps, bogs, and similar wet areas. Wetlands also include Jurisdictional and Non-Jurisdictional wetlands as defined by current policy of the United States Army Corp. of Engineers.

WETLAND/WATERCOURSE BUFFER: The wetland/watercourse buffer is a specified area surrounding a wetland or watercourse that is intended to provide some degree of protection to the wetland or watercourse from human activity and other encroachment associated with development. The buffer shall be subject to the regulations for wetlands and watercourses as defined in this Law.

WHOLESALE AND DISTRIBUTION: An establishment primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers.

WIND ENERGY SYSTEM, SINGLE COMMERCIAL: A single wind turbine producing greater than 100 kilowatts of rated capacity.

WIND ENERGY SYSTEM, SMALL: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, or similar technology, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

WIRELESS COMMUNICATION TOWER: A structure on which one (1) or more antenna will be located, that is intended for transmitting and/or a combination thereof receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private, residential communications.

YARD: An open space on the same lot with a building, unoccupied or unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Law.

YARD, FRONT: The depth of the front yard shall be measured between the front line of the building and the highway right-of-way line and shall include only that area directly in front of the main building on the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

YARD, REAR: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot, and shall include only that area directly to the rear of the main building on the lot.

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

ZONING DISTRICT: A geographic subdivision of and within the Town as delineated on an official Zoning Map for which the requirements of a Zoning and Subdivision Law governing the uses, dimensional standards, etc., are uniform herein.

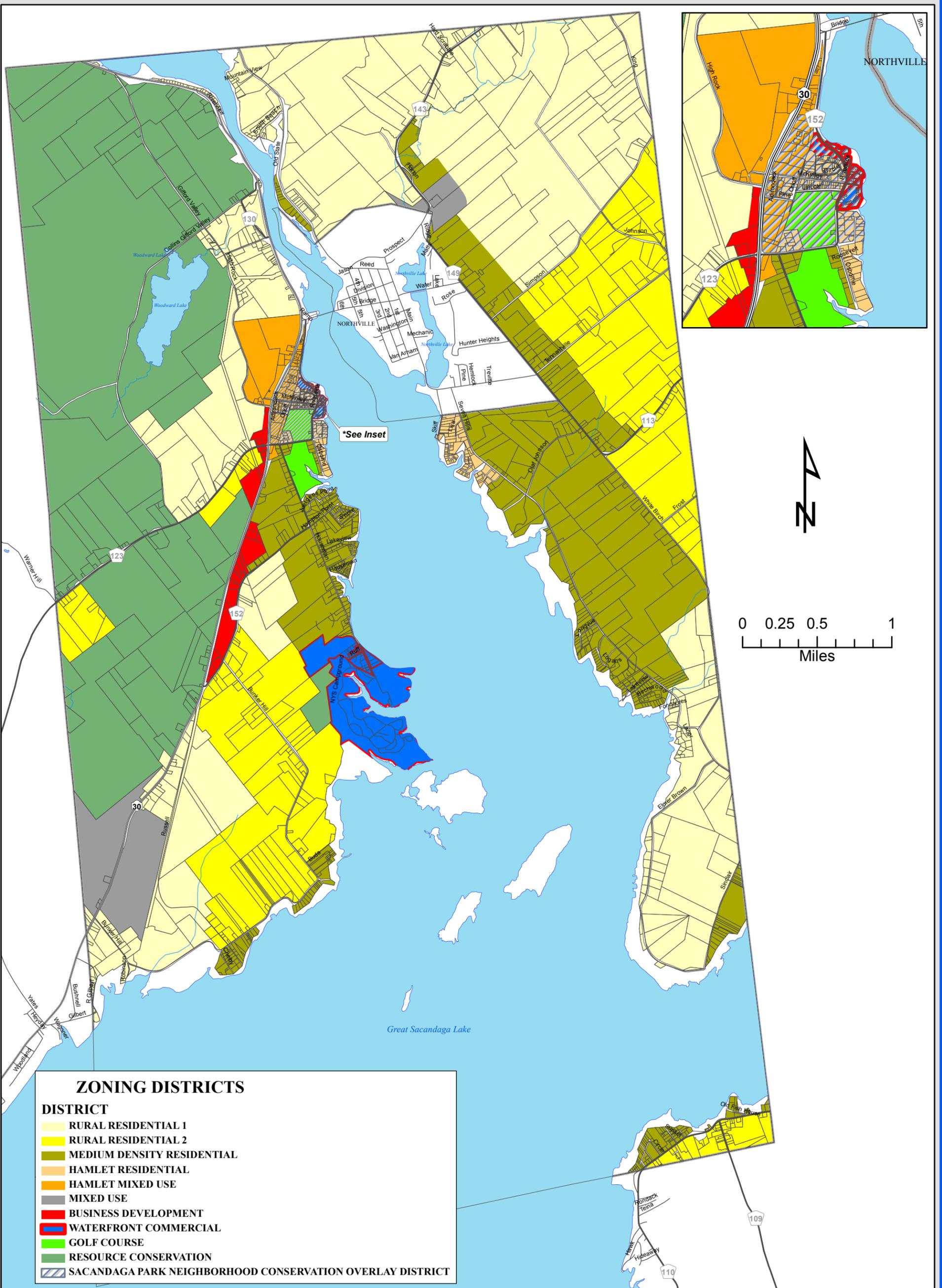
ARTICLE XVII: MISCELLANEOUS PROVISIONS

A. Severability

If any provision of this Law or the application thereof to any person, property, or circumstances is held to be invalid, the remainder of this Law and the application of each provision to other persons, property, or circumstances shall not be affected thereby.

B. Effective Date

This Law shall take effect upon filing with the New York State Secretary of State.



| ZONING DISTRICTS | |
|---|--------------------|
| DISTRICT | |
| RURAL RESIDENTIAL 1 | [Light Yellow Box] |
| RURAL RESIDENTIAL 2 | [Yellow Box] |
| MEDIUM DENSITY RESIDENTIAL | [Olive Green Box] |
| HAMLET RESIDENTIAL | [Orange Box] |
| HAMLET MIXED USE | [Dark Orange Box] |
| MIXED USE | [Grey Box] |
| BUSINESS DEVELOPMENT | [Red Box] |
| WATERFRONT COMMERCIAL | [Blue Box] |
| GOLF COURSE | [Green Box] |
| RESOURCE CONSERVATION | [Dark Green Box] |
| SACANDAGA PARK NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT | [Hatched Box] |

TOWN OF NORTHAMPTON ZONING DISTRICT MAP

ZONING REVISIONS

ADOPTED: MAY 16, 2012

LOCAL LAW#: 1 OF 2012 RESOLUTION: 2012-05

REVISED: _____ (Date) _____ (Signature)

REVISED: _____ (Date) _____ (Signature)

REVISED: _____ (Date) _____ (Signature)