

TOWN OF CHATHAM

UPDATED DRAFT ZONING LAW

~~May 14~~ July 12, 2018

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Chapter 180, ZONING

ARTICLE I, General Provisions

§180-1. Purpose.

A. The purpose of this chapter is to exercise a town's right to protect its citizens by controlling the use of land so as to broadly protect the public health, safety and general welfare and to carry out locally established goals and objectives in accordance with a comprehensive plan designed to preserve and protect, for the benefit of the town as a whole, the basically rural-agricultural character of the Town.

B. Further purposes are to:

- (1) Protect working agricultural landscapes, open spaces, scenic vistas and environmentally sensitive areas;
- (2) Preserve the historical settlement patterns of the Town;
- (3) Promote small-scale retail and services businesses in hamlets and other designated locations that minimize adverse environmental and fiscal impacts on the community;
- (4) Promote the economic viability of farms, appropriate tourism and creative arts related enterprises;
- (5) Allow for a variety of housing types available to all ages and income levels;
- (6) Ensure that new infrastructure does not in itself become a growth inducer and that public services are concentrated in hamlets, business districts, and areas close to where infrastructure already exists;
- (7) Maintain low volume and rural town roads, minimize adverse traffic impacts, and ensure the Town has quality, aesthetically pleasing, and safe roads and pathways;
- (8) Promote multi-modal transportation opportunities;
- (9) Promote green energy sources that are consistent with Chatham's rural and scenic goals;
- (10) Encourage growth and development that supports recreation;
- (11) Ensure that growth and development is consistent with our historic character;
- (12) Protects and preserves its ground and surface water resources from pollution and overuse;
- (13) Preserves its environmental resources including, but not limited to, air quality, habitats, and dark skies; and
- (14) Promote green building practices.

§180-2. Title.

This chapter shall be known as the "Zoning Law of the Town of Chatham, New York."

§180-3. Interpretation; conflict with other laws.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety or the general welfare and the other purposes as stated for this chapter. Whenever the requirements of this chapter are at variance

with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

§180-4. Enactment and Authority.

This Zoning Law is enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, by Article 2 of the New York State Statute of Local Governments, and by Article 16 of the New York State Town Law.

§180-5. Repeal and Replacement of Prior Zoning Law.

By this Local Law, the Town Board of the Town of Chatham hereby repeals the Town's prior Zoning Law and replaces it with this Zoning Law. This shall take place at the moment this Zoning Law becomes effective.

§180-6. Separate Validity.

If any Article, subsection, paragraph, clause, or other provision of this Law shall be held invalid, the invalidity of such section, subsection, paragraph, clause or other provision shall not affect any of the other provisions of this Law.

§180-7. Effective Date.

This law shall become effective upon filing with the New York State Department of State.

§180-8. Outstanding Violations

No Board in the Town shall review or approve any application for use of a parcel if there shall be an outstanding zoning or other town code violation thereon until such violation has been removed or compliance achieved.

ARTICLE II, Definitions and Word Usage

§180-9. Interpretation; definitions.

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

A. Word usage.

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (2) The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is mandatory; the word "may" is permissive.
- (4) The words "used or occupied" include the words "intended, designed or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot" or "parcel."

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ABANDONMENT - The relinquishment of property, or a cessation of the use of the property, but the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property. For mining related uses, abandonment shall mean the discontinuance of use by not performing the normal functions associated with the mining operation for an eighteen-month period.

ACCESS FROM STATE OR COUNTY HIGHWAY - When the entrance to and exit from a parcel of land is from a public highway on land which has been purchased or appropriated by the state or Columbia County for state or county highway purposes, or from all property over which the state or county has assumed jurisdiction for highway purposes, and all property which has become part of the state or county highway system through dedication or use.

ACCESSORY USE OR STRUCTURE - A use or structure on the same lot with and of a nature necessarily incidental and subordinate to the principal use or structure.

ADAPTIVE REUSE – The development of a new use for an existing, older building or for a building originally designed for a different purpose. When an existing building is changed, renovated or adapted from a prior use to a new use.

ADEQUATE PUBLIC FACILITIES REGULATION: A set of regulations that requires that the public facilities required to service a certain level of development be in place and functional prior to approval of a development.

AFFECTED AREA - Related to mining operations, it is the sum of that surface area of land or land under water which is to be disturbed by the mine.

AFFORDABLE HOUSING - Housing that costs no more than 30% of the buyer's income for principle, interest, taxes, and insurance. For someone making \$50,000 a year, an affordable house costs no more than \$15,000 a year (\$1250 per month). See also Work Force Housing.

AGING IN PLACE - A program that allows senior citizens to remain in their homes and communities as they age and where all necessary services are provided so that this can occur.

AGRICULTURE or AGRICULTURAL LAND USE - The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, aqua culture, livestock and livestock products as a commercial enterprise, including commercial horse boarding operations, timber processing, compost, mulch or other biomass crops and the management and processing of “farm woodland”

AGRICULTURAL DATA STATEMENT - A document which identifies farm operations within an agricultural district located within five hundred feet of the boundary of property upon which an application has been filed with the Planning Board, ZBA, and/or Town Board as provided in section 305-a of Article 23-AA of the NYS Agriculture and Markets Law.

AGRICULTURAL STRUCTURE - A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human

habitation but used in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation including but not limited to barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.

AGRI-TOURISM - Activities conducted on a farm operation as defined by New York State Agriculture and Markets Law, and offered to the public, or to invited groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agri-tourism activity must be secondary to the primary farm use on a property. Agri-tourism activities may be conducted in an accessory building or structure. Agri-tourism activities may include but are not limited to on-farm Bed and Breakfasts, farm stay programs, u-pick operations, maple sugaring, and pumpkin patches. The New York State Department of Agriculture and Markets determines on a case by case basis if such an activity is part of a farm operation.

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AMBIENT NOISE - is the background sound pressure level (noise) at a given location, normally specified as a reference level to study a new intrusive sound source.

ANIMAL CAMP – A variation of a traditional dog boarding facility known as a kennel. While traditional kennels keep dogs in individual cages for the majority of their care, in most situations, at dog camps, the animals can be operational only during the day where dogs can play and socialize, both indoors and outdoors, with supervision by humans and with exercise, socializing and training activities. An animal camp that also provides overnight facilities for dogs is a kennel.

ANIMAL HOSPITAL - Any facility dedicated to care and treatment of animals with overnight or short-term treatment, including a veterinary clinic, but shall not include a kennel, boarding, camp or other well-animal housing or care.

ANSI - The American National Standards Institute, or its successor bodies.

ANTENNA(S) - A device used in communications which receives and transmits electromagnetic waves, microwave or other electronic communication signals from or to satellites or other instruments for television, radio, data, imagery, telephone or other forms of telecommunications or broadcast.

ANTENNA ARRAY - One or more whips, panels, discs, or similar devices used for the transmission or reception of frequency signals, which include omnidirectional antenna (whip), directional antenna (panel), and parabolic antenna (disc) but does not include the support structure defined in this section.

APPLICANT - Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof, who has a request for a permit to conduct a regulated activity before the Code Enforcement Officer or who has an application pending before the Zoning or Planning Boards.

APPROVING AUTHORITY - The Planning Board, Zoning Board, Town Board or Code Enforcement Officer or designee.

ATMOSPHERIC POLLUTION - Discharging from stacks, chimneys, exhausts, vents, ducts, openings, buildings, structures, premises, open fires, portable boilers, vehicles, processes, or any source, of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other materials

in such place, manner or concentration as to cause injury, detriment, nuisance or annoyance to the public, or to endanger the health, comfort, repose, safety or welfare of the public, or in such a manner as to cause or have a natural tendency to cause injury or damage to business or property.

AUTOMOTIVE SERVICE STATION AND REPAIR - A building other than a private or parking garage used for adjustment, painting, replacement of parts or other repair and/or maintenance of motor vehicles or parts thereof, whether or not accessory or incidental to another use. Any building, land area or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories. An auto service station may be gas-only and associated with sales of snack food, tobacco, drinks, newspapers and similar convenience goods as accessory or appurtenant to the principal use.

AVERAGE LOT SIZE - The average size of all lots to be subdivided from a parcel. Use of an average lot size instead of a minimum lot size in the Agriculture District allow for easier protection of open spaces. Parcels subdivided using an average lot size reduces individual lot areas and bulk requirements but the number of lots remains the same as permitted without lot averaging.

BACKGROUND NOISE - Level of noise measured, including all sound sources except the specific source in question.

BANK - Any structure which houses banks, trust companies, private bankers, savings banks, safe deposit companies, savings and loan associations, credit unions and investment companies or other financial depository activities as defined in the NYS Banking Law.

BASE DISTRICT – The primary zoning district established by the Town of Chatham. Base districts in Chatham are H-1, H-2, RL-1, RL-2, RL-3, B, and I.

BED-AND-BREAKFAST - An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten transient lodgers and containing no more than five bedrooms for such lodgers. [The owner of a bed and breakfast lives on the premises during all overnight stays.](#)

BEST MANAGEMENT PRACTICES (BMPs) - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

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

BUILDING - Any structure which is permanently affixed to the land, has one or more floors, walls and a roof for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

BUILDING ENVELOPE – The space within which a structure and its supporting infrastructure is permitted to be built on a lot and that includes the building, driveway, and any lands disturbed for well and septic systems.

BUILDING FOOTPRINT - The area of a building structure defined by the perimeter of the building not including driveways, parking lots, landscapes and other nonbuilding facilities.

BUILDING HEIGHT - The vertical distance measured from the average finished grade along the wall of the front of the building to the highest point of such building or structure.

BUILDING OR FACILITY, PUBLIC - Any structure which is utilized solely for governmental or quasi-governmental activities, including but not limited to municipal buildings, post offices, and firehouses.

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

CAMOUFLAGING - The construction of facilities to house or support communication towers and/or antennae so that the towers blend readily with the landscape, neighborhood, and adjacent architectural features. Examples of camouflaging that may be used are silo and barn, windmill and simulated tree.

CAMP, DAY - A use or parcel of land where people attend during day time hours for up to 180 days per year, participating in organized activities, sports, and arts and crafts, and may eat together in a central dining facility. An area used for the parking or gathering of any kind of recreational vehicle shall not be construed to be a day camp. Use of trailers, camp trailers, campers, trailer coaches, travel trailers, recreational vehicles, motor homes, buses, boardinghouses, hotels, or motels shall also not be construed to be a day camp.

CAMP SITE – Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper for recreation, education, or vacation purposes.

CAMPGROUND - A parcel of land upon which two or more campsites, including ‘glamping’ units are located, established, or maintained for seasonal (up to 180 days) occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, but shall not include uses limited solely to the personal use of the owner. An area for the gathering, parking and use of land by recreational vehicles, a trailer park, or a motor home park shall not be construed to be a campground.

CAMPING UNIT – Any tent, cabin, lean-to, or similar structure established or maintained and operated in a campground or day camp as temporary living quarters for recreation, education, or vacation purposes. Tents, trailers, cabins, lean-to’s, recreational vehicles or other similar structures used for temporarily housing workers shall not be considered a camping unit and are not allowed. A tent, yurt, cabin or other structure advertised and used as a ‘glamping’ use shall be considered a camping unit.

CARE TAKER DWELLING – See DWELLING, ACCESSORY RESIDENTIAL.

CCSWCD - The Columbia County Soil and Water Conservation District.

CEASE TO OPERATE - A discontinuance of use, not performing the normal functions associated with the communication tower and its equipment on a continuous and ongoing basis for over 120 days, unless extended by the Planning Board for good cause shown.

CEMETERY - A burial ground or graveyard, whether for private or public use.

CHANGE OF USE - The change of use or occupancy of land, or buildings, structures, or other improvements on land, from either residential, commercial or industrial to one of the other uses, or change in the nature, substance or intensity of the same use including, but not limited to, changes in use which require the issuance of a Certification of Occupancy pursuant to the New York State Building and Fire Code. Any use that substantially differs from the previous use of a building or land. Chapter 3 (Use and Occupancy Classification) of the Building Code of New York State shall be used to define uses that are not specifically defined in this local law. Change of occupancy or change of ownership shall not be construed as a change of use.

CLEAN WATER ACT - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and subsequent amendments thereto.

CLEAR CUTTING - Complete cutting and removing of an entire stand of trees replaced by natural or planted regeneration.

CLEARING - Any activity that removes the vegetative surface cover.

CLUBHOUSE – A building, or portion of a building, used by a membership club. A clubhouse is not a country club.

CO-LOCATION - The mounting of antenna(s) or other telecommunications or broadcast equipment used by two or more providers, persons, firms or corporations on the same antenna support structure, monopole or antenna tower.

COMMERCIAL DESIGN STANDARDS - A set of guidelines to be followed in site and/or building design and development of commercial uses to help maintain the character of a community and prevent new commercial development from dramatically changing the physical and visual footprint of the community.

COMMERCIAL FACILITY – Any structure used for the sale, manufacture, storage, or provision of goods or services.

COMMERCIAL HORSE BOARDING OPERATION - means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the

first year of operation. Under no circumstances shall this use be construed to include operations whose primary on site function is horse racing.

COMMERCIAL RECREATION FACILITY INDOOR – An indoor place designed and equipped for the conduct of sports and similar recreational activities, which are available to people of all ages and which are conducted and utilized for financial benefit of the owner thereof. A health club is a form of a commercial recreational facility, indoor. This use does not include Motorized Vehicle Race Track or Course; which use is not permitted. See also Commercial Recreation Facility, Outdoor.

COMMERCIAL RECREATION FACILITY, OUTDOOR - A recreational land use conducted outside of a building, typically involving but not limited to athletic fields, miniature golf, skateboard park, swimming, bathing, wading and other therapeutic facilities, tennis, handball, basketball courts, batting cages, or trampoline facilities, and operated for profit as a business. This use does not include Motorized Vehicle Race Track or Course, go carts, paint ball; which are not permitted uses. It does include an outdoor recreational court or athletic field, nature and ecology recreation area, community garden, picnic area, etc.

COMMON PLAN OF DEVELOPMENT - Where multiple construction activities are occurring, or will occur, whether in stages or phases for a single parcel or on a contiguous area as part of a single endeavor.

COMMUNICATION OR BROADCAST TOWERS AND FACILITIES - A site development including a structure on which antennas or other telecommunications or broadcast devices are located for television, radio, data, imagery, telephone or other forms of telecommunications and all related structures and improvements necessary for the operation of said facility.

COMMUNITY CENTER – A facility used for recreational, social, educational, and cultural activities. A community center may be owned and operated by a governmental agency, or by a not-for-profit private organization or membership club provided the facility and/or activities are open to the public.

COMPATIBLE: A use of land or building(s) that, in terms of development intensity, building coverage, design, dimensions, occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to the existing community character and traditional neighboring uses and which use does not significantly adversely affect community character and the quality of life and health, safety and welfare of persons in surrounding or nearby buildings or lands.

COMPLETED TOWN OF CHATHAM APPLICATION - An application for development that includes all required documents and submittals pursuant to this law, and where a negative declaration has been made or a draft environmental impact statement has been accepted by the reviewing agency.

COMPLETE APPLICATION - An application for development that has been reviewed under SEQRA Part 617 and has received either a negative declaration by the reviewing board or a draft environmental impact statement has been accepted by such board.

COMPREHENSIVE PLAN, TOWN OF CHATHAM - A document that details an underlying purpose to control land uses for the benefit of the whole community based upon consideration of the community's problems and applying a general policy to obtain a uniform result and adopted pursuant to NYS Town Law 272-a.

CONDOMINIUM - Multiple housing units that are individually owned, but that share land and infrastructure. They can be in the form of a multi-family house, multi-unit apartment building or town houses. Ownership is shared along with attendant responsibilities for the provision, maintenance and/or repair of common internal facilities, utilities, services, exterior building surfaces, land, landscaping and other outdoor facilities.

CONSERVATION EASEMENT – A legal agreement in the form of an easement, covenant, restriction or other interest in real property created under and subject to the provisions of Article 49, Title 3, of the New York State Environmental Conservation Law, which limits or restricts the development, management or use of such real property in perpetuity for the purpose of preserving or maintaining the scenic, agricultural, open historic, recreational, archeological, architectural or natural condition, character, significance or amenities of the property.

CONSERVATION SUBDIVISION - Pursuant to Chapter 135 of the Town of Chatham Code, a residential subdivision where the number of dwelling units that would be yielded by a conventional subdivision plan are allowed to be placed on the parcel to be subdivided in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and where a majority of the remaining land is left in its natural open space condition in perpetuity. Conservation development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of open lands.

CONSTRUCTION ACTIVITY – Any activity involving the clearing, cutting, excavation, filling or grading of land that alters land topography or vegetative cover.

CONSISTENT IN SCALE - Conveys the community value that the harmony of the visual landscape and activities of daily life in Chatham should be preserved and maintained. Scale is the relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics to its surroundings and the character of the community as a whole.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) - A facility or facilities established to provide a comprehensive, cohesive living arrangement for the elderly, oriented to the enhancement of the quality of life and which, pursuant to the terms of the continuing care contract, at a minimum:

- a. provides independent living units and provides a meal plan. The independent living unit can be made available either through a non-equity arrangement or through an equity arrangement including, but not limited to a cooperative or condominium.
- b. provides a range of health care and social services, subject to such terms as may be included within the contract, which shall include adult care facility services of an on-site or affiliated adult care facility, and at a minimum, sixty days of prepaid services of an on-site or affiliated nursing facility for residents not receiving services under a fee-for-service contract;
- c. provides access to health services as defined in the contract, prescription drugs, and rehabilitation services

CONVENIENCE STORE/MINI-MART – A retail establishment of up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of prepared foods for off-premise consumption. Convenience stores may also include the

selling of fuel and fuel pumps/islands.

COUNTRY CLUB – A recreational facility, usually restricted to members and their guests, which could include a clubhouse, dining and eating establishments, and recreational facilities such as golf course, tennis courts and swimming pools.

CRITICAL or RARE HABITAT OR SPECIES – All species or habitats listed by New York State as endangered, threatened or of special concern, listed as rare by the New York State Natural Heritage Program (with codes G1, S1; G2, S2; or G3, S3), or on the New York State Natural Heritage Active Inventory List or Watch List.

CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS – Field crops, fruits, vegetables, horticultural specialties, livestock and livestock products including furs, maple sap, Christmas trees, aquaculture and woody biomass. Crops may also include grapes, hops, and grains used for beverages.

CUSTOMARY USE – A use that is incidental and usually found associated with a principal use.

DATE OF RECEIPT OF COMPLETED TOWN OF CHATHAM APPLICATION - A complete application shall be deemed received by the Planning Board on the date of the first regular meeting of the Planning Board following the filing of the completed Town of Chatham application and supporting plans with the Planning Board.

DAY CARE - Daytime care for the needs of people who cannot be fully independent, such as children or elderly people including such structures and surrounding areas utilized for such purpose and that meet the definitions, approvals and requirements of NYS Social Services Law §390, and §413 et seq.

DAY CARE

Child Day Care Center – A day care facility not in a residence and for greater than 6 people.

Family Day Care Home – a day care facility in a residence and for less than 6 people.

DEC or NYSDEC – New York State Department of Environmental Conservation.

DECIBEL - A standard unit of acoustic measurement as determined by a sound measurement device.

DEMOLITION: The act of pulling down, destroying, removing, moving, relocating, or razing a regulated structure or portion thereof, or commencing the work of total or substantial destruction with the intent of completing same, including removal of a structure.

DENSITY – The ratio of land area per dwelling unit or dwelling structure.

GROSS DENSITY – The ratio of dwelling units or structures to the land are of the total lot.

NET DENSITY – The ratio of dwelling units to the land area of the lot after subtracting nonbuildable areas and environmental constraints.

DEPOSIT - To fill, place, eject or dump any material, but not including stormwater.

DESIGN PROFESSIONAL - New York State licensed professional engineer, professional land surveyor, licensed architect, certified professional in erosion and sediment control or other duly

recognized professional performing service pursuant to said licensure and or certification.

DIRECT DISCHARGE - Direct discharge involves the discharge of pollutants to waters of the US. Discharge of a pollutant means: (a) Any addition of any pollutant or combination of pollutants to waters of the United States from any point source, or (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United

DISTURBANCE -. Any physical activity which results in the modification of topography by cutting or filling, stripping of topsoil, and/or placing of physical structures or improvements thereon which results in surface runoff which requires collection or channeling; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. It also includes any action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.

DRAINAGE FLOW - The gravitational movement of water or other liquids by surface runoff or overland surface flow.

DRIVE-IN RESTAURANT or REFRESHMENT STAND or DRIVE THRU FACILITY - Any place or premises used for the sale, dispensing or serving of any retail commodity, food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises, including food trucks or vehicles from which such commodities, food, etc. are sold.

DRIVEWAY - A private entrance drive privately owned and maintained, and not meant for use by the general public, which commonly leads to a single principal use.

DRY CLEANER – An establishment providing for the washing and use of dry-cleaning chemicals to wash personal items.

DWELLING, ACCESSORY RESIDENTIAL - A second dwelling unit, either in, or added to, an existing single-family dwelling, or in a separate accessory structure such as barns and garages on the same lot as the existing single-family dwelling, for use as a complete, independent living facility with provisions in the dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is a secondary and subordinate use to the principal dwelling. A mobile home or single-wide manufactured home shall not be considered as an accessory residential dwelling. A care taker dwelling, farm worker dwelling and ECHO units (Elder Cottage Housing Option) are forms of an accessory dwelling but may have additional development standards.

DWELLING, MULTIFAMILY - A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY - A detached residential dwelling unit other than a mobile or manufactured home (on chassis), designed for and occupied by one family only.

DWELLING, TWO-FAMILY - A detached building containing two dwelling units other than a mobile or manufactured home (on chassis), designed for and occupied by two families only.

DWELLING UNIT - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and toilet facilities. A dormitory, hotel, motel, nursing home, fraternity or sorority house or other similar building shall not be deemed to be a dwelling unit.

EMERGENCY - A public calamity or the exposure of any person or property to imminent danger.

EMERGENCY DEMOLITION: A demolition authorized pursuant to the New York State Uniform Building Code and Town of Chatham Chapter 127, when after inspection, it is determined by the Building Inspector or other authorized official, after consultation with the Town Engineer, that a regulated structure poses an imminent threat to the health or safety of the community that cannot be adequately mitigated, and that immediate demolition is necessary to protect public health and safety.

ENVIRONMENTAL PERMIT or LAND DEVELOPMENT PERMIT - That form of approval required to conduct regulated activities involving land development, timber harvesting, stormwater, soil erosion and sediment control, pollutant discharge to air and any activity within wetland, watercourse or controlled areas.

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

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, water transmission, or distribution systems, waste removal systems and telecommunications facilities including poles, wires, mains, drains, sewers, pipes, conduit cables traffic signals, hydrants, street signs and similar equipment and accessories in connection with those facilities, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

EV CHARGING STATION – An electric vehicle charging station, electric recharging point, charging point, charge point and EVSE (electric vehicle supply equipment) that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles and plug-in hybrids.

EXCAVATION - The permanent removal of overburden and minerals, as defined herein, from the ground in the affected area– or any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits.

EXTRACTIVE OPERATION – See Mining Operation.

FAMILY - One or more persons related by blood, marriage or adoption, living and cooking together, exclusive of household servants; a number of persons living together as a single housekeeping unit, although not related by blood, adoption or marriage, shall be deemed to constitute a family unit.

FARM MARKET – The seasonal or year-round retail selling of farm products in a permanent structure grown on site on a farm operation or from other farm operations in the area along with other non-farm products. (See also Stand, Farm)

FARMLAND - Land used in agricultural production, as defined in Subdivision 4 of § 301 of Article 25-AA of the State Agriculture and Markets Law.

FARM BREWERY, WINERY, CIDERY OR DISTILLERY - Any place, premises, or use located on a farm operation, in which New York State labeled beer, wine, cider or liquor is manufactured, stored and sold, as defined in the NYS Alcoholic Beverage Control Law.

FARM OPERATION - Shall include the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products including a commercial horse boarding operation as a commercial enterprise. See also Agriculture.

FARM OR RESIDENTIAL POND - A man-made or artificially created body of water to be used for fire protection, recreation, beautification or agricultural purposes.

FARM STAND – See Stand, Farm.

FARM WORKER HOUSING - an accessory residential dwelling or other dwelling used to house farm workers on a parcel of land used as a farm operation. Single-wide and double-wide manufactured homes may be used as farm worker housing as per 180-36 (A).

FILL - Any clean soil or rock materials (sand or clay) used to raise the ground elevation.

FILLING - Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds, wetlands or watercourses.

FINAL STABILIZATION - When all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches, riprap or geotextiles) have been employed on all areas not permanently improved by pavement, concrete or structures.

FINISHED GRADE - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade--in computing height of building and other structures or for other purposes--shall be the average elevation of all finished grade elevations around the periphery of the building.

FISCAL IMPACT ANALYSIS - an analysis of the projected total costs and revenues associated with a specific development application where the costs include, but are not limited to, those related to town, fire, ambulance, police, school, highway and other municipal infrastructure.

FLOOD HAZARD, AREA OF - Land within a community subject to a one percent (1%) or greater chance of flooding in any given year as shown on the Flood Insurance Rate Maps developed by the Federal Emergency Management Agency. Also commonly referred to as base floodplain or 100-year floodplain. See also flood related terms included in Chapter 140 (Flood Damage Prevention).

FLOOD, 100-YEAR - The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year). See also flood related terms included in Chapter 140 (Flood Damage Prevention).

FLOODPLAIN OR FLOOD PRONE AREA - A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded. See also flood related terms included in Chapter 140 (Flood Damage Prevention).

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency. See also flood related terms included in Chapter 140 (Flood Damage Prevention).

FOOD PROCESSING – a facility as part of a farm operation where farm products grown or produced on the farm are processed into meat foods, or a facility where plants and plant products are processed into canned, frozen, or fresh food products. A similar facility not part of a farm operation is a commercial use allowed only in the I district.

FOOTPRINT (See "Building Footprint")

FOREST LAND - An ecosystem supporting a dense growth of trees. Fencerows or hedgerows alone do not constitute a forest system.

FORESTRY - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FRONTAGE - The extent of a building or of lot along a street or road.

FUEL STORAGE FACILITY – a single property or contiguous or adjacent properties used for a common purpose which are owned or operated by the same person on or in which are located:

- One or more stationary tanks which are used singularly or in combination for the storage or containment of more than one thousand one hundred gallons of petroleum; or
- All stationary tanks used for storage of used oil; or
- Any tank whose capacity is greater than one hundred ten gallons that is used for the storage or containment of petroleum, the volume of which is ten percent or more beneath the surface of the ground.

FUNERAL HOME – A building used for the preparation of the deceased for burial and the display of the deceased and associated rituals.

GLAMPING – A vernacular term referring to a camping unit, whether a platform, tent, yurt, cabin, lean-to or other structure advertised and used as a 'glamorous camping' experience. A recreational vehicle of any type shall not be considered either glamping or a camping unit.

GOLF COURSE and/or COUNTRY CLUB with or without clubhouse - A tract of land consisting of a landscaped area for playing golf or other sporting, recreational and social facilities, whether generally open to the public or having a private or semi-private membership including all associated structures. However, motorized vehicle racetracks or courses are not included in this or any other permitted use within the town.

GRADING - The alteration or reshaping of the surface or subsurface conditions of land, lakes, ponds, wetlands or watercourses by excavation, filling, or any combination thereof. Grading that extracts less than 100 cubic yards of minerals offsite shall require a grading permit as per 180-54.

GROUP HOME - A dwelling wherein more than one unrelated individuals reside based upon placement or the authority of a federal agency, or of New York State under Volume B-1, Title 18, Articles 4-7. A group home shall be considered a functional family unit which is an integral component of a recognized program of physical or mental health rehabilitation or other custodial supervision and care living arrangements in a one-family dwelling, with or without resident supervisory personnel. This term shall not include nursing homes, dormitories, or similar facilities.

FIRING RANGE, INDOOR - A building utilized for shooting practice or other similar activities of fire arms or other weapons and which is conducted entirely within an enclosed building.

FIRING RANGE, OUTDOOR - A building or parcel of land utilized for shooting practice or other similar activities of fire arms or other weapons and which is not conducted entirely within an enclosed building.

HAMLET - A relatively densely populated area within the town that is not part of an incorporated village. They are characterized by densely situated homes mixed with small business and surrounded by area farms and open space. Also referred to as a Traditional Settlement Pattern.

HAULAGEWAY - All roads utilized for mining purposes, together with that area of land over which material is transported that are located within the permitted area.

HAZARDOUS MATERIALS - Any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HEALTH CLUB – An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage or lockers.

HEIGHT OF STRUCTURE OF BUILDING - The vertical distance measured from the average elevation of the finished grade along the side of the structure or building fronting on the nearest street line to the highest point of the highest roof, in the case of a building with a flat roof, and, in the case of a building with a pitched roof, to a point halfway between the top of the plate and ridge. In the case of a structure, the height shall be measured to the highest point. Said finished grade used in such measurement shall not vary from the natural grade by more than three (3) feet in applying this definition.

HISTORIC CHARACTER - Describes the individual or collective qualities and attributes of Chatham's physical and visual landscape that embody or evoke the events, places, traditions, struggles, fashions,

movements, and personalities of its past. Historic character also describes the unique architectural style and scale, including proportion, form, and architectural detail. The physical layout of the community, its landscape patterns, the pre-automobile network of dirt roads, and other elements also contribute strongly to Chatham's historic character. Among these elements are active agricultural operations with low density residential development interspersed with denser population centers such as the hamlets and village, dirt and paved roads and windbreaks lined with old mature trees, stone walls, deep rural setbacks, agricultural land uses and structures, and small/irregular field or pasture dimensions. Specifically, Chatham's community's historic character is strengthened by the presence of historic farmhouses, barns and out-buildings from the periods of its settlement through the years.

HOME OCCUPATION - Any occupation, business or professional activity that results in a product or service, that is conducted in whole or in part in a dwelling or residential accessory building (a building accessory to a dwelling) and that is clearly subordinate in space utilization and intensity to the residential use of the lot.

MINOR HOME OCCUPATION - An occupation or business activity resulting in a product or service for financial gain, conducted wholly in the principal residential dwelling unit on the parcel as an accessory use by the resident and which is clearly secondary to the use of the dwelling for living purposes. Minor home occupations do not change the character of the structure, lot or neighborhood and has no exterior evidence of that use within the structure. This work is conducted with no employees, produces only household quantities and types of waste, requires a low number of, if any daily client visits (and therefore no additional parking), requires no outdoor material storage, and does not involve an excessive amount of delivery truck visits. Signage, if present at all is limited to a small door or lawn plaque. No permit is required for minor home occupations that meet the requirements for such a use.

INTERMEDIATE HOME OCCUPATION – An occupation or business activity resulting in a product or service for financial gain, conducted within a customary accessory structure on the same parcel with the principal residence and where such operation employs only occupants of the principal residence with no other employees. Intermediate home occupations may have parking and signage but no other exterior evidence of a business activity on the premises. An in-home day care operation serving up to five children shall be considered an intermediate home occupation

MAJOR HOME OCCUPATION: A business activity resulting in a product or service for financial gain, conducted wholly or partly within a dwelling unit or accessory structure as a non-residential use that is secondary and subordinate to the use of the dwelling for living purposes and which does not change the residential character of the dwelling unit or vicinity. The enterprise is conducted by an owner/operator who must reside on the premises and does not employ more than four persons onsite, in addition to the owner/operator and any other family participants in the home occupation who reside on the premises. Exterior evidence of the operation is in evidence with a major home occupation and may include one or more of the following: a sign, exterior dumpsters or waste receptacles, stored equipment, or vehicles including construction equipment and delivery truck visits or other traffic beyond that expected of a typical residence. An in-home day care operation serving more than five children shall be considered a major home occupation.

HOSPITAL OR CLINIC - An institution for health care providing patient treatment by specialized staff and equipment, and often, but not always providing for inpatient care or longer-term patient stays.

~~HOTEL or MOTEL or INN – A facility offering commercial overnight sleeping accommodations, consisting of a building or group of buildings. Additional accessory services may be included such as restaurants, meeting rooms, entertainment and recreational facilities. A motel is the same as a hotel except that it may have rooms accessible only from the outside and not from a common interior entrance. Motels and hotels may have a facility on-site used by the manager or operator on site. An Inn is a commercial establishment for the housing and feeding of transients, with 6 but no more than 20 rooms to rent, and shall be contained in whole or in part in buildings that were previously private residences. Hotels, motels, and inns are all commercial operations and shall be considered the principal use of the property. Also, a building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.~~

HOUSE OF WORSHIP (Church, Synagogue, Temple, Mosque, etc.) - A building, place or location of worship by a religion or religious organization, as recognized by Internal Revenue Service Guidelines.

HUNTING PRESERVE - The use of buildings and/or lands for the release or containment of animals for the purposes set forth in NYS Environmental Conservation Law Article 19 Title 17.

ILLICIT DISCHARGE - Any direct or indirect stormwater or non stormwater or air discharge without applicable permit(s).

IMPERVIOUS SURFACE OR COVER - Those surfaces in the landscape which do not have a permanent vegetative cover and/or cannot effectively infiltrate rainfall, snowmelt and water, which replaces naturally pervious soil with impervious construction materials, including but not limited to building rooftops, pavement, sidewalks, driveways and roads with a surface of compacted dirt or gravel, asphalt or concrete, decks and swimming pools. Regardless of the construction materials used, any area which is used for driveway or parking purposes, including disturbed grass, ground cover, or dirt, shall be considered impervious surface.

IMPORTANT AESTHETIC FEATURES - Denotes elements of Chatham's architecture and landscape that have been identified by the community as significant to the local quality of life and sense of place. They may be specific elements such as structures, scenic roads, parks, waterways, crossroads, and stone walls; or they may be more diffuse resources such as open spaces, formal/informal historic districts, and scenic views. In Chatham, these include historic structures and landscapes, country roads, agricultural fields and operations, views of hills and mountains, streams and wetlands, and the hamlet areas.

IMPULSIVE NOISE - A noise of short duration.

INDIVIDUAL SEWAGE TREATMENT SYSTEM - A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility that treats sewage or other liquid wastes for discharges into groundwater of New York State, except where a permit for such a facility is required under the applicable provision of Article 17 of the Environmental Conservation Law (ECL).

KENNEL, BOARDING FACILITY OR ANIMAL CAMP - Any structure, facility, and grounds operated as site for the short- or long-term keeping of dogs, cats, domestic or farm animals, as those terms are defined in the NYS Agriculture and Markets Law. No more than 25 dogs shall be kept in any kennel or animal camp as per the Use Table. The number of dogs in a dog breeding facility shall not be subject to this maximum.

LAND DISTURBING OR DEVELOPMENT ACTIVITY - Any change of the land surface including removing vegetative cover, excavating, filling, grading, creating impermeable surfaces, and the construction of any structure. An agricultural activity such as the planting, growing, cultivating and harvesting of crops is exempt from this definition.

LARGE MINE – A mine that removes 750 cubic yards or more of material each year and that requires a Mining Permit from the NYS Department of Environmental Conservation

LIBRARY - A structure or use where literary and artistic materials, such as computer access, books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending, including but not limited to the definition of such term as set forth in the NYS Education Law.

LIGHT INDUSTRIAL ACTIVITY – A use in which a product is manufactured but the manufacturing process and facility have minimal impact on the property where the manufacturing takes place and almost none on adjacent properties, with qualities including:

- *No creation of noise, vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
- *No change to the character of the surrounding neighborhood;
- *Adequate screening of outside storage of goods, materials, or equipment;
- *Signs limited in size;
- *No chemical, metal, or hazardous waste, or potential contamination of surface or groundwater;
- *Adherence to all applicable commercial design and other standards cited in this zoning law.
- *Adherence to all State and federal regulations.

LIMITED COMMERCIAL FACILITY – A retail shop with a maximum of 3,000 (three thousand) square feet. It indicates the types of non-residential uses that would be allowed in selected community locations such as hamlet areas. The evolution of many hamlet areas in and near Chatham has included mixed use with commercial activities such as mills, inns, or corner stores located within a cluster of residences.

Typically, the commercial uses are few in number and small in scale relative to the overall size of the hamlet and the number of nearby residents and structures. Limited commercial uses desired in Chatham might include: home-based businesses, restaurants, bed & breakfasts, country inns, small retail shops (with goods like antiques or specialty foods), and country groceries. High-volume retail establishments such as convenience stores, filling stations, and fast-food restaurants would not qualify as a limited commercial use. High-impact commercial establishments such as auto service firms or modern manufacturing firms would also not be considered limited commercial uses.

Limited commercial use may also refer to a use that has minimal impact on the property where it takes place and almost none on adjacent properties with qualities including:

- No creation of noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
- The use should not change the character of the lot or the surrounding neighborhood;
- The outside storage of goods, materials, or equipment related to the limited commercial use should be screened;
- Signs are limited in size;

- The use should not generate chemical waste, heavy metals, or other potential contamination of surface or ground water.

LOT - A lot is a parcel of land having defined boundaries and considered as a unit. Except as otherwise provided in this chapter, a lot shall be of sufficient size to meet minimum zoning and requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street unless where excepted by this chapter, or on an approved private street, and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or a parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

LOT MEASUREMENTS (See Exhibit A in Town Code for illustration.)

- (1) DEPTH OF A LOT - The average distance of a lot measured from the front lot line to the rear lot line.
- (2) WIDTH OF A LOT - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between the lot lines of their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width, except in the case of lots on the turning circle of cul-de-sac where the 80% requirement shall not apply.

LOT OF RECORD - A lot which is part of a subdivision, the approved, filed map of which is recorded in the office of the Columbia County Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

MANUFACTURED HOME - A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), *Manufactured Home Construction and Safety Standards*, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438mm) or more in width or 40 feet (12192mm) or more in length, or, when erected on site, is 320 square feet (29.7m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle. See also mobile home and modular home.

Single-Wide Manufacture Home. A manufactured home, transportable in one section. A recreational vehicle is not included in this definition.

Double-Wide Manufactured Home. A dwelling unit, transportable in two sections.

MEMBERSHIP CLUB – a group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, and a constitution and bylaws. An outdoor firing range is a separate use and shall not be considered a membership club in this local law.

MINERAL - Peat, topsoil, sand and gravel shall be considered minerals.

MINI-WAREHOUSE – See self storage facility.

MINING FLOATING ZONE - The area in which the Town Board may establish a specific zoning district to allow mining to occur within the Town's RL-1, RL-2, RL-3 and Industrial Zones.

MINING OPERATION/MINING - The excavation of overburden, rocks, and minerals from the earth pursuant to 180-24; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. All mines removing > 100 cubic yards of material per year shall only be permitted through establishment of a Mining Floating Zone.

MINING PLAN - A description of the applicant's mining operation which shall include maps, plans, written materials and other documents as required by the Town and/or the DEC.

MIXED-USE - both residential and commercial uses are located in the same structure. All nonresidential uses in hamlets and business district in a mixed-use structure shall front the street.

MOBILE HOME - A factory- manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or when erected on site, is 320 square feet (29.7m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

MOBILE HOME PARK - Any parcel of land which is planned and improved for the placement of two or more mobile or manufactured homes which are used as dwellings and for occupancy of more than 90 consecutive days.

MODULAR HOME - A manufactured single-family dwelling unit, conforming to applicable provisions of this code and bearing insignia of approval issued by the State Fire Prevention and Code Council, which is constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in a manufacturing facility, intended or designed for permanent installation, or assembly and permanent installation. A modular home shall be considered the same as a single-family home.

MONOPOLE - Any freestanding pole that serves as a communication or broadcast tower, and upon which an antenna, or antennas or other telecommunications or broadcast equipment, is or has been located.

MOTOR VEHICLE SALESROOM, GARAGE OR LOT - Any lot, structure or use of structure for the purpose of exhibiting, selling, leasing or otherwise offering cars, trucks, sport utility vehicles or any vehicle regulated by the NYS Department of Motor Vehicles.

MULCHING - The application of a layer of organic material such as wood chips, hay, pine bark or other material at a sufficient thickness for the purpose of effectively controlling erosion.

MUSEUMS and ART GALLERIES - Any use of a structure or space for the primary purpose of displaying, storing, exhibiting art or historic, scientific or cultural artifacts and/or objects, for those structures used for performing music, plays and other similar artistic endeavors.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) - The national system for the issuance of wastewater and stormwater permits under the Federal Water Pollution Control Act (Clean Water Act).

NEIGHBORHOOD COMMERCIAL FACILITY - Any commercial facility intended principally to serve the area in which it is located. See also Limited Commercial Facility.

NON-COMMERCIAL TIMBER CUTTING – Cutting and removal of trees for personal use by landowner and not for sale.

NON-CONFORMING STRUCTURE - A structure or building, the size, dimensions, or location or which lawfully existed prior to the adoption, revision, or amendment of this Zoning Law but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Law.

NON-CONFORMING USE: Any use of a building, structure, or tract of land, which was lawfully in existence prior to the adoption, revision, or amendment of this Zoning Law but that fails by reason of such adoption, revision, or amendment to conform to the use provisions and requirements of the Zoning Law.

NON-STORMWATER DISCHARGE - Any discharge that is not composed entirely of stormwater.

NURSING OR CONVALESCENCE HOME - A long-term care facility licensed by the State of New York that offers 24-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, and a full range of other therapies, treatments, and programs.

NURSERY and GREENHOUSE - A structure where plants are cultivated and sold for retail or wholesale purposes and includes any operation engaged in the production of any agricultural plant to produce trees, shrubs, bushes, sod, flowers, ferns, plants or associated products that will be used in another location. A farm operation may include use of land for a nursery or greenhouse.

NYSDEC or DEC - New York State Department of Environmental Conservation.

OCTAVE BAND - The range of sound frequencies divided into octaves in order to classify sound according to pitch.

OFFICE - A place in which business, clerical, or professional service activities are conducted. The term office does not include businesses that sell goods.

OPEN SPACE - Undeveloped lands without dwellings, structures, roads, or driveways. Some of these lands may provide opportunities for active or passive recreational use. In rural areas, this term tends to apply to larger areas of land while in more densely developed areas such as hamlets and villages' smaller parcels of size may serve as a valuable open space. Lands in active agricultural use shall be considered open space. Yards of mown grass within or surrounding housing developments, office parks, or other institutions is not considered open space. Open space land may either be publicly or privately owned. Land with active extractive industries such as open mining or clear cutting of timber is not considered open space until it the activity has ceased, and the land has been allowed to recover and re-vegetate.

OPERATOR and OPERATOR THEREOF (MINING) - Any person, corporation, firm, partnership or other entity conducting a mining operation within the Town of Chatham, and shall include any owner of land or other premises situated within the said Town who permits or consents to the use of such land or other premises by any person, corporation, firm, partnership or other entity for a mining operation unless such other person, corporation, firm, partnership or other entity is conducting the same on such premises under a lease granting him sole occupancy, use and possession of such premises for a term of at least one year and is a permittee for an activity permitted by this Chapter.

OUTDOOR FIRING RANGE – A facility designed for the purpose of providing a place on which to discharge firearms, shoot air guns, and/or archery equipment. A firing range may have several ranges constructed within a complex. See Appendix B for additional definitions related to outdoor firing range.

OUTDOOR WOOD FURNACE OR BOILER – Fuel burning devices (1) designed to burn wood or other fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans; and (3) that are used to heat building space and/or water through the distribution, typically through pipes, of a gas or liquid (e.g., water or water/antifreeze mixture) heated in the device.

OVERLAY DISTRICT: A zoning district that encompasses one or more underlying zones (base district) and that imposes additional requirements above that required by the underlying zone. Overlay zones deal with special conditions or environmental resources and usually apply to several districts and follow natural lines instead of parcel boundaries or roads.

OVERBURDEN - All of the earth, vegetation and other materials which lie above or alongside a mineral deposit.

OWNER - An individual, firm, association, syndication, partnership, or corporation having sufficient proprietary interest in a parcel of land.

PARCEL - See "Lot."

PARK - A tract of land designated and used by the public for active and passive recreation.

PARKING LOT, PRIVATE – – A parcel of land used to provide parking in an off-street, ground-level open area for the temporary placement of motor vehicles for the exclusive use of the owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

PARKING SPACE, OFF-STREET

(1) For purposes of this chapter, a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another.

(2) For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated to be 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

PERMITTED USE BY RIGHT - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district and for which no review by the Planning Board is required. However, a building permit issued by the Building Inspector may be required.

PERSON - Any individual, organization, person, firm, partnership, association, corporation, company or legal entity of any kind, including any political subdivision of the state recognized by law and acting as either the owner or as owner's agent.

PERSONAL SERVICE SHOP - An establishment primarily engaged in providing services involving the care of a person or his or her apparel, such as a barbershop or beauty parlor, shoe repair, tailoring or dressmaking, optician, clothing rental shop, photographic studio and other similar services. A personal service shop is not a home occupation.

POCKET PARK - A very small tract of land established within a conservation subdivision, designated and used by the public for active and passive recreation. These are often only large enough for a small garden, playground, picnic table or park benches.

POLLUTANT AND POLLUTANTS OF CONCERN - Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste, ballast discharged into water and pollutants discharged to air which may cause or might reasonably be expected to cause pollution of the waters or air of the state in contravention of the standards or guidelines as defined by NYSDEC in its regulations or guidance documents.

POND – A man-made body of water constructed for farm or recreational purposes.

PORTABLE ON-DEMAND STORAGE UNITS - Intended to cover any structure used for temporary storage including but not limited to portable on demand storage (PODS), storage and semi-trailers, or commercial box vans that are parked for temporary construction, or during renovation, or moving preparation.

PRELIMINARY PLAT – A map or plan with supporting documentation, showing the proposed layout of the subdivision that is submitted for preliminary subdivision approval.

PREMISES - Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

PRINCIPAL BUILDING - A building in which is conducted the main or principal use of the lot on which such building is located.

PRINCIPAL USE - The primary use of land or buildings as distinguished from a subordinate or accessory use.

PRIVATE CLUB – A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.

PRIVATE STABLE - A structure and/or use relating to the raising, riding, boarding, training or keeping of horses or other similar animals and part of a farm operation. This shall not include a riding academy and similar activities relating to the hiring or renting of such animals for recreational use.

PUBLIC BUILDING – Any building used exclusively for public purposes by any department or branch of government, buildings of an institutional nature and serving a public need such as a post office, police station, and fire station.

PUBLIC UTILITY - A privately or publicly owned facility, considered an essential service, that serves the general public, and who or which is or are subject to the jurisdiction, supervision, laws and regulations prescribed by or pursuant to provisions of the New York State Public Service Law, the NYS Public Service Commission or Title 16 of the New York Code of Rules and Regulations.

PURE TONE - A sound having a single pitch.

QUIET ZONE (SPACE) - Any place normally associated with quiet or peaceful activity, including but not limited to a school, church, cemetery, Veterans' Parks, wildlife, nature preserve health-care facility, clinic or courthouse while the same is in session or conducting business therein.

RECLAMATION - The conditioning of disturbed land to make it suitable for any future productive use, including but not limited to the planting of forests, the planting of crops for harvest, the seeding of grass and legumes for grazing purposes, the protection and enhancement of wildlife and aquatic resources, the establishment of recreational, residential, commercial, industrial and historical sites or for other uses demonstrated to be consistent with the policy of the Town and/or the NYSDEC.

RECLAMATION PLAN - A description of operations to be performed by the applicant to reclaim the land to be mined over the life of the mine. The reclamation plan shall include maps, plans, the schedule for reclamation, written material and other documents as required by the Town and/or the NYSDEC.

RECREATIONAL AREA AND/OR FACILITY, NONPROFIT - A place designed and equipped for the conduct of sports and leisure time activities, which is not conducted or utilized for financial benefit of the owner thereof and is under the sponsorship of a charitable organization or group. This use does not include Motorized Vehicle Race Track or Course; which is a use not permitted.

RECREATIONAL COURT –Operated by a private landowner and open only to friends and family of that landowner including but not limited to tennis, basketball, volleyball. A Recreational Court does not include playing fields, playgrounds, or use for any motorized vehicle.

RECREATIONAL VEHICLE (RV) – A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes. These include but are not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. See 180-58 (II) for personal use of recreational vehicle.

RECREATION FACILITY, PRIVATE - A place designed and equipped for the conduct of sports and leisure time activities, are available to people of all ages and which are conducted and utilized for financial benefit of the owner thereof which is available to a closed set of individuals or members. This use does not include Motorized Vehicle Race Track or Course, go carts and paint ball; which are uses that are not permitted.

RECREATION FACILITY, OUTDOOR – shall mean a recreation facility conducted wholly or partially outdoors such as but not limited to tennis and other courts, baseball fields, mini-golf, golf, driving range, and other similar uses. This use does not include a Motorized Vehicle Race Track or Course, go carts and paint ball; which are uses that are not permitted.

REDEVELOPMENT - The reconstruction or modification of any previously developed land, regardless of use, which involves disturbance to soil or its existing overlying cover.

RESEARCH OR TESTING FACILITY - A commercial structure and/or use for planned search or critical investigation and the translation of research findings or other knowledge into a plan or design for a new product or process or for a significant improvement to an existing product or process whether intended for sale or use.

RESIDENTIAL CLUSTER - See Chatham Town Code, Chapter 135 Conservation Subdivisions.

RESTAURANT - A use or structure in which prepares and serves food and/or drink is prepared and served to customers in return for money, including dining at such location, take-out or for delivery.

RETAIL SALES - The use or act of making goods and/or commodities available for purchase or lease to the public, with the intent that such goods shall be utilized directly by the purchaser and not resold.

RETAIL STORE/SHOP - The location or structure from which retail sales is conducted.

RIDGE TOP OR RIDGELINE - The long, narrow crest or horizontal line of hills or mountains, usually at the highest elevation.

RIDING ACADEMY - The use of land for the provision of commercial equine activities including, but not limited to riding lessons, trial riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such products. Under no circumstances shall this use be construed to include operations whose primary on site function is horse racing.

ROAD – Any vehicular way that is an existing state, county or Town roadway, or shown upon a subdivision plan approved pursuant to Chapter 170 of the Town of Chatham Subdivision Law, or one shown on the official map of the Town of Chatham, if any. A street and road shall be synonymous. A road collects traffic and provides access to residences, commercial uses, and farms.

ROOMING HOUSE – A dwelling unit or part thereof in which, for compensation, lodging and meals are provided for long-term residency by an individual or individuals for more than 30 days at a time.

RURAL ROAD – A low-volume road either paved, or gravel, serving primarily residences, farms, agricultural lands or recreational lands. A low volume road generally has less than 400 cars per day.

RURAL CHARACTER – Chatham’s rural landscape pattern is typically a patchwork of lands shaped by current or past ‘countryside’ economic activities such as agriculture, forestry, or low density residential uses, interspersed with open spaces left or reverting to a natural state. There are local concentrations of population and structures in hamlets or the Village of Chatham, but these are typically of limited size. The Village of Chatham is a typical rural village in that it is larger than hamlets and has a higher share of structures devoted fully or partially to commercial activity. Rural villages do not have an extensive street grid or transportation network and have a pedestrian scale limited to a few blocks in breadth. Hamlets typically have a fairly well-defined border/buffer of undeveloped open spaces and agricultural lands. Hamlets are typically located at key road crossings, near important civic structures such as places of worship, or adjacent to historically important natural features like streams. These areas have a diverse mix of lot size and architectural styles. Historic structures from various periods in the community’s life are present. Outside these population ‘centers’, residents typically occupy a range of residential types such as estates, farmsteads and more modest homes. Features of active or past agricultural activity are often present, including but not limited to: crop fields, hay fields, livestock pasture, corrals, orchards, farm buildings such as barns or silos, stonewalls, windbreaks, hedgerows, or woodlots. Most of Chatham’s local roadways tend to be narrow and curvy with limited driveways or crossroads. Many rural roads are unpaved and lined with trees, fences, or stonewalls. Rural character also embodies a quality of life based upon traditional rural landscapes, activities, lifestyles, and aesthetic values. Rural areas are characterized by a balance between the natural environment and human uses with low-density residential dwellings, farms, forests, mining areas, outdoor recreation and other open space activities. "Rural character" shall also be defined as the patterns of land use and development:

- In which open space, the natural landscape, and vegetation predominate over the built environment;
- That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- Citizens understand and value the nature of farming and the role it plays within the town;
- That provide visual landscapes that are traditionally found in rural areas and communities;
- That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- That generally do not require extensive municipal services; and
- That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

SECOND HOMEOWNER – A person that owns a dwelling unit within the Town of Chatham and that intends to occupy it as their residence for part of the year in addition to a primary residence located

elsewhere.

SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited or has been removed from its site of origin by erosion.

SEDIMENTATION - The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse or wetland.

SELF STORAGE FACILITY - Commercial structures divided into spaces that are rented to consumers for storage of possessions on a weekly, monthly or other similar periodic basis.

SELF-STORAGE CONTAINER - A large container designed and rented or leased for the temporary storage of commercial or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

SENIOR HOUSING - Independent living apartments or cottages, condominiums, in-law apartments, co-housing, adult homes, and Continuing Care Retirement Communities (CCRC's).

SENSITIVE ENVIRONMENTAL FEATURE - Refers to a natural resource that has a high potential for significant damage or degradation from direct or cumulative impacts arising from new development or shifts in existing land uses. Some sensitive environmental features have been inventoried mapped or identified as being locally, regionally, nationally, or globally significant for its rarity and/or degree of threat faced. Typical examples include but are not limited to, wetlands, streams/river corridors, steep slopes, floodplains, highly erodible soils, and aquifer recharge and discharge areas, and habitats of rare or endangered species.

SEQRA - This stands for the State Environmental Quality Review Act which is the New York State law that regulates when and how environmental reviews for development projects will be done.

SETBACK - The distance between a building and any lot line.

SCHOOL, PRIVATE - A use, structure(s) or institution for learning and subsidized by non-public, non-governmental or other similar funding.

SCHOOL, PUBLIC - A use, structure(s) or institution for learning and subsidized by taxes, governmental or other similar funding.

SHORT-TERM RENTAL – A residential dwelling unit or portion thereof used for temporary lodging use that is not a hotel or motel, in which a dwelling unit or portion thereof is provided to by transient guests for a fee for fewer than 30 consecutive nights by a Chatham resident or a second-homeowner, and where the owner of the dwelling does not typically occupy the structure when the transient lodgers are present. A dwelling unit or portion thereof that is used by the same individual or individuals for 30 or more consecutive nights shall not be considered is not a short-term rental. The principal use of a

property used for short-term rentals shall continue to be residential and not commercial. A short-term rental shall not be operated as a rooming house, bed and breakfast, inn, motel or hotel.

SIGN - Any object, device, display, or structure, or part thereof, situation outdoors or indoors that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN, OFF-SITE - A sign at a location other than the premises on which the business, commodity, service, or organization is conducted, sold, or offered.

SIGN, ON-SITE - A sign relating in its subject matter to the premises on which it is located, or to product, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SIGNS, NUMBERS AND SURFACE AREA

(1) For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

(2) The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign, and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SIGN, TEMPORARY – on-site and off-premise signs placed for no more than thirty days prior to an event or election and no more than seven days after such event or election.

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SINGLE OWNERSHIP – Properties owned or controlled by the same individual, corporation, partnership or other entity as shown on the deed.

SITE PLAN REVIEW AND APPROVAL – The review and approval by the Planning Board of an application for development using a systematic process that starts with the overall design concept and ends with evaluation of design details pursuant to Town Law 274-a.

SITE PREPARATION - The activities of stripping, excavation, filling, grading and compacting, no matter what the purpose of these activities.

SKETCH PLAN - A concept or informal map of a proposed subdivision or site plan that has sufficient accuracy to be used for the purpose of discussion during the initial stages of a review process.

SMALL MINE – an extractive operation removing less than 750 cubic yards of mineral per year and that does not require a NYSDEC Mining Permit. Small mines shall meet requirements of 180-39. Operations extracting less than 100 cubic yards shall be considered a grading operation and shall require a grading permit as per 180-54. Small mines that solely support a farm operation or town road maintenance uses shall be exempt from 180-23.1 and 180-39 unless a NYS DEC Mining Permit is required.

SMALL RECREATION AREA – A parcel of land located within a conservation subdivision and used for public, non-commercial recreation including but not limited to playground, ballfields, soccer fields, picnicking, tennis, basketball, volleyball, swimming pools, and community gardens.

SOIL - All unconsolidated mineral or nonliving organic material of whatever origin which overlies bedrock.

SOLAR FARM – Energy generation facility or area of land equal to or greater than 40,000 square feet principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy solely into a utility grid for sale to the general public. A community solar farm is a solar farm whose electricity is shared by more than one household.

SOLAR PANEL – A photovoltaic (PV) panel which generates electricity from solar radiation.

SOUND - An oscillation in pressure, partial velocity or other physical parameter in a medium with internal forces that cause compression and rarefaction of the medium.

SOUND-LEVEL METER - An instrument, including a microphone, an amplifier, an output meter and frequency-weighting networks, used for the measurement of sound in a specified manner and calibrated in decibels.

SOUND REPRODUCTION DEVICE - Any device, instrument, mechanism, equipment or apparatus for the amplification of any sounds from any radio, phonograph, stereo, tape player, musical instrument, television, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.

SPECIAL USE PERMIT - A land use which is deemed permissible within a given zoning district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Planning Board in accordance with conditions set forth for such use, as well as other applicable provisions of this law.

STAND, ROADSIDE OR FARM - A temporary structure including small buildings, carts, wagons, or stands for the seasonal and temporary display and sale of farm products from the farm at which the stand is located.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) - The system established pursuant to Article 17 of the ECL and 6 NYCRR Part 750 for issuance of permits authorizing discharges to the waters of the state.

STEEP SLOPES - Any slope with topographic gradient of 15% or higher.

Slopes of 15% but less than 25%. These slopes are defined and measured as sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal when there are five (5) adjacent contour intervals of two (2) feet each so that in aggregate, they delineate a slope of at least fifteen (15) percent but less than 25%.

Slopes of 25% or more. These slopes are defined and measured as sloping twenty-five (25) feet or

more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each so that in aggregate, they delineate a slope of at least twenty-five (25) percent.

STORAGE FACILITY – An enclosed structure used for the commercial storing of any item including vehicles such as but not limited to travel trailer, car, boat, or recreational vehicle.

STRIPPING - Any activity which removes or significantly disturbs soils, trees, brush, grass or any other kind of vegetation.

STRUCTURE - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, swimming pools, mobile homes, walls, fences and tennis courts.

SUBDIVISION – The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development, or lease.

SUBSIDIZED RENTAL UNIT - Assistance toward rental or purchase price from public or private agency. This is different from "affordable housing"

SUPPORT STRUCTURE - A structure defined and constructed specifically to support an array antenna, and may include a monopole, self-supporting (lattice) tower, guy wire support tower and other similar structures. Any device which is used to attach a tower facility to an existing building or structure shall be included in this definition.

SWIMMING POOL - Any structure intended for swimming or recreational bathing capable of containing water over twenty-four inches deep (six hundred and ten centimeters) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, PRIVATE WITH FENCE - A swimming pool intended solely for personal use in conjunction with a residence and not open to the public, which in accordance with the NYS Fire and Building Code, necessarily requires the installation of a protective barrier surrounding such pool to prevent unwanted access.

SWPPP - The stormwater pollution prevention plan as required by NYSDEC.

TEMPORARY LIVING STRUCTURE – A structure, including a mobile or manufactured home that is erected solely in conjunction with construction work, without any foundation or footings, and that is removed when the designated time period for which the temporary residential use of the structure has expired. A recreational vehicle or travel trailer is not a temporary living structure (see Travel Trailer).

THEATER - A use or structure where performances or motion-picture shows can be presented.

TIMBER HARVESTING - The felling of trees for commercial lumber or firewood production.

TOPSOIL - The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six inches within an undisturbed area of soils.

TOTAL MAXIMUM DAILY LOAD (TMDL) - The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of the pollutant.

TOWER FACILITY or FACILITY - See "communication or broadcast towers and facilities."

TOWN HOUSE - A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof with open space on at least two sides.

TRAVEL TRAILER/RV - Any portable vehicle or structure which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home. Also known as a recreational vehicle.

TRAVEL TRAILER STORAGE FACILITY – A parcel, lot or structure used for the storage of a travel trailer and other motorized or non-motorized vehicles.

UNREASONABLE NOISES - Any noise which is defined in §180-49 hereinafter.

VARIANCE - A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

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

VARIANCE, USE - A variance from the use regulations to allow the establishment on a specific lot of a use otherwise prohibited in the district.

VEGETATIVE COVER - Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

VERNAL POOL – A wetland in a small, shallow depression within an upland forest. Vernal pools have a physical isolation from navigable bodies of water, do not support fish and provide essential breeding habitat for certain amphibians and invertebrates. Vernal pools are flooded in spring or after a heavy rainfall but are usually dry during summer and fill again in autumn. In the winter vernal pools may be frozen over after having been filled with fall rains. In the spring, usually around mid-March through April, the pools melt, and amphibians begin to lay their eggs there.

VETERINARY OFFICE - A building or use where the practice of the profession of veterinary medicine is carried out and shall include diagnosing, treating, operating, or prescribing for any animal disease, pain, injury, deformity or physical condition, or the subcutaneous insertion of a microchip intended to be used to identify an animal. Boarding facility shall be ancillary use only for animals treated in the veterinary office and this use shall not include kennels, boarding facility or animal camps.

VIEW SHED – The geographical area that is visible from a location. It includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, trees).

WASTEWATER - Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

WATER BODY - Any natural or man-made body of water, such as a pond, lake, wetland, or wet area which does not necessarily flow in a definite direction or course.

WATERCOURSE - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainageway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and bank and any area adjacent thereto subject to inundation by reason of overflow, flood or stormwater. For the purpose of this chapter of the Town Code, the term "watercourse" shall be deemed to include ponds and lakes.

WATER RECREATION - Activities, sports or hobbies which occur, whether in whole or in part, in, on, around or related to water, including but not limited to swimming, boating, fishing, and water skiing.

WATER STORAGE - A use or structure intended to retain water for current or future consumption or use, including but not limited to water towers, reservoirs and dams.

WAREHOUSE - A building or part of a building for storing of goods, wares and merchandise, whether for the owner or for others, and whether for a public or private use.

WEDDING RECEPTION, PARTIES, OR PRIVATE EVENT FACILITY - A commercial activity at a location where events are held, including but not limited to weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not limited to tents, gazebos, barns, open areas, and residential structures. Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees shall not be considered commercial events. Similar eEvents held by not-for-profit organizations by and for their membership shall not be considered commercial events.

Wedding Reception, Parties, Private Event Facility as part of a Farm Operation: On-farm wedding receptions, parties and special events (eg. Harvest festivals, ag-tourism, tastings, petting zoo) including charitable events, held at farms which market their crops as wine, beer, cider and distilled spirits or food products grown on the farm are considered by New York State to help market the farm's product. New York State considers such activities as part of a farm operation under certain conditions. The events, whether public or private must be 1) directly related to the sale and promotion of the beverage produced at the farm (from at least 51% on-farm produced grain, hops, grapes/fruit/juice) or directly related to the sale and promotion of theh crops, livestock and livestock products produced at the farm; 2) incidental and subordinate to the retail sale of the farm's crops, livestock and livestock products or beverages on-site; 3) hosted by the farm (not outside, unleased parties); and 4) feature the beverage or the farm's crops, livestock and livestock products produced at the farm. These events shall be incidental to the farm operation only when

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the gross annual sales from the event sales does not exceed 30% of the total gross sales from the retail sale on-site of the product produced at the farm at such events. The primary purpose of the event is to sell the farm's agricultural commodities and not to gain admission fees, rental income, or other income. Wedding receptions, parties, and private event facilities that do not meet these criteria even when located on a farm premise shall not be considered part of the farm operation.

WETLANDS - Any wetlands, as that term is defined by the NYS DEC in Article 24 Fresh Water Wetlands, Title 23 of Article 71 of the ECL and or as defined by Section 404 of the Clean Water Act, or as otherwise Protected by the Code of the Town of Chatham.

WHOLESALE - The use or act of making goods and/or commodities available for purchase or lease, with the intent that such goods shall be resold.

WIND TURBINE or MILL –

1. When not used in connection with farm operation, a wind mill is defined as a single wind turbine with a generating capacity of 27.5 kW or less designed solely for on-site power consumption except that unused or excess power may be sold to an electrical utility company in accordance with the provisions of Section 66-l of the New York State Public Service Law.

2. When used in connection with “farm operation” as such is defined in Section 301, subdivision 11 of the New York State Agriculture and Markets Law (NYSAML), a Wind Mill is considered an on-farm building and is further defined as a single wind turbine designed solely for on-site power consumption as governed by the NYSAML and/or Section 66-l of the New York State Public Service Law.

WORKFORCE HOUSING - ALL housing that is built to be affordable to someone who can't afford market rate housing. Workforce housing also refers to housing near particular job centers affordable to the people who have those jobs, whatever they are.

ZERO-LOT LINE - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ARTICLE III, Establishment of Districts and District Regulations

§180-10. Zoning Map and districts.

The Zoning Maps officially entitled "Chatham Zoning Map" and Environmental Protection Overlay Maps are hereby adopted as part of this chapter. The maps show a division of the Town into the following districts:

H-1	Hamlet One
H-2	Hamlet Two
RL-3	Rural Lands Three
RL-2	Rural Lands Two
RL-1	Rural Lands One
B	Business
I	Industrial
T-1	Tower One
T-2	Tower Two
T-3	Tower Three
M	Mining Floating
EPO-1	Environmental Protection Overlay –Steep Slopes
EPO-2	Environmental Protection Overlay – Scenic Views/Ridge Lines

§180- 11. Copies of Zoning Map.

Regardless of the existence of other printed copies of the Zoning Map, which from time to time may be made or published, the official Zoning Map, which shall be located in the office of the Town Clerk and available on the Town website, shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the Town.

§180- 12. District boundaries.

District boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. The abandonment of roads by the Town pursuant to the New York State Highway Law shall not affect the location of such district boundaries. When the Zoning Enforcement Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Board of Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this chapter.

§180-13. Lots.

A. Lots which abut on more than one street shall provide required frontage along every street, unless specifically excepted by this chapter.

B. Projections into minimum yard.

- (1) All structures, whether attached to the principal structure or not, and whether open or enclosed, shall not project into any minimum yard.
- (2) Overhangs, cornices, bay windows, etc., may project two feet six inches into a minimum yard.
- (3) Porches without roofs, balconies not acting as roofs and entrance steps may project five feet into a minimum yard for a width not exceeding 16 feet.
- (4) Structures essentially at grade level, such as paved terraces and retaining walls less than two feet in height, may project into minimum yards but may not be closer than four feet to any lot line.
- (5) Open fences and railings less than three feet in height are excluded from minimum yard requirements. Fences up to six feet in height are excluded from side and rear yard requirements and may project four feet into the front yard.

C. Zero Lot Lines. A zero-lot line development may be done only in conjunction with the subdivision of property through a major subdivision located within any hamlet district. The Planning Board shall specifically approve of use of a zero-lot line layout. Each plat prepared pursuant to these zero lot line standards shall contain the following notation on the face of the plat:

“This plat has been approved under the provisions of Chapter 134 and 180 relating to zero lot line construction. No building permit may be issued for any construction upon the lands encompassed within this plat except in strict conformity with the restrictions contained in the Town of Chatham Code.”

(1) Zero lot line design standards. Notwithstanding any other provision in Chapter 180, a zero-lot line development may be approved and thereafter developed in conformity with the following design standards:

- (a) All dwellings constructed within the zero-lot line development shall be so constructed as to share a common property line with an adjoining parcel or lot.
- (b) All lots located within the zero-lot line development shall be a minimum of 20,000 square feet if water and sewer are available, or 1 acre if an individual septic system is to be provided for.
- (c) All lots located within a zero-lot line development shall be designated as having the following property lines:
 - (i) Front street property line, which shall be the property line adjacent to the street or public thoroughfare by which access is gained to the lot;
 - (ii) Rear lot line, which shall be the lot line opposite the front street property line;
 - (iii) Interior property line, which shall mean the lot line shared with the adjoining parcel or lots except for corner lots, where the side street property line shall be known as the side street property line;
 - (iv) Common property line shall mean the property line on which the dwelling structure is located, and which is shared with an adjoining property owner;
 - (v) The dwelling unit shall be placed upon only one interior property line with zero setbacks.

(2) All dwelling units shall be placed a minimum of 15 feet from the rear property line and a minimum of 25 feet from the front street property line.

- (3) All dwelling units shall be placed a minimum of 15 feet from the side street property line, or 10 feet from the interior property line, as the case may be.
- (4) Accessory buildings and structures shall observe setback requirements applicable to the zone.
- (5) Each dwelling unit shall be provided with a separate water meter, electric meter, gas meter (if applicable), and septic system (if applicable), wholly contained on its lot.
- (6) No zero lot line shall be allowed for the yard adjacent to a public or private street.
- (7) A minimum of two off-street parking spaces shall be provided on each platted lot.
- (8) Each dwelling shall be located on its own individual platted lot

D. Lots in Existence. In any district, notwithstanding limitations imposed by other provisions of this chapter, a single lot in existence on July 2, 1972, may be built upon subject to the following conditions:

- (1) Such lot must be in separate ownership, and not of continuous frontage with other such lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width of the lot shall conform to the regulations for the district in which the lot is located.
- (2) Notwithstanding separate deeds or legal descriptions, all lands which are contiguous or separated by a Town or county road, and are in single ownership, shall be considered to be a single parcel for the purpose of this chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot width or area below requirements stated in this chapter. If any of these lots contain more than one main dwelling or structure, the Zoning Board of Appeals will give consideration to a variance.

E. Lot Coverage. In all districts, structures may not cover more than 30% of the lot. In a conservation subdivision, an individual structure on a lot may exceed this requirement but the overall project may not.

F. Multiple Principle Uses on One Parcel Prohibited. In all districts, parcels may not have more than one principle use.

- (1) A principle structure may have an accessory structure as per 180-36.

G. Flag Lots No subdivision of property shall result in the creation of a flag lot.

§180-14. Height regulations.

Except for farming purposes, in all districts structures shall not exceed a height of 35 feet above average ground level. District building height regulations shall not apply to barns, grain elevators, silos, flagpoles, radio or television antennae, transmission towers or cables, spires, or cupolas, chimneys, elevator or stair bulkheads, parapets or railings, water tanks or cooling towers, or any similar structures, provided

that such structures in their aggregate coverage occupy no more than 10% of the roof area of the building. The Zoning Board of Appeals (ZBA) may authorize a variance to the height regulations in any district, provided that the ZBA determines to grant the variance in accordance with the standards applicable to area variances in this Zoning Law.

§180-15. District objectives and land use controls.

A. In all districts, uses are subject to rural siting and development standards designed to reduce intensity of use, limit pollution, limit discharges to air water and soil, limit traffic, protect paved and unpaved roads, and control excessive lighting. Specific purposes for each district are set forth below. The description of the purposes and objectives for each district are intended to provide guidance and detail as to the Town's vision for each district, and to aid decision-makers in making discretionary decisions.

- (1) Hamlet District. Objective: to provide areas in or adjacent to the existing hamlets with a housing density and development pattern normally found in small villages. In order to promote hamlet style development, new uses and accessory uses shall be subject to the proposed rural siting and development standards and be tailored for each hamlet area. Residential uses which could negatively impact the hamlet areas should be allowed only via a special use permit. For non-residential uses, Hamlet District should accommodate, by special permit, limited commercial facilities to serve the hamlet in which they are located and the immediate surrounding areas. This district promotes mixed-use cores where all new non-residential structures be subject to the proposed rural siting and development standards, site plan review and special use permits to assure consistency with hamlet character. Each hamlet has siting criteria and size limitations for certain non-residential uses.
- (2) Rural Lands Districts. Objective: To provide for areas in Chatham having low density residential and low intensity uses that are consistent with agricultural uses and conservation of the Town's environment and compatible with surrounding rural lands.

(RL-1): Is the district having the lowest intensity of uses in Chatham where principal uses are single-family and two-family dwellings, agricultural uses, and home occupations. Other uses are allowed provided there is compatibility between the use and the surrounding rural lands.

Rural Lands 2 (RL-2): This district contains the majority of farm lands in Chatham and its' purpose is to prevent incompatible uses which might destroy the agricultural environment of the area. Principal permitted uses in this district are oriented to farming and farm-related agricultural activities and low density residential uses. Specially permitted uses are allowed only when they do not interfere with agricultural activities.

Rural Lands 3 (RL-3): This district provides space for rural residences at a higher density where soils have good surface drainage characteristics and on-site sewer systems would properly function. Large minimum acreages are required for uses with potentially large impacts on the surrounding residential area.

- (3) Business District (B). Objective: This district provides for commercial activities to supplement existing business areas in the town, and to serve those businesses that are highway oriented and/or that require large areas. Retail businesses here are oriented to serve local-scale needs and have performance criteria to control large parking lots, large volumes of traffic, and

environmental wastes (low air emissions and low volume of discharge to nearby water bodies). Building footprints are limited to ensure consistency and scale with surrounding rural character.

- (4) Industrial District. Objective: This district provides locations for the establishment of small-scale manufacturing and industry to provide for economic growth, employment opportunities and a broadening of the tax base in Chatham. The District locations provide easy highway access points and do not conflict with major residential areas. Zoning supports businesses but controls large parking lots, large volumes of traffic, and environmental wastes (low air emissions and low volume of discharge to nearby water bodies). Building footprints are limited to ensure consistency and scale but allow for larger buildings as per the dimensions table for this District.
- (5) Tower 1, 2 and 3 Districts. Objective: These districts are established to allow for the development of telecommunications towers located in appropriate locations with development standards (180-23 and 180-38).
- (6) Mining Floating Zone. Objective: This district is established to allow for mining in a manner that considers the health, safety and general welfare of the residents by removing dangers created by excessive noise and/or light, excessive quantities of dust, deep excavations remaining in the ground; traffic dangers; exposure of the bare earth to wind action and other natural elements; creation of artificial pools of water; pollution of water; danger to the groundwater, watershed, wildlife resources, including flora and fauna, and destruction of natural drainageways. This district is designed to mitigate impacts and to assure that any mining is compatible with the character of the surrounding community, and to prevent excessive noise; prevent land from being left in a hazardous state; prevent soil erosion; protect the natural vegetative cover of such land; and prevent destruction of natural drainage ways. At the same time, it is recognized that the mining provided for in this Mining Floating Zone is necessary and useful and should be allowed when not in conflict with the express purposes of this section.
- (7) Environmental Protection Overlay Zones. Objective: Two environmental protection overlay districts are established to provide special controls over land development located in sensitive environmental areas within the Town of Chatham.

B. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered, unless in conformity with the regulations herein specified for the district in which it is located. Uses of land and/or buildings not permitted by this Zoning Law are prohibited.

C. No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, and/or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts, than specified herein for the district in which such building is located.

D. No part of a required minimum yard or other open space around any building shall be included as a part of a yard or other open space similarly required for another building.

E. With regard to parcels located on Town roads, the front yard is to be measured from the center of the road. In such cases, 25 feet shall be added to the otherwise minimum required front yard.

F. The reviewing CEO/ZEO and /or the Board receiving an application made to the Town of Chatham shall review and consider GIS maps included in the Comprehensive Plan, Town Agricultural and

Farmland Protection Plan, their updates, or other studies that may be accepted by the Town Board for information and assistance in understanding impacts during its review of all applications as per this chapter.

G. Density Measurements and Net/Average Lot Sizes

- (1) Purpose: As per the Chatham's Comprehensive Plan, the Town has established community goals to protect the environment, preserve open spaces, promote farm activities, and maintain the rural character. Residential density is established in the Table of Dimensions. This density shall be considered as a base density to be adjusted to take into consideration the specific environmental sensitivities that may be present on a parcel and to ensure that the density allowed matches the capacity of that particular parcel.
- (2) Applicability. Net acreage shall be used. In the RL districts, average lot sizes may be used at the discretion of the applicant.
- (3) The density of development for any parcel in existence in the Rural districts as of the date of adoption of this Zoning Law shall be based upon the net acreage of the parcel. Net acreage shall be calculated as follows:
 - (a) Identify the total acreage (gross) of the parcel.
 - (b) Subtract all acreage on the parcel constrained with the following environmental features on the parcel:
 1. Any 100-year flood plain as defined by the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary maps as those maps now exist or as they may be amended from time to time;
 2. Wetlands, including New York State designated wetlands (excluding the 100-foot buffer), wetlands regulated by the U.S. Army Corps of Engineers or any successor agency, and wetlands as may be designated on any habitat or biodiversity map that may be developed for the Town;
 3. Lands covered by water including streams, natural lakes or ponds, or constructed water bodies including retention and detention basins; and
 4. Lands having slopes more than 25% slope.
- (4) The total gross acreage minus the environmentally constrained acreage equals the net acreage. To determine the number of allowable residential units on the site, divide the net acreage by the allowable number of acres per unit required within the zoning district. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5. The resulting number is the net density allowed on the site.
- (5) Whenever a minor or major subdivision occurs on parcels that are not subdivided into the maximum number of lots allowed by this Zoning Law at one time, the Planning Board shall require a notation to be placed on all plat maps to clearly inform the landowner(s) how many additional lots remain eligible to be created in a future subdivision.
- (6) Allowance for Average Lot Size. The Planning Board shall allow for averaging lot sizes when a subdivision takes place. Lots may vary in size provided that all local, county and state water and septic/wastewater requirements are met for each and every lot, and provided that the average size of all lots equals the density requirement of that district.

(7) **Monitoring Lot Splits.** The adjusted density calculated pursuant to this section is the total and maximum development potential for a particular parcel, regardless of the number of times a parcel is subdivided. Once this full development potential has been reached through subdivisions, no further density or subdivision activity shall be allowed. The Town of Chatham recognizes that proper administration of the average density concept is important in meeting the intent of this law. The following procedures have been established to help ensure proper monitoring of lot splits.

- (a) An official parcel map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
- (b) The Town shall maintain a record of the estimated allotment of lots and dwelling units possible under this law for each parcel under review.
- (c) The Planning Board shall calculate the number of lots allowed as per this section of this law.
- (d) A property owner submitting a minor or major subdivision plan shall be required to specify on his/her plan and on any approved final plat, which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units the parcel may have. Plat notes shall be required to indicate the total number of lots eligible to be created, the number of lots proposed to be allocated as part of the subdivision, and the number of remaining lots that could be created in future subdivisions pursuant to the density requirements of this sub-section.
- (e) As allotments are used up, the official parcel map and register shall be updated to reflect these changes. All future plat maps shall also reflect this information.
- (f) The official map and register shall be maintained by the Planning Board Clerk upon final approval of each subdivision and copies made available for inspection by the public.

H. **Use and Bulk Regulation Tables.** The following tables identifies the dimensional requirements (Table 1) and permitted uses (Table 2) for all land uses within the Town of Chatham. Uses which are not listed on this table shall be deemed prohibited uses.

Table 1. Table of Dimensions for each District¹.

	H-1	H-2	RL 1	RL2	RL3	B	I
Minimum Lot Area (Acres) or Density (dwellings per acre)	1.5 acres	1.5 acres	1 dwelling per 10 acres	1 dwelling per 5 acres	1 dwelling per 3 acres	2 acres	2 acres
Minimum Width (Feet)	150	150	300	300	300	200	200
Minimum Yard Dimensions (Feet)	25	25	50	50	50	25	25
- Front	25	25	50	50	50	-	50
- Each Side						50	50
- Rear							

¹ With regard to parcels located on Town roads, the front yard is to be measured from the center of the road. In such cases, adding 25 feet shall be added to the otherwise minimum required front yard.

	H-1	H-2	RL 1	RL2	RL3	B	I
Maximum Height (Feet)	35	35	35	35	35	35	35

Table 2: Table of Permitted Uses in all Districts

P=Permitted Use with No Planning Board Review Required. A Building Permit may be required.

SPR=Site Plan Review and Approval by the Planning Board required.

SUP= Special Use Permit Review and Approval by the Planning Board required.

X= Prohibited Use

X-(P2)= Prohibited Use and Under Further Review by Town of Chatham as Part of Phase 2 Ongoing Implementation of Comprehensive Plan

MSP= Modified Site Plan Review and Approval by the Planning Board required.

All uses not included in the table shall be deemed to be prohibited.

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
Accessory residential dwelling in existing or new accessory building	SUP	SUP	SUP	SUP	SUP	X	X	180-36
Accessory residential dwelling in existing single-family dwelling	SUP	SUP	SUP	SUP	SUP	SUP	X	180-36
Accessory buildings used for residential uses: garages, sheds, pool house, personal workshop	P if ≤200 sf; SPR if >200 sf	P if ≤200 sf; SPR if >200 sf	P if ≤700 sf; SPR if >700 sf	P if ≤700 sf; SPR if >700 sf	P if ≤700 sf; SPR if >700 sf	P if ≤700 sf; SPR if >700 sf	P if ≤700 sf; SPR if >700 sf	180-36
Accessory buildings used for commercial uses: office, studio, workshop for business, < 2000 sf in size or <50% of primary use building footprint, whichever is smaller	SUP	SUP	SUP	SUP	SUP	SPR	SPR	180-36
Adaptive reuse of buildings with an allowed use	P if new use is Permitted, SPR for Change of Use, SUP if new use requires special	P if new use is Permitted, SPR for Change of Use, SUP if new use requires special	P if new use is Permitted, SPR for Change of Use, SUP if new use requires special	P if new use is Permitted, SPR for Change of Use, SUP if new use requires special	P if new use is Permitted, SPR for Change of Use, SUP if new use requires special	P if new use is Permitted, SPR for Change of Use, SUP if new use requires special	P if new use is Permitted, SPR for Change of Use, SUP if new use requires special use	180-29 (C)

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
	use permit	use permit	use permit	use permit	use permit	use permit	permit	
Agriculture, Agricultural Land Uses, farm operation	MSP	MSP	P	P	P	P	P	180-32, 35, 52, 29 (C)
Agri-tourism on and related to a Farm Operation with no overnight accommodations	MSP	MSP	MSP	MSP	MSP	X	X	180-58 (Y) and 29 (C)
Animal Camp	X	X	SUP	SUP	X	SPR	X	180-58 (A), Maximum of 10 dogs in RL1 and RL2, 25 dogs in B
Animal hospital/Veterinary Office	X	X	SUP	SUP	SUP	SPR	SPR	180-58 (A), 30 (H), Only with access from a State or County highway
Automotive repair	X	X	X	X	X	SUP	SPR	180-58 (B) and (C)
Bank	X	X	X	X	X	SPR	X	
Bed & breakfast located on farm as part of farm operation (agri-tourism)	MSP if in a NYS Ag District; SPR If Not	SUP	MSP if in a NYS Ag District; SPR If Not	MSP if in a NYS Ag District; SPR If Not	MSP if in a NYS Ag District; SPR If Not	X	X	180-58 (D) and (Y)
Bed and breakfast (not as part of a farm operation)	SUP	SUP	SUP	SUP	SUP	X	X	180-58 (D) and (Y)
Brewery, Cidery, Winery, Distillery (as part of a farm operation)	MSP if on a farm operation in NYS Ag District	MSP if on a farm operation in NYS Ag District	MSP if on a farm operation in NYS Ag District	MSP if on a farm operation in NYS Ag District	MSP if on a farm operation in NYS Ag District	SPR	SPR	
Brewery, Cidery, Winery, Distillery (not as part of a farm operation)	X	X	SUP	SUP	SUP	SPR	SPR	Only with access from a State or County highway
Campground	X	X	SUP	SUP	X	X	X	180-58 (HH)

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements	
Care taker dwelling	SUP	SUP	SUP	SUP	SUP	SUP	SUP	See Accessory Dwelling	
Cemetery	X	X	SUP	SUP	X	X	X	180-58 (E), requires 3-acre minimum lot size	
Child Day Care Center serving more than six children	SUP	SUP	SUP	SUP	SUP	SUP	SUP	180-58 (F), Only with access from a State or County highway	
Community Center	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP	SUP only if an adaptive reuse of existing structure	180-58 (G), maximum building footprint of 2,500 square feet, <u>Only with access from a State or County highway</u>	
Commercial day care (children, elders)	SUP	SUP	X	X	X	SPR	SPR	180-58 (F)	
Commercial horse boarding	MSP	MSP	MSP	MSP	MSP	X	X	Minimum lot size of 7 acres	
Commercial recreation, Indoor	X	X	X	X	X	SPR	X	180-58 (G)	
Communication or Broadcast Tower or Facility	See 180-23. Allowed only in T1, T2, and T3 districts								
Continuing Care Retirement Communities including nursing home	SUP	SUP	X	X	SUP	X	X	See also 180-58 (FF), Only with access from a State or County highway	
Convenience Store no drive thru	X	X	X	X	X	SUP	SUP	180-58 (K)	
Day Camp	X	X	SUP	SUP	X	X	X	180-58 (HH), Only with access from a State or County highway	
Dry Cleaner	X	X	X	X	X	SUP	SUP	180-30 (H)	
EV charging station	P	P	P	P	P	P	P		

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
Excavation as part of construction of other permitted use	P	P	P	P	P	P	P	180-54
Family Child Day care in home up to six children	P	P	P	P	P	P	P	180-58 (F)
Farm market (on a farm) - indoor selling	MSP when in a NYS Ag District	MSP when in a NYS Ag District	MSP when in a NYS Ag District	MSP when in a NYS Ag District	MSP when in a NYS Ag District	SPR	X	180-29 (C) for MSRP
Farm Worker Housing	MSP	X	MSP	MSP	MSP	X	X	180-36 (A) (8) and 180-62 (B)
<u>Food Processing as part of Farm Operation</u>	MSP	MSP	MSP	MSP	MSP	X	X	
<u>Food Processing not as part of Farm Operation</u>	X	X	X	X	X	X	<u>SUP</u>	
Forestry	See LL of 2018 Timbering Law							
Fuel Storage facility not farm-related	X	X	X	X	X	SUP	SUP	180-58 (H)
Funeral Home	SUP	SUP	X	X	SUP	SPR	SPR	
Group Homes	P	P	P	P	P	P	P	180-58 (I)
Health club	X	X	X	X	X	SPR	SPR	180-58 (G) <u>Access only from State or County highway</u>
Healthcare and/or dental offices	X	X	X	X	X	SPR	SUP	180-58 (R)
Home occupation - minor	P	P	P	P	P	P	P	180-41
Home occupation - intermediate	SPR	SPR	SPR	SPR	SPR	SPR	SPR	180-41
Home occupation - major	SUP	SUP	SUP	SUP	SUP	SPR	SPR	180-41
Hotel or motel	X	X	X	X	X	SUP	SUP	180-58 (GG)
House of worship	SPR	SPR	SPR	SPR	SPR	SPR	SPR	
Hunting Preserve	X	X	SUP	SUP	X	X	X	As per Appendix B and 180-58 (J)

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
<u>Inn</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>SUP</u>	<u>X</u>	<u>108-58 (GG)</u>
Kennels	X	X	SUP	SUP	X	SPR	X	180-58 (A), Maximum of 10 dogs in RL1 and RL2, 25 dogs in B
Library	SPR	SPR	X	X	SUP	SPR	X	
Light industry and light manufacturing	X	X	X	X	X	X	SUP	180-34 and 180-58 (N)
Limited commercial facility, no drive through operation, not part of farm operation, < 3000 sf	SUP	SUP	X	X	X	SPR	SPR	180-30 (H) and shall not exceed 3,000 square foot building footprint
Membership Club	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP only if an adaptive reuse of existing structure	SUP	SUP only if an adaptive reuse of existing structure	180-58 (G), maximum building footprint of 2,500 square feet, <u>Only with access from State or County highway</u>
Mini-warehouse/self-storage	X	X	X	X	X	SPR if in an existing building; SUP if in new building	SPR if in an existing building; SUP if in new building	180-58 (L)
Mining	See 180-24. Allowed only with establishment of a Mining Floating Zone							
Mixed-use (residential & commercial) in one structure	SUP	SUP	X	X	X	SUP	SUP	
Motor vehicle salesroom, sales lot with auto repair as accessory use	X	X	X	X	X	SUP	SUP	180-58 (B), must be screened from view from road
Museum, art gallery, theater or cultural facility, nature	SUP	SUP	X	X	X	SPR	SPR	180-58 (M) and (U)

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
center/ecology outdoor use								
Multi-unit residential dwelling <4 units	SUP	SUP	X	X	SUP	X	X	180-58 (FF)
Non-Commercial Forestry & Timbering > 1 acre	See Local Law # of 2018 Timbering Law							
Non-commercial Forestry and Timbering < 1 acre	See Local Law # of 2018 Timbering Law							
Nursery/Greenhouse Structure	MSP if on a farm operation in NYS Ag District, regulated as retail operation if not	MSP if on a farm operation in NYS Ag District, regulated as retail operation if not	MSP if on a farm operation in NYS Ag District, regulated as retail operation if not	MSP if on a farm operation in NYS Ag District, regulated as retail operation if not	MSP if on a farm operation in NYS Ag District, regulated as retail operation if not	SPR	SPR	
Office building	X	X	X	X	X	SPR if ≤2000 sf; SUP if > 2000 sf to 20,000 sf	SPR if ≤2000 sf; SUP if > 2000 sf to 30,000 sf	180-58 (R), maximum 20,000 square foot building footprint in B and 30,000 sf in I
Outdoor Firing Range	X	X	SUP	SUP	X	X	X	As per Appendix B and 180-58 (J)
Outdoor Wood Furnaces	X	X	SPR	SPR	X	SPR	SPR	180-58 (S)
Personal Service ≤ 2,000 sf	SUP	SUP	X	X	X	P if in existing structure, SPR if new	P if in existing structure, SPR if new	
Pond Associated with Farm Operation	MSP	MSP	MSP	MSP	MSP	X	X	180-58 (CC)
Pond or Detention Basin for Residential or Non-farm	SPR	SPR	SPR	SPR	SPR	X	X	180-58 (CC)

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
Commercial Use								
Portable temporary outdoor storage pods for residential	P	P	P	P	P	P	P	180-58 (Q)
Private club	X	X	X	X	X	SUP	X	
Private school	X	X	X	X	X	SUP	SUP	180-58 (AA)
Private Outdoor recreational court or athletic field	P; SUP if more than 1	P; SUP if more than 1	P; SUP if more than 1	P; SUP if more than 1	P; SUP if more than 1	P	P	180-58 (G)
Private swimming pools >300 sf surface area	P	P	P	P	P	X	X	180-58 (DD)
Private swimming pools above ground and ≤300 sf surface area	P	P	P	P	P	X	X	180-58 (DD)
Public building	SUP	SUP	SUP	SUP	SUP	SUP	SUP	Must provide landscaped buffer when adjacent to a residence
Public Utility	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
Recreation facility, outdoor (commercial)	X	X	X	SUP	SUP	SUP	X	180-58 (G), Only with access from a State or County highway
Research or testing laboratory	X	X	X	X	X	SUP	SPR	180-58 (N)
Residential cluster/Conservation Subdivision	See Chapter 135					X	X	
Restaurant, no drive through	SUP	SUP	X	X	X	SPR	SPR	180-58 (O), maximum 15,000 square foot building footprint
Retail sales > 3000 square feet with a maximum of 20,000 sf in B and 30,000 sf in I districts. For retail sales ≤3000 sf, see limited commercial facility	X	X	X	X	X	SPR if in existing building, SUP if in new	SPR if in existing building, SUP if in new	180-58 (EE), maximum 20,000 square foot building footprint in B and 30,000 sf in I

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
						building	building if the retail sales are accessory use to principal industrial use	
Riding academies	SUP	SUP	MSP	MSP	MSP	X	X	
Rooming House	SUP	SUP	SUP	SUP	SUP	X	X	
Senior Housing	SUP	SUP	X	X	X	SUP	X	See also 180-58 (FF)
Short-term rentals (e.g., Air BnB)	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	X	X	180-58 (Z)
Single-family Dwelling	P	P	P	P	P	X	X	
Small Mine	X	X	SUP	SUP	X	X	X	180-39
Small recreational area and pocket park (as part of a conservation subdivision)	P	P	P	P	P	SPR	X	180-58 (V)
Solar farms, only in NYS Agricultural District, or as shown on Solar Overlay District map as may exist	X	X	SUP	SUP	SUP	X	X	180-58 (X)
Solar Panels for Individual On-Site Residential, Farm or Business Use up to 25 kw Ground Mounted	SPR	SPR	SPR	SPR	SPR	SPR	SPR	180-58 (W)
Solar Panels for Individual On-Site Residential, Farm or Business Use up to 25 kw Roof Mounted	P	P	P	P	P	P	P	180-58 (W)

Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
Storage (travel trailer, cars, boats, and other items)	X	X	X	X	X	SPR if in an existing building; SUP if in new building	SPR if in an existing building; SUP if in new building	180-58 (P), maximum 15,000 square foot building footprint
<u>Temporary Living Structure</u> [1]	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	Register with Town as Short Term Rental	180-53
Temporary roadside stand	P	P	P	P	P	P	P	180-52 (C), 180-25, 180-29, 180-46
Townhouse	SUP	SUP	X	X	SUP	X	X	
Two-family dwelling, whether as a new structure or conversion	P	P	P	P	P	X	X	
Water storage facility or in ground reservoir	SPR	SPR	SPR	SPR	SPR	SPR	SPR	180-58 (BB)
<u>Wedding Receptions, Parties and Special Events as part of Farm Operation</u>	<u>MSP</u>	<u>MSP</u>	<u>MSP</u>	<u>MSP</u>	<u>MSP</u>	<u>X</u>	<u>X</u>	<u>180-58 (Y)</u>
<u>Wedding Receptions, Parties and Special Events not part of Farm Operation</u>	<u>???</u>	<u>???</u>	<u>???</u>	<u>???</u>	<u>???</u>	<u>???</u>	<u>???</u>	
Wind turbine for individual residence, farm or business use	MSP if in a NYS Ag District; X	MSP if in a NYS Ag District; X	MSP if in a NYS Ag District;	MSP if in a NYS Ag District;	MSP if in a NYS Ag District;	MSP if in a NYS Ag District;	MSP if in a NYS Ag District;	180-58 (T)

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Use	H-1	H-2	RL1	RL2	RL3	B	I	Other Use-Specific Requirements
	otherwise	otherwise	SUP If Not	SUP If Not	SUP If Not	SUP If Not	SUP If Not	
<u>1[1][1] See Section 180-47 related to Offensive Uses.</u>								
<u>1[1] A recreational vehicle used for more than 30 days but less than six months shall also be considered a temporary living structure and shall meet all requirements of 180-58 (II).</u>								

§180-16 Source Water Protection

A. Additional documentation related to location of new water wells shall be required for minor or major subdivisions pursuant to Chapter 170 (Subdivision Regulations).

B. The minimum separation distances for new water wells shall be as per New York State and Columbia County Health Department requirements:

Contaminant Source	Separation Distance to Water Well (Feet)
Chemical storage sites not protected from the elements (e.g., salt and sand/salt)	300
Land surface application or subsurface injection of effluent or digested sludge from a Municipal or public wastewater treatment facility	200
Land surface application or subsurface injection of septage waste	200
Land surface spreading or subsurface injection of liquid or solid manure	200
Storage Areas for Manure piles	200
Barnyard, silo, barn gutters and animal pens	100
Wastewater treatment absorption systems located in coarse gravel or in the Direct path of drainage to a well	200
Fertilizer and/or pesticide mixing and/or clean up areas	150
Seepage pit (following septic tank)	150
Underground single walled chemical or petroleum storage vessels	150
Absorption field or bed	100
Contained chemical storage sites protected from the elements (e.g. salt and sand/salt storage within covered structures)	100
Septic system components (non-watertight)	100
Intermittent sand filter without a watertight liner	100
Sanitary Privy pit	100
Surface wastewater recharge absorption system constructed to discharge storm water from parking lots, roadways or driveways	100
Cemeteries	100
Sanitary privy with a watertight vault	50
Septic tank, aerobic unit, watertight effluent line to distribution box	50
Sanitary sewer or combined sewer	50
Surface water recharge absorption system with no automotive-related Wastes (e.g., clear-water basin, clear-water dry well)	50
Stream, lake, watercourse, drainage ditch, or wetland	25
All known sources of contamination otherwise not shown above	100

C. The Planning Board may require submittal of copies of the following as part of any site plan, special use, or subdivision review process:

- Copies of New York State Department of Environmental Conservation Well Completion Reports for completed well(s) (including the well log and pump test data).
- Any and all water quality testing results.
- Proposed individual water supply system details such as pumps, storage, treatment, controls, etc.

D. The Planning Board may require any new major subdivision that relies on on-site groundwater withdrawals and/or on-site sewage disposal to complete a hydrogeological study. The purposes of such hydrogeological studies are to: (1) assess the adequacy of the available groundwater supply to support the proposed development; and (2) evaluate the potential impacts for adverse impacts upon any nearby groundwater users and surface waters. In determining the need for a hydrogeological study, the Planning Board should be guided by the Source Water Protection Study for the Town of Chatham maps of areas with lower than average well yields (Figure 8) or higher hydrogeologic sensitivity (Figure 12).

E. The Planning Board shall require a hydrogeological study for any proposed project that has projected on-site groundwater withdrawals and/or on-site sewage disposal flows equal to or exceeding 1,000 gallons per day with the exception of minor subdivisions and agricultural uses.

F. The basis for approval of a project subject to a hydrogeological study shall include the following criteria:

- (1) Adequacy of control measures to prevent groundwater or surface water contamination.
- (2) The proposed use will not result in reductions in groundwater levels or changes in groundwater quality that limit the ability of a groundwater user to withdraw groundwater.

§180-17 through 22 RESERVED

§180- 23. T-1 Tower One, T-2 Tower Two, T-3 Tower Three.

A. These special overlay areas provide locations for the construction of communication and broadcast towers by special use permit and in accordance with federal and state law. All requirements of 180-38 (Communication or Broadcast Towers or Facilities) shall be met for all communication and broadcast towers within these Overlay Districts or anywhere within the Town of Chatham. Minimum setback requirements of the various affected underlying zones shall not be reduced by the implementation of these zones. Such setbacks shall be increased within the T-1, T-2, and T-3 Zones as per 180-23 and 180-38. Additionally, the base of any guy wire shall be subject to the normal setback requirements of the underlying zone in which the proposed tower is to be sited. However, no applicant shall receive a special use permit in Zones T-2 and T-3 unless the applicant provides sufficient evidence as established by propagation maps prepared by a radio frequency engineer, to show that a tower in such zone is necessary to provide reasonable coverage where coverage is not being provided by any other carrier within the Town of Chatham as set forth hereinafter.

B. The following three special overlay communication and broadcast tower and facility zoning districts within the Town of Chatham are hereby created:

- (1) District T-1, consisting of the area of land within the New York State Thruway right-of-way commencing and entering the Hamlet of North Chatham at or near the intersection of State Route 203 and Smith Road and traversing the Town in a generally southeasterly direction and exiting the Town in the Hamlet of East Chatham at or near the intersection of County Route 9 and Old Mill Street;
- (2) District T-2, consisting of the area of land within 2,000 feet of the center line of the Taconic State Parkway right-of-way bounded by the Town of Chatham/Village of Chatham/Town of Ghent/Town of Austerlitz Town line on the south and NYS Route 295 to the north, except any area within 500 feet of NYS Route 295; and
- (3) District T-3, consisting of the area of land bounded by the Town of Chatham/Town of Kinderhook Town line and Route 203 on the west; the Conrail tracks on the south; Goold Road on the east; and Sutherland and Sullivan Road on the north.

C. Antenna arrays shall be allowed on tall structures throughout the Town, provided that the Zoning Board of Appeals determines that such installation will not extend the height of the structure more than five feet, can be appropriately camouflaged and otherwise conforms to the requirements of this chapter.

§180-24. Mining Floating M Zone.

Mining of all kinds is prohibited throughout the Town of Chatham except as specifically set forth in this section. Small mines extracting more than 100 cubic yards, but less than 750 cubic yards may be permitted through establishment of a Mining Special Permit pursuant to Section 180-39. All mines extracting >750 cubic yards per year shall only be allowed after establishment of a Mining Floating M Zone pursuant to this section. Large mines shall also require a valid mining permit issued by the NYS Department of Environmental Conservation. The Town Board seeks to promote the safety, health and general welfare of the residents of the Town of Chatham by removing the danger to health, safety and life caused by creation of excessive noise and/or light; excessive quantities of dust; deep excavations remaining in the ground; traffic dangers; There is hereby created a Mining Floating Zone located as shown and so designated on the Zoning Map of the Town of Chatham, which is a part of the Code of the Town of Chatham, and shall be added to §180-10 thereof. Enactment of a local law by the Town Board is required to locate an M Zone. An M Zone may be created only within the RL-1, RL-2, RL-3 and I Zones.

Lot Size, Density and Yard Dimensions

Minimum Lot Size			Minimum Yard Dimensions (Feet)		
Area (Acres)	Width (Feet)	Minimum Area Per Family (Acres)	Front	Each Side	Rear
10	400	--	200	200	200

A. Application process.

- (1) A person seeking to locate an M Zone shall submit an application to the Town Board by filing an application with the Town Clerk, signed by the owner or owners of the property or a by a duly designated and authorized agent of said owner or owners.

- (2) Once the Town Board has received a completed Town of Chatham application to locate an M Zone, it may decide to meet with the applicant to discuss the application and determine whether additional information is needed. The Town Board may, at its discretion, decline to consider any application for a Mining Floating Zone, either initially, or at any point later during the application process. The Town Board's decision as to whether to amend the Zoning Law pursuant to an application to establish an M Zone shall be totally discretionary. The receipt of, and review of an application by the Town Board, shall not create any obligation on the part of the Town Board to approve such application and the applicant proceeds with the application at his/her own risk with regard to the effort and expenses connected to the pursuit of such application. The Board may also, at its discretion, decide to hold informational meeting(s) to obtain public input on the proposal.
- (3) If the Town Board decides to consider the application to locate an M Zone, it shall transmit a copy of the completed Town of Chatham application to both the Zoning Board of Appeals and the Planning Board for a review and recommendation. The Boards shall officially respond to the Town Board's referral within 45 days of the receipt of the application from the Town Board, unless either Board requests an extension and such extension is granted by the Town Board. In addition, the completed Town of Chatham application shall be referred to the Columbia County Planning Department as may be required by the New York State General Municipal Law.
- (4) The Town Board shall comply with all State Environmental Quality Review Act (SEQRA) requirements.
- (5) If the Town Board decides to consider the application to locate an M Zone, the Town Board shall schedule a public hearing on the proposed M Zone application in compliance with all applicable sections of Town Law. The Zoning and Planning Boards' recommendation and the referral from the Columbia County Planning Department, if any, shall be introduced at the public hearing and become a part of the official meeting minutes.
- (6) Within 60 days after completion of the public hearing, the Town Board shall determine whether to approve, approve with conditions or deny the application. In considering an application for designation of an M Zone, the Town Board must determine that the application meets the following:
 - (a) The use shall be designed, located and operated so as to protect the public health, safety and welfare of the community.
 - (b) The location; size; nature and intensity of the use; the size of the site in relation to the use; and the location of the site, with respect to streets giving access to the use, shall assure that the use will be in harmony with the appropriate and orderly development of the neighborhood in which the use will be located and the nature and height of the buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 - (c) The use shall be designed, located and operated so as to protect the groundwater; any residential or commercial water supply; drainage; nearby wetlands and nearby critical environmental areas as defined in the State Environmental Quality Review Act or as established by the Town of Chatham.
 - (d) The use shall not be more objectionable to nearby properties, by reason of aesthetic or visual impact, noise, fumes, vibration or flashing lights, than would any permitted use in the area.
 - (e) The use shall not generate undue traffic congestion or adverse truck traffic, create a traffic hazard or impact the safety of pedestrians or children on school bus routes.

- (f) The use shall have adequate road frontage and safe access directly onto a paved Town, county or state highway.
 - (g) The use shall be designed in accordance with the approval standards specified in Subsection D below.
- (7) If the Town Board decides to grant the application for an M Zone, this chapter shall be amended to reflect the changes to the text of the zone regulations, and the zone, appropriately labeled, shall be shown on the Zoning Map. The boundaries of the M Zone shall be no less than 200 feet from the property line of the adjacent properties.
- (8) Within six months after the Town Board has adopted a zoning amendment creating an M Zone, the applicant shall apply to the Planning Board for site plan approval pursuant to this chapter. The Planning Board shall grant approval if it finds that the site plan satisfies the standards and criteria of this section and this chapter. If more than six months' elapse between Town Board approval and the submission of a site plan application, the M Zone designation shall expire, and the property shall revert to its previous zoning classification, following notice to the applicant and owner and a public hearing, unless an extension is granted to the applicant by the Town Board.
- (9) If, after the passage of one year from the date of site plan approval by the Planning Board the mining operation has not started, the M Zone designation shall expire, and the property shall revert to its previous zoning classification, unless the applicant shall obtain an extension from the Town Board.

B. Application information.

- (1) An applicant for a Mining Floating Zone and site plan approval under this section shall file 25 copies of its application and any attachments with the Town Clerk along with one complete electronic copy in pdf file format. The application shall state the specific intended use for the property and shall include a schematic site plan depicting the approximate size, height and location of the proposed structures, parking areas, roads, open space, description and maps showing phasing of the project, a reclamation plan, a stormwater pollution prevention plan, a visual impact assessment, a noise assessment, a traffic impact analysis and other facilities that are associated with the mining operation. Upon review, the Planning Board may require additional studies or analysis to adequately determine if the proposed M zone will meet the criteria of this chapter. An application for an M Zone shall also include a completed full environmental assessment form as required by SEQRA, Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations. Each copy thereof shall set forth and include:
- (a) Copy of any document submitted to or received from the New York State Department of Environmental Conservation (the "DEC") in connection with an application submitted to such agency, including but not limited to the applicable mining permit granted by the said DEC.
 - (b) A detailed statement of the nature of the proposed operation and the manner in which it is proposed to be conducted, and of the number of acres of land to be used in connection with the activity.
 - (c) A statement as to the nature and type of any structure to be used in such operation and either presently on the area of proposed operations or to be built thereon.
 - (d) A statement as to the source of required water to be utilized in the operation and the amount of such use annually.

- (e) A statement as to the amount of minerals proposed to be removed and the manner of removal thereof during the permit period and during any subsequent period.
 - (f) A statement as to the period of time required to complete the proposed mining operation, including any proposed restoration and reclamation.
 - (g) A proposed plan of reclamation of the area proposed for such usage, with a statement as to the amount of such reclamation proposed to be accomplished within the permit period, and a time schedule as to reclamation proposed to be accomplished subsequent to the permit period. Where no reclamation is proposed, a statement to that effect will be submitted stating the reason or reasons that reclamation is not proposed. Where a proposed plan of reclamation is submitted, an easement executed and acknowledged by the owner or, if more than one, the owners, running to the Town and permitting entry on the land to perform reclamation in the event of the failure of the applicant to the Town's satisfaction shall be submitted.
 - (h) A statement setting forth the proposed hours of operation; the level of traffic to be produced and the proposed routes to be used by such traffic during such time.
 - (i) An abstract of title or other satisfactory evidence of the ownership of the land on which the operation is to be conducted.
 - (j) A statement as to the existing groundwater level, and the methodology for arriving at such statement, at the location proposed for the M Zone.
 - (k) A topographical map showing the boundary of the total property on which the operation is proposed to be conducted and all other adjacent property and streets and highways within 500 feet of the perimeter of the land on which the operation is proposed to be conducted and, also, showing all structures within the area of the map, the owners of all land shown on the map and the zoning classification of all such land. Such map shall show contour elevations at two-foot intervals using United States Geological Survey data. Such map may be referred to as the "topographical site map."
 - (l) A statement as to the current zoning classification of the land on which the operation is proposed to be conducted.
 - (m) A topographical map showing the boundary of the total property on which the operation is proposed to be conducted distinctly outlined and all property within 500 feet thereof, with contour elevations at two-foot intervals using United States Geological Survey data and showing, in a distinctive fashion, proposed contour elevations at two-foot heights after reclamation, if any is proposed, and after each stage thereof. Such map may be referred to as the "reclamation plan map."
 - (n) The written, notarized consent of each non-applicant owner of the premises on which the operation is proposed to be conducted.
 - (o) A statement setting forth the record of compliance for any prior mining activities of the applicant or any related person.
- (2) Each such map shall be prepared by either a professional engineer duly licensed by the State of New York or by a surveyor duly licensed by the State of New York and shall be certified to the Town as to the accuracy thereof by such preparer. Such certification shall be provided within 30 days of the date of the application to the Town Board and shall be recertified within 30 days of the date of the site plan review application, unless such site plan review application is made within 30 days of the enactment by the Town Board of the M Zone. Each such map shall be drawn in a scale of not greater than one inch to 100 feet nor less than one inch to 20 feet.
- (3) Upon acceptance of the application and the deeming of same to be complete by the Town Board, the applicant shall by certified mail notify all current landowners whose land is adjacent

to, directly opposite, or within 500' of the perimeter of the proposed zone, of the application. Notice shall be mailed, return receipt requested, at least 10 calendar days prior to the hearing.

C. Public hearing. No new M Zone may be located and no approval under this section shall be issued under this section until after a legally noticed and advertised public hearing by the Town Board, in accordance with the Town Code. The legal notice shall also be posted on the Town's website. Before the Town Board public hearing, the Town Code Enforcement Officer shall investigate the facts and circumstances of the application and submit a report in writing to the Town Board prior to the public hearing, which report shall either be read at the public hearing or made available for public inspection during the hearing and which shall include but not be limited to a recommendation regarding whether the application complies with the zoning requirements and whether all items required herein have been submitted. Nothing contained in the preceding sentence shall be deemed to limit the power of the Town Board to act on the application if the Town Code Enforcement Officer fails to submit such a report.

D. Approval standards. Each local law locating an M Zone shall include, but not be limited to, the following provisions:

- (1) Mining operations may only be conducted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 12:00 noon on Saturdays. Mining operations may not occur on any Sunday or legal holidays as set by the Town Board.
- (2) All access points and roadways to the affected area shall be from a paved Town, county or state highway. No vehicles utilizing or accessing the affected area shall stop, stand, park or idle outside the affected area.
- (3) All mining operations shall be conducted without unnecessary noise and shall at all times be in conformity with then-enacted portions of the Town Code relating to noise.
- (4) Barriers shall be erected and maintained around the area of operation and shall have no openings other than a gate or gates for ingress and egress, and each such gate shall be kept locked at all times except during the working hours of the operation when the operator or an owner of the land or an agent or employee of the operator or of the owner is inside. Such barrier shall be maintained until reclamation of the area is complete, and after reclamation such barrier shall be maintained around each and every pit or excavation exceeding six feet in depth. This standard may be waived or modified with respect to any particular mining operation, provided the Town Board finds that the public safety will not be jeopardized, and subject to such conditions as the Town Board may impose.
- (5) At no time shall any mining operations be conducted within 200 feet of any adjacent property line or the boundary of any public street or highway.
- (6) At no time shall any mining operations, parking of vehicles or equipment or stockpiling of mineral, overburden or other product of the mining operation be conducted within 200 feet of any residence or business structure.
- (7) All mining operations shall be conducted in a safe manner, and all slopes shall be excavated and maintained at safe angles to prevent collapse of upper grade surfaces and danger to children.
- (8) No excavation shall adversely affect groundwater levels of other properties.
- (9) All haulageways shall be paved with blacktop or similar material for a minimum of 250 feet from intersection with the public roadway. All other haulageways shall be topped and maintained with materials of no less quality than item four gravel, or comparable quality, within the affected area.
- (10) Any vehicle entering a public road shall be free of exterior dirt, mud or other debris and shall be washed prior to leaving the limits of any affected area, if necessary to remove same.

- (11) Overburden removed in connection with any such operation shall not be removed from the premises and shall be arranged in a berm-like condition in a manner designed to help prevent noise, dust, and other emissions from escaping the mine. In the event that topsoil is the product being removed from the mining operation, sufficient reserves of such material shall be kept within the affected area sufficient to complete the reclamation plan.
- (12) Topsoil shall be re-spread upon the surface of the land from which such minerals have been removed unless this requirement is expressly waived by the Town Board.
- (13) All haulageways shall be at all points at least 200 feet from any residence or public building, provided that this standard may be waived or modified by the Town Board.
- (14) All materials used as fill shall be free from garbage, refuse, offal or other deleterious or unwholesome matter.
- (15) All areas on which overburden has been re-spread, as required hereinabove, or by any approved plan of reclamation, shall be prepared for and seeded with grass, unless other vegetation or planting with vines or other covering is specified in an approved plan of reclamation.
- (16) All trucks hauling materials from any operation regulated or licensed under this section shall be loaded in such a manner as not to spread or spill such materials on any street or highway within the confines of the Town.
- (17) No removal of earth from the ground shall be made in such manner as to undermine, weaken or deprive of support other lands in the vicinity or so as to substantially obstruct, impede or change the course of or the natural movement or flow of surface water therein, or otherwise adversely affect any public waterway, public body of water, wetland, lake, pond, river, creek, waterway or body of water which is used as a part of any drainage system.
- (18) All facilities, including but not limited to that used for the crushing, screening, washing, stockpiling or processing of minerals, shall at all times be located only in an area approved by the Planning Board.
- (19) In order that the Town be assured the ability to enforce the provisions of the Mining Floating Zone issued as per this Chapter, and have the completed excavation meet provisions of the Zoning Law and other applicable laws or ordinances of the Town, the applicant, upon the creation of a Mining Floating Zone, shall grant to the Town, its officers or employees, the right to enter upon the premises to determine that the provisions of the new zone are being fulfilled and require such work to be done as may be necessary to meet the conditions of the zone.
- (20) Maintenance, repair and fueling of vehicles and equipment shall be conducted so as to minimize and prevent lubricant and fuel spills to the maximum practicable extent. Mine vehicles and mining equipment shall be maintained in proper operating condition.
- (21) All discharges of silt, sediment or process water shall be confined within the permit area unless prior approval from the New York State Department of Environmental Conservation Regional Water Quality Engineer is obtained.
- (22) No chemical additions to processing water shall occur at any time unless prior approval from the New York State Department of Environmental Conservation Regional Water Quality Engineer is obtained.
- (23) No pollution of the groundwater or surface waters shall occur.
- (24) The applicant shall agree to engage in a program of mine site security through the use of gates and barriers to prevent unauthorized entry to the mine property.
- (25) The applicant shall agree to report to the Town Code Enforcement Officer all spills of chemicals, including gasoline, motor oil or hydraulic fluids, in excess of one gallon at any one time, within one hour of discovery of such spill.

- (26) The applicant shall agree to file, annually, at least 30 days prior to the anniversary date of the enactment of a certification that all conditions imposed by the respective Boards are met, that the mining operation continues to be in compliance with the Board's approval and proof that any bond required is in effect.

E. Bond/insurance.

- (1) In the event the Town Code Enforcement Officer or other designated Town officer shall determine that the bond required by any entity having jurisdiction over the use proposed in the application is insufficient to complete its contemplated purpose, or in the event the use does not fall within the jurisdiction of any other governmental body or agency having superior jurisdiction to that of the Town Board or the Planning Board, as the case may be, the filing of a performance bond may be required as follows:
- (a) Before the location of any new M Zone or the issuance of any permit as per this Chapter, the Town Board shall, unless it shall have first determined that no bond is required, require that a bond be executed and filed by the applicant and by any and all owners of the premises on which said operation is to be conducted. Such bond shall be issued by a surety company licensed to do business in the State of New York. Such bond shall be in an amount equal to twice the estimated cost of such reclamation or \$5,000, whichever be the greater sum. Such bond must be approved by the Town Attorney prior to the enactment of any local law locating an M Zone. Such bond shall provide that in case of any failure or default to perform the work required to be performed the bond shall be called, upon written notice to the principal or principals and to the surety sent by certified mail to their addresses as shown in the bond, unless such failure be corrected within 90 days of the mailing of such notice to the principal (or principals) and surety. The ninety-day notice of such default or failure may be given at any time after such default or failure.
 - (b) If said default is not cured within the ninety-day period, the Town shall, upon written request to the surety, receive the full amount of the bond and commence reclamation.
 - (c) Said bond may not be cancelled for any reason unless authorized in writing by the Town.
 - (d) If the surety notifies the principal or Town of its desire to cancel the bond, such notice must be at least 120 days in advance of the cancellation. This notice shall hereinafter be referred to as "cancellation notice."
 - (e) The principal must replace any cancelled bond within 90 days of the receipt of cancellation notice, and the failure to do so is a default under this section, triggering the principal's requirement to commence reclamation. If reclamation is not completed before the expiration of the cancellation notice period, the Town may call the bond due as stated in Subsection E(1)(b) above.
 - (f) Said bond shall remain in full force and effect until released by the Town, except that the Town Board or Planning Board may reduce the amount thereof in a proper case. Prior to any such release the Town Board or Planning Board may require a statement showing the manner of compliance with the plan of reclamation, and a topographical map of the area on which the mining operation was conducted and the area within 300 feet of the perimeter of the area of operation, showing contour elevations at intervals of heights of two feet. The Town Board shall refer any request for release of any such bond to the Town Code Enforcement Officer, who shall report on compliance with the plan of reclamation within 15 days of such referral.
 - (g) Said bond shall also provide that the time for compliance with any such plan of reclamation shall be deemed to be accelerated and terminate 120 days after the date of revocation of

such permit pursuant to the provisions of this section as in effect at the time of such revocation.

- (h) In lieu of such bond, the Town Board or Planning Board may permit a letter of credit or a cash deposit to be made with the Town, subject to the approvals, conditions and forfeitures specified hereinabove in the case of a bond.
- (2) Before the enactment of a local law as per this Chapter, the applicant shall present, to the Town, certificates of insurance evidencing the acquisition of liability insurance coverage in the amounts deemed by the Town Board to be appropriate and by resolution for death/bodily injury and property damage. Said insurance shall be maintained throughout the life of the Mining Floating Zone and for a three-year period after reclamation has been completed, and the aforementioned certificates shall provide for 120 days' notice to the Town prior to cancellation by the carrier.

F. Exceptions. The following operations and uses are hereby excepted from the application of §180-24:

- (1) All existing mines permitted by the Town and operating on the date of enactment hereof shall continue to be operated pursuant to the terms and conditions of their respective permits.
- (2) Excavation or removal of earth, mineral or rock incident to highway, sidewalk or driveway construction to the extent such topsoil, sand, earth and/or gravel is removed solely from the bed of said highway, sidewalk or driveway.
- (3) The moving of earth, mineral or rock from one portion of premises to another portion of the same premises as an incident to construction of a building or other improvement to land or as an incident to farming or landscaping, subject to the requirements for obtaining a grading permit set forth at §180-54 of this chapter.
- (4) Removal of earth, mineral or rock from the area of a subdivision granted final approval by the Planning Board of the Town of Chatham pursuant to any then-applicable zoning law of the Town of Chatham, provided that any such removal be in accordance with plans and specifications approved by said Planning Board.
- (5) Construction of sewage-disposal systems.
- (6) Any of the exceptions set forth in the New York State Agriculture and Markets Law.
- (7) Any sanitary landfill or dump operation conducted by the Town of Chatham or on its behalf.
- (8) Any mining operation conducted by the Town of Chatham.
- (9) Grading permits as defined in §180-9 of this chapter.
- (10) Small-scale mining as defined in §180-9 of this chapter.

G. Posting and entry on posted premises.

- (1) The operator under this section shall cause the outside perimeter of the premises on which the mining operation is conducted, or the outside perimeter of that portion of the premises on which such operation is conducted, to be posted with appropriate notices having dimensions of not less than 11 inches square, containing, with letters of not less than one inch in height, the following language:

"No trespassing. These premises are subject to a local law of the Town of Chatham, Columbia County, New York. Unauthorized entry upon these premises constitutes an offense punishable by a fine not exceeding \$100 or imprisonment for not more than six months, or both."

- (2) Such notices shall be posted not farther apart than 100 feet and shall be posted on each side of each entrance into the premises on which such operation is being conducted. No person, other than those lawfully engaged in operations thereon or the Town Code Enforcement Officer, police officer or authorized Town representative, shall enter onto any such posted premises.

H. Reimbursement of review costs; indemnification.

- (1) The applicant under this section shall be required to establish an escrow account to reimburse the Town of Chatham for the legitimate costs of review associated with the use of professionals qualified to review the required plans, reports and other technical information submitted in support of an application for a mining operation or small-scale mine. The initial amount of the escrow account shall be determined on a case-by-case basis by the Town Board and/or Planning Board to be reasonable and necessary to cover the cost of the review to be incurred by the Town. All necessary reviewing professionals assisting the Town in such reviews shall provide an estimate of the approximate cost of review services to the Planning Board or Zoning Board of Appeals in order to establish the escrow. The Town shall submit an itemized bill to the applicant at least five business days prior to any deduction of such amount billed from the escrow account. The respective Boards may periodically and at their discretion require the replenishment of the escrow account. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within 30 days of the submission and payment of the final bill by the Town and payment in full of all application and approval fees.
- (2) In any approval made, the respective Boards shall require an irrevocable commitment from the owner of the mine and related facilities, the owner of the land upon which the mine is located, and any and all lessees and the affiliates of any of the above, to defend, indemnify, and hold the Town of Chatham, its boards, officials, employees and agents, free and harmless from judgments or costs, including reasonable attorneys' fees, arising directly or indirectly from the construction, use, operation and/or reclamation of the mining operation and affected areas except as to those arising from the Town's own negligence.

I. Complaints. Any person may file a complaint of any violation of this section, in writing, with the Town Code Enforcement Officer, who shall investigate the same and report thereon to the Town Board within 10 days.

J. Abandonment of use; rescission or suspension of local law authorizing Mining Floating Zone.

- (1) If the Town Code Enforcement Officer, or any authorized representative of the Town, finds that any mining operation permitted as per this Chapter is not being conducted in accordance with the provisions of this section or of the site plan approval under which such operation is conducted, issued either under this section or prior to the effective date hereof, or is abandoned as defined herein, such facts shall be reported, by such Town Code Enforcement Officer or other Town representative, to the Town Board, which may direct that an order in writing be served upon the applicant directing that the conditions therein specified as being in violation of this section or such permit be remedied within five days after date of service of such order.
- (2) Such order may be served either by personal delivery upon the operator in the same manner as a personal delivery of a summons or by certified mail. If served by certified mail, service shall be deemed to have been made five days after mailing thereof. If such conditions are not remedied

within five days after such service, the Town Board may cause a notice in writing to be served upon the operator directing him to appear before the Town Board on a date and at a place within the Town specified in such notice and show cause why such local law or permit should not be rescinded or suspended.

- (3) Such notice may be served either by personal delivery on the operator in the same manner as a summons or by certified mail; if served by certified mail, service shall have been deemed to have been made five days after mailing thereof. The hearing shall be set for a date at least 10 days and not more than 30 days after service of the notice. The Town Board may hold such hearing and testimony of witnesses may be heard thereat.
- (4) The Town Board, after such hearing, may elect to rescind such local law or site plan approval or suspend the same. Such suspension may, by its terms, lead to a rescission of the local law upon failure of the operator to comply with the terms of suspension.
- (5) No rescission or suspension of such local law or site plan approval shall be ordered by such Board in the absence of a finding of a violation thereof. An order of suspension or revocation shall be served upon the operator either by personal delivery to the operator or by certified mail and shall be effective immediately upon service; if service is made by certified mail, service of such order shall be deemed completed five days after mailing. All service by certified mail under this action shall be mailed to the operator at his address as shown in the application under this local law and, in addition, if a more current address be known, to such current address. This section shall not preclude the Town from enforcing this section by any other lawful means, including any action for a penalty, for injunctive or other relief.

K. Termination of Mining Floating Zone. In the event that the Town Board elects to rescind a local law or revoke a site plan approval enacted or granted in accordance with the above provisions; the Town Board deems the mining operation to be abandoned in accordance with the definition herein; or the Town Code Enforcement Officer certifies that reclamation has been completed in accordance with the reclamation plan for the M Zone, the Mining Floating Zone created by local law authorized herein shall terminate and the land within the said zone shall return to its former zoning designation set forth in the Town Code of the Town of Chatham.

L. Penalties for offenses. Each and every violation of the provisions of this section or of the conditions and/or restrictions of a permit issued as per this Chapter or of a permit issued under the Code of the Town of Chatham, New York, prior to the effective date hereof, for a mining operation shall be deemed an offense against this section and shall be punishable by a fine of not more than \$250 or imprisonment for not more than six months, or both. Each day's continued violation of this section shall constitute a separate and additional violation.

M. Injunctive relief. Nothing contained herein shall prohibit the Town Board from maintaining, and the Town Board is authorized to maintain, an action or proceeding in the name of the Town in any court of competent jurisdiction to compel strict compliance with the provisions of this section and the conditions of any permit issued as per this Chapter or any valid permit issued by the Planning Board and/or Zoning Board of Appeals prior to the effective date of this section, or to restrain by injunction the violation of any provision of this section or of any such permit.

N. Administrative rules and regulations. The Town Board may, at any time and from time to time, by resolution, adopt procedural rules and regulations with respect to applications and with respect to the administration and enforcement of this section, provided the same are not in conflict with this section.

O. Severability. If any clause, sentence, paragraph, section or part of this section shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect the remainder of this section but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

P. Miscellaneous

- (1) This section is expressly adopted pursuant to the relevant sections of the New York State Town Law and the New York State Municipal Home Rule Law.
- (2) All other provisions of the Code of the Town of Chatham shall remain in full force and effect.
- (3) This section shall be effective immediately upon filing with the Secretary of State.

Q. Fees. Fees for applications and reviews provided for by this section shall be in the amount or amounts as established by the Town Board from time to time. Said fees shall be posted in the Town Hall on the official Schedule of Fees for the Town of Chatham.

§180- 25. Environmental Protection Overlay.

A. Purpose. The purpose of the environmental protection overlay districts established in this article is to provide special controls over land development located in sensitive environmental areas within the Town of Chatham. These districts and the regulations associated within them are designed to preserve and protect unique environmental features within the Town as established in the adopted Town of Chatham Comprehensive Plan.

B. Overlay Districts Established. Two environmental protection overlay districts are hereby established. The regulations contained in each environmental protection overlay district (EPO) are not intended to be substituted for other general zoning district provisions, but shall be superimposed over the base zoning district provisions, and should be considered as additional requirements to be met by the applicant or developer, prior to project approval. In order to address the goals set forth in the Town of Chatham's Comprehensive Plan, the following environmental protection overlay districts are hereby established:

- | | |
|-------|--|
| EPO-1 | Environmental Protection Overlay – Steep Slopes |
| EPO-2 | Environmental Protection Overlay –Scenic Views/Ridge Lines |

C. Procedures for Review of a Project Within an Environmental Overlay District.

- (1) Applicability. All proposed single family, two-family and multi-family residential and all commercial development shall meet all EPO requirements as per this Zoning Law except for the following. Agricultural uses or structures for which a modified site approval is required shall also meet EPO-1 and EPO-2 requirements, as applicable. The following uses are exempt from EPO requirements:
 - (a) Customary residential accessory uses
 - (b) Farm and residential ponds.
 - (c) Ordinary repair or maintenance of existing structures or uses;
 - (d) Temporary roadside stands smaller than 100 square feet;

- (e) Interior alterations that do not substantially change the nature or use of an existing commercial structure;
 - (f) Any change in use which does not require the issuance of a certificate of occupancy pursuant to the New York State Building and Fire Code;
 - (g) Residential garden uses
 - (h) Garage and lawn sales;
 - (i) Uses and structures which have already lawfully initiated construction prior to the enactment of this local law.
- (2) All EPO requirements are in addition to any base district, site plan or special use permit requirements and conditions.
- (3) When a proposed use requires site plan review and/or special use permit approval, the Planning Board shall integrate all EPO requirements and procedures into those processes. Where a proposed use is a permitted use and does not require site plan or special use approvals, no building permit shall be issued until the Planning Board approves that EPO development and the ZEO has issued an EPO Development Permit.
- (4) Seven paper copies and one electronic copy in pdf format of an application for an EPO development approval for a project within an environmental overlay district shall be made in writing to the Town Planning Board. Such an application shall be made by the property owner or his/her agent and shall be accompanied by any materials or information, including but not limited to a scaled site plan prepared and certified by a licensed engineer or land surveyor that contains the following minimum information:
- (a) A location plan and boundary line survey of the property.
 - (b) The location of all environmental protection overlay district boundaries, lands preserved with a conservation easement, or Town, county or state parkland or other similar areas within and/or adjacent to the property, as defined by this article.
 - (c) The location of all existing and proposed buildings, structures, utility lines, sewers, water and storm drains on the property or within 200 feet of the proposed work site.
 - (d) The location of all existing and proposed impervious surfaces, such as driveways, sidewalks, etc., on the property or within 200 feet of the proposed work site.
 - (e) Existing and proposed contour levels at intervals of five feet for the property, unless such property is located within the EPO-2 District where contour levels shall be required at intervals of two feet.
 - (f) The type and location of all existing land cover including, but not limited to active agricultural fields, forested areas, and other undeveloped lands. Note whether trees located on the property are mature or have six inches or more within and/or adjacent to the property.
 - (g) The location of all streams, water bodies, or existing and proposed drainage ways, swales, etc., within and/or adjacent to the property.
 - (h) Each application for EPO development approval shall be accompanied by an application fee as may be set by the Town Board. This fee shall be in addition to any other fee required for the development under this chapter.

D. Application review; public hearing; issuance or denial of permit.

- (1) The Building Department shall refer a completed Town of Chatham development application to the Town Planning Board. The Planning Board shall conduct a public hearing on the application. The public hearing shall be conducted within 62 calendar days of the receipt of the completed Town of Chatham application and shall be advertised in the official newspaper of the Town at least five calendar days before the public hearing and posted on town website. The time frame may be extended by mutual decision of both the Planning Board and the applicant. The Planning Board shall direct the applicant to additionally provide notice of the public hearing and data regarding the substance of the application to the current owners of all property adjacent to, directly opposite, or within 500' of the applicant's property. Notice shall be mailed, return receipt requested, at least 10 calendar days prior to the hearing. The applicant is solely responsible for the publication and mailing of the notice. The applicant and the Planning Board shall review the owner mailing list prior to distribution.
- (2) Prior to making a final decision, the Planning Board may also request a report from the Town Engineer or other appropriate department or agency in acting on such permit application.
- (3) Following the required public hearing and completion of all SEQR requirements and timeframes the Planning Board, shall issue a written determination to approve, deny, or approve with conditions the EPO development, subject to the standards, criteria and other regulations contained in this article within 62 days. This time frame may be extended by mutual agreement by both the Planning Board and the applicant.
- (4) Any development permit issued by the Planning Board in accordance with the provisions of this article may be issued with reasonable conditions. Such conditions shall be made specifically to meet the goals of the EPO and to ensure the preservation and protection of environmentally sensitive areas. Every permit issued pursuant to this article shall also contain the following conditions:
 - (a) The CEO/ZEO, Town Engineer and/or other appropriate Town official shall have the right to inspect the project from time to time.
 - (b) The permit holder shall notify the CEO/ZEO Inspector or other appropriate Town official of the date on which project construction is to begin, at least five days in advance of such date.
 - (c) The EPO development permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
 - (d) The CEO/ZEO shall have the authority to issue a stop work order or remedy any violation of the permit conditions as per § 180-66.

E. Conflict. In case of any conflict between the provisions of section 180-26 or 180-27, the requirements of the underlying district, other sections of this chapter, the Town Road Specifications, or Chapter 170, Subdivision of Land, this section shall control.

F. Approval conditions. Any condition of approval necessary to meet any EPO regulations shall be clearly noted on the final plat or plan and filed with the Columbia County Clerk. All deeds of new residential units within the EPO-2 District shall contain references to the ridgeline design requirements, enumerated in 180-27 shall be placed on the subdivision plat as a condition of approval.

G. Development Permit Required. Planning Board approval for development in any EPO Overlay shall be required prior to the issuance of a building permit for uses subject to the EPO provisions.

§180-26. EPO-1 – Steep Slope Protection Overlay

A. Purposes. The purpose of this Article is to provide for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage disposal problems and shall be in conformance with the following objectives:

- (1) Guard against property damage and personal injury, and minimize the potential for erosion, slope failure, stream siltation, increased runoff, flooding and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes.
- (2) Conserve existing woodlands for air and water quality benefits, to provide habitat for wildlife, and to maintain the ecological balance among the natural systems on steep slope areas.
- (3) Permit land uses by right that are compatible with protection of steep slope areas, and encourage the use of steep slope areas for open space and conservation uses.
- (4) Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading, and construction to satisfy development standards.
- (5) Protect adjoining properties from harmful consequences of development permitted under these requirements.
- (6) Maintain rural roads serving these locations.

B. EPO-1 Application Requirements. Applications for a development permit within the EPO-1 shall include:

- (1) A plan prepared and stamped by a Licensed Professional Engineer or Surveyor which accurately locates the proposed use with respect to the EPO-1 boundaries and existing development within 200 feet of the proposed use, together with all pertinent information describing the parcel, and a topographical survey with contour elevations at no greater than 5-foot intervals.
- (2) A plan of proposed development or use of the site, conforming to the preliminary plan of the subdivision, site plan or special use requirements, with contours shown at 2-foot intervals, where feasible, throughout the steep slope areas proposed for development or use. Contours shall be accurately drawn from on-site survey or aerial photographic sources.
- (3) Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.
- (4) Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems created by the proposed activities.
- (5) Specifications of building materials and construction including filling, grading, materials storage, water supply, and sewage disposal facilities.
- (6) An erosion and sediment control plan, and a stormwater pollution prevention plan shall be prepared if the disturbance is equal to or greater than 1 acre, in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-15-002). The following technical standards shall also be used in the design and installation of all erosion, sediment control and stormwater practices designed or installed under this chapter:
 - (a) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society), or the most current version or its successor (also referred to as the "Erosion Control Manual").
 - (b) New York State Stormwater Design Manual, latest edition (New York State Department

of Environmental Conservation), or the most current version or its successor (also referred to as the "Erosion Control Manual").

- (c) Urban Hydrology for Small Watersheds (TR55) (USDA Natural Resource Conservation Service), or the most current version or its successor (also referred to as the "Erosion Control Manual").
- (d) Soil Survey of Columbia County, New York (USDA Natural Resource and Conservation Service), or the most current version or its successor (also referred to as the "Erosion Control Manual").
- (e) New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002, or as amended or revised, or the most current version or its successor (also referred to as the "Erosion Control Manual").

- (7) The location of any existing or planned road.
- (8) Written confirmation from the Chief of the local fire department the Department has reviewed emergency access to the area to be developed and states that emergency access is satisfactory to provide adequate fire protection and protection to human health.

C. GENERAL PROVISIONS

- (1) The Steep Slope Overlay District shall be an overlay on all zoning districts. For any lot or portion thereof lying within the Steep Slope Overlay District, the regulations of the overlay district shall be in addition to any regulations of the underlying district.
- (2) Any changes to the underlying zoning of any lot or any part thereof which is located in the Steep Slope Conservation District shall have no effect on the overlying Steep Slope Conservation District.
- (3) All uses, activities and development occurring within the Steep Slope Conservation District shall be undertaken only in strict compliance with the provisions of this Zoning Law, with all federal and state laws, and with all other applicable Township codes and ordinances.
- (4) All building lots to be created shall contain at least 2 acres of area with slopes less than 25%.
- (5) Disturbance Limits. Based upon steep slope category, the following disturbance limits on any given lot shall be the maximum area of such slopes that may be regraded and/or stripped of vegetation:

Steep Slope Category	Disturbance Limit
Slopes at least 15% but less than 20%	25%
Slopes at least 20% but less than 25%	20%
Slopes at least 25% but less than 30%	10%
Slopes 30% or greater	5%

- (6) Grading or earthmoving on all steep slope areas shall not result in earth cuts or fills whose highest vertical dimensions exceed 10 feet, except where no reasonable alternatives exist for construction of public roads, drainage structures, and other public improvements, in which case such vertical dimensions shall not exceed 20 feet. Finished slopes of all cuts and fills shall not exceed a ratio of three feet in run to one foot in elevation (3:1), unless the applicant can

demonstrate that steeper slopes can be stabilized and maintained adequately. The landscape shall be preserved in its natural state insofar as practicable.

- (7) The applicant for development on land within the EPO-1 shall provide evidence that:
 - (a) Proposed buildings and structures are of sound engineering design and that footings are designed to extend to stable soil and/or rock.
 - (b) Proposed roads, drives and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment of such facilities shall be so designed that hazardous conditions are not created.
 - (c) Surface run-off of water will not create unstable conditions, including erosion, and that appropriate stormwater management facilities will be constructed as necessary.
 - (d) Proposed non-agricultural displacement of will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.
 - (e) Proposed on-lot sewage disposal facilities shall be properly designed and constructed in conformity with applicable regulations.

- (8) Development Regulations for Major Subdivisions having lands within the EPO1.
 - (a) Each parcel of land located in the EPO-1 district, having more than 25% of the parcel in steep slopes and proposed for residential use shall be subdivided consistent with the following requirements:
 - (1) Conservation Subdivision. All major subdivisions that have more than 25% of its parcel acreage, prior to subdivision, within the EPO-1 shall be designed as a conservation subdivision pursuant to Chapter 135 and shall locate all the steep slopes on that parcel within the required primary open space to be preserved.
 - (2) Yield Plan. The maximum number of dwelling units to be permitted on the parcel shall be based upon the standards for subdivision within the underlying zoning district, as demonstrated by an actual yield plan. The yield plan must identify the site's primary and secondary resources, as identified as part of the natural features plan, and demonstrate that the primary resources could be successfully absorbed in the development without disturbance. The number of units shown on the yield plan will be the maximum number of units that may be permitted in the eligible receiving areas.
 - (3) The maximum impervious ground cover (per lot) on slopes >15% shall be 20%.
 - (4) The Planning Board shall evaluate all potential impacts of a major subdivision on roads and shall minimize impacts to all roads, especially town rural roads by minimizing grade changes, placement of new culverts, paving, removal of vegetation or other activities that would alter the rural road character or lead to changed or increased maintenance needs on such road.

- (9) Any fill placed on the lot shall be properly stabilized and, when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Town Engineer.
- (10) All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes.

- (11) Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three days after completion of grading.
- (12) The alignment of roads and driveways shall follow the natural topography, minimize regrading and comply with design standards pursuant to the Town of Chatham Subdivision, 180-44, and any highway standards.
- (13) The maximum grade of a road or driveway shall not exceed eight percent (8%).

D. Prohibited Uses and Development on Slopes Of 15% But Less Than 25%. The following uses are specifically prohibited on slopes of 15% but less than 25%:

- (1) Removal of topsoil except when related to an approved special use or subdivision.
- (2) Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.

E. Special Uses and Development on Slopes of 15% But Less Than 25%. The following uses and activities may be permitted by Special Use provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other local law:

- (1) Residential structures, roads, driveways, parking areas, construction or other development.
- (2) Clearing of vegetation or grading, including the addition of fill.
- (3) Sanitary or storm sewers and stormwater detention basins with the approval of the Planning Board.
- (4) On-lot sewage disposal systems.
- (5) Water towers.

F. Special Use Standards and Criteria. In considering a special use application, the Planning Board shall consider each of the following:

- (1) Relationship of the proposed use to the objectives set forth in this local law.
- (2) Adverse effects on abutting properties.
- (3) Adverse effects on roads.
- (4) The need for a woodland management plan on wooded steep slope areas.
- (5) Proposed roads, driveways and parking areas are designed so that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment for such facilities shall be so designed that hazardous conditions are not created.
- (6) Alternative placements on non-steep slope areas were carefully evaluated for structures, including buildings, retaining walls, swimming pools, roads, access driveways, parking facilities and other development, and can be shown to be inappropriate or infeasible to the satisfaction of (Municipality).
- (7) Proposed on-lot sewage disposal facilities are properly designed and constructed in conformity with applicable regulations.
- (8) Proposed non-agricultural displacement of soil is for purposes consistent with the intent of this Article and will be executed in a manner that will not cause erosion or other unstable conditions. The applicant shall provide an erosion and sediment control plan and supporting evidence.
Surface runoff of water will not create unstable conditions, including erosion, and appropriate stormwater management facilities will be constructed as necessary.
- (9) Grading, Filling and Erosion and Sedimentation Best Management Practices.

G. The Planning Board may require one or more of the following to be incorporated into site plans and development approvals in the EPO-1:

- (1) All topsoil to be stripped from the area being developed shall be stockpiled not less than 200 feet from any body of surface water and shall be immediately seeded with rye grass mixture with a quick germination time.
- (2) All fill slopes shall be immediately stabilized using appropriate techniques which meet the design criteria described in the New York Standards and Specifications for Erosion and Sediment Control.
- (3) Erosion and sediment control measures, including but not limited to silt fencing, sediment traps and check dams, shall also be employed where necessary for supplementary erosion control measures.
- (4) All cut slopes and embankment fills are to be immediately laid back and stabilized using appropriate techniques which meet the design criteria described in the New York Standards and Specifications for Erosion and Sediment Control, which may include the following:
 - (a) Grade to finished slopes.
 - (b) Scarified.
 - (c) Topsoiled with not less than four inches of suitable topsoil material.
 - (d) Seeded with perennial rye grass. Seed shall be applied at the rate of not less than five pounds per 1,000 square feet.
 - (e) Mulched with not less than one inch and not more than three inches of straw (two tons per acre) and anchored in a suitable manner.
- (5) Temporary on-site sedimentation basins for the immediate control of erosion and sediment transport are to be provided when and where required or ordered. The length, width and depth of such basins are to be determined in the field in accordance with the New York Standards and Specifications for Erosion and Sediment Control or Town Engineer.
 - (a) All erosion control structures are to be maintained in proper functioning order and are to be replaced or repaired as necessary.
 - (b) Construction equipment shall not unnecessarily cross live streams except by means of bridges and culverts or other approved methods.
 - (c) Wherever feasible, natural vegetation should be retained and protected.
 - (d) Only the smallest area of land practicable should be exposed at any one time during development. Erosion control requirements shall include surface stabilization measures applied as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased. From November 1 through March 31, any disturbed area must be stabilized using a heavy mulch layer, a rolled erosion control product or another method that does not require seed germination to control erosion.
 - (e) The permanent final vegetation and structures shall be installed as soon as practical and as may be directed by the Town Engineer.
 - (f) All erosion control measures employed during construction shall comply with the standards found in New York Standards and Specifications for Erosion and Sediment Control, latest edition.
 - (g) Phasing shall be required on all sites disturbing greater than one acre with, the size of each phase to be established by either the Planning Board or the CEO/ZEO depending on what review process the project requires.
- (6) Mitigation of impacts on rural roads.

H. Maintenance after construction. The owner or operator of any permanent stormwater management practices installed in accordance with this chapter shall operate and maintain the stormwater management practices to achieve the goals of this chapter. Proper operation and maintenance also includes, at a minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this chapter.
- (2) Written procedures for operation and maintenance and for training new maintenance personnel.

I. Maintenance agreements. As a condition of the approval of a land development permit, the CEO/ZEO may require that a maintenance agreement for the future operation and maintenance of one or more of the stormwater management practices proposed for the site, in a form acceptable to the Town Attorney and binding on all subsequent landowners, be executed and recorded in the office of the County Clerk as a deed restriction on the property. The agreement shall ensure that any stormwater management facility is accessible and maintained in proper working condition to meet design standards and any other provisions established by this chapter

J. Contractor certification. A copy of all notices of intent and all contractor's certifications, required pursuant to the New York State General Permit for Stormwater Discharges from Construction Activity Permit, as amended or revised, for all land disturbances, development or redevelopment located within the Town of Chatham shall also be filed with the CEO/ZEO and the Chatham Planning Board, to be placed in the applicant's file.

§180-27. EPO-2 - Scenic Views/Ridgelines

The locations and boundaries of the EPO-2 district is shown on the map entitled "Environmental Protection Overlay 2". The criteria of inclusion of lands within the EPO-2 include presence of a ridgeline, adding a 40 foot change in elevation buffer around the ridgeline within a quarter of a mile of such ridgeline, and visible from a public road,

The boundaries of this district are based on available topographic data and are not based on land surveys. Field investigations and/or other environmental analyses may be required in order to determine whether or not a particular piece of property is included within the overlay districts. Any applicant that believes that the proposed project site or building envelope is not actually within the EPO-2 may provide to the Planning Board, at the applicant's expense, a topographical survey by a licensed professional that substantiates the applicant's position. If the Planning Board agrees with the applicant, it may rule that the requirements of this sub-section do not apply to the project because it is not located in the EPO-2.

A. Applicability.

- (1) Land subdivision, special use permit, and site plan approval. The provisions of this section shall apply to all applications for land use development including subdivision, special use permits, site plan approval, zoning variances, zoning amendments, building permits for new residential dwellings, dwelling additions exceeding 300 square feet, and accessory structures exceeding 300

square feet, where such activity or development is located within the mapped EPO-2 District. However, the EPO-2 District requirements shall not be used to lessen the underlying zoning district density. Except as provided herein, no land shall be developed, and no building or structure erected, expanded, or developed unless the Planning Board upon granting such approval finds that the development proposed will be consistent with the requirements of the EPO-2 District. The Planning Board is hereby authorized to impose reasonable conditions, which it deems necessary in order to make such a finding. The provisions of the underlying zoning district shall remain in effect except where otherwise specified herein.

- (2) Exemptions. The following land uses are exempt from compliance with the EPO-2 requirements:
- (a) Agricultural structures, including those that require a Modified Site Plan Review, that are located on a farm operation are exempt from all EPO-2 requirements.
 - (b) Telecommunication towers proposed within the EPO-2 shall be allowed only within the T1, T2 or T3 districts. Where allowed, all requirements of Zoning Law Section 180-38 shall be met, and negative impacts to the visual character of the EPO-2 both within the T district and within the viewshed outside the T district shall be mitigated. The following activities are exempt from the EPO-2 requirements, subject to a determination by the Town CEO/ZEO that such activities involve necessary normal maintenance and upkeep of property and/or involve public health, safety or emergency situations:
 - (1) Lawn care and maintenance.
 - (2) Gardening activities.
 - (3) Tree and shrub care and maintenance.
 - (4) Removal of dead or deteriorating vegetation.
 - (5) Removal of structures.
 - (6) Repair and maintenance of structures.
 - (7) Repair and maintenance of faulty or deteriorating sewage facilities or utility lines.
 - (8) Reconstruction of structures damaged by a natural disaster.
 - (9) Public health activities, orders and regulations of the New York State Department of Health, Columbia County Department of Health or other agencies undertakes in compliance with § 24-0701, Subdivision 5, of the New York State Environmental Conservation Law, as amended or changed.
 - (10) Any actual or ongoing emergency activity which is immediately necessary for the protection and preservation of life, property or natural resource values.

B. Development Standards. All development within the EPO-2 District shall comply with the design standards and principles provided in this sub-section. The requirements are intended to ensure that future development within the EPO-2 creates no more than a minimal impact on the District and surrounding area, makes preservation of the scenic values provided by ridgelines in the Town of Chatham a central focus of any future development in those locations, requires that new development where the EPO-2 and hamlets overlap follow traditional settlement patterns, and provides general siting principles to help landowners and the Planning Board plan projects that fit into the scenic and rural countryside found in the higher elevations of the Town.

- (1) In any application within the EPO-2 district, and subject to this section, features that provide scenic importance to ridgeline areas should be preserved to the maximum extent feasible. These features include, but are not limited to, individual healthy trees within open fields that are at least 18 inches in diameter at breast height (dbh), historic structures, hedgerows, public

or private unpaved country roads, and stone walls. More specifically, the following standards address site design and architectural design in the EPO-2:

- (a) Placement of structures. Structures shall be sited at the lowest elevation possible so that the roofline does not extend above the ridgeline when viewed from public roads and locations accessible to the public. Within the EPO-2, building lots, building sites, including areas of cleared vegetation, shall be clearly designated on the applicable subdivision plat and/or site plan in relation to the EPO-2 boundary.
- (b) Restrictions on height. Within the EPO-2, no principal or accessory structure with a building height of greater than 25 feet shall be constructed unless visual cross sections or other appropriate methods demonstrate that the subject structure could be constructed with a building height greater than 25 feet, in conformance with Table of Bulk Requirements, without unduly impacting ridgelines and scenic viewsheds.
- (c) Visibility. All structures shall be sited to avoid, to the greatest extent practical, occupying or obstructing public views of highly visible lands identified within the EPO-2 District. This may be accomplished either by positioning buildings and areas of disturbance below a ridgeline or by positioning buildings and areas of disturbance at a ridgeline so that the elevation of the roofline is no greater than the elevation of the natural tree line. Buildings and lots shall be laid out to reduce the visual impact of the structures. This shall not be interpreted to mean that the buildings should not be seen, only that they should not protrude above the trees or hilltops. Buildings shall be designed to conform to the contours of the site, and driveways shall be compatible with the slopes and building design. No building will be allowed on exposed ridges or rock outcroppings. Public views shall be considered to be from any public road, park, or public open space. Visibility shall be measured using a condition of no leaves on trees.
- (d) Architectural Design.
 - (1) Color and materials used for buildings should be compatible with the natural landscape. Earth tone colors and natural materials such as wood, natural brick, tile or earth tone concrete shingles are recommended.
 - (2) The slope of the roof should be oriented in the same direction of the natural terrain and mirror the angle of the natural hillside.
 - (3) Windows should be of low reflectivity, large windows should be screened by native trees, and upper floor windows should be smaller so as to reduce visual impact to the maximum extent possible.
- (e) The natural elevations and vegetative cover of ridgelines shall be disturbed only if the crest of a ridge and the tree line at the ridge remains unobstructed. Grading, cut and fill, and retaining walls should be minimized for ridgeline development by using innovative building techniques which reflect the natural topography of the site. When cut and fill is unavoidable, it should be stabilized by rounding and landscaping. However, under no circumstances shall more than 100 feet along the ridgeline, to a width of 100 feet generally centered on the ridgeline, be disturbed.
- (f) Vegetation. Existing vegetation within ridgeline areas shall be preserved to the maximum extent practical. Every attempt shall be made to limit cutting necessary for either construction or the opening of views from the project site so as to maintain native vegetation as a screen for structures, as seen from public roads or parks or other public views. Native shrubs and trees shall be retained to help maintain natural drainage swales, reduce erosion, and preserve the character of the hillside. Existing vegetation and trees should be protected from damage during construction.

- (g) Landscaping. As a condition of approval, the area around each principal and accessory structure shall include at least one tree of a species with a mature height of at least 35 feet for each 2,500 square feet of lot or parcel area; provided, however, that this requirement shall not require any single-family residential lot to contain more than eight trees unless growing naturally on the site. Trees installed to meet the requirements of this subsection are preferably to be of native coniferous species, shall be a minimum of six feet tall when planted, and shall be planted before a certificate of occupancy is issued for the principal structure, or if that is not possible due to planting season or weather conditions, then within one month of the planting season for the species. Landscaping survivability must also be addressed and assured. Any existing trees that meet the height requirement are counted towards satisfaction of the tree requirements, regardless of whether they are coniferous or deciduous.
- (i) As part of a major subdivision application, the applicant submitting such plan may request approval of a landscape plan in which the vegetation requirements for certain lots or tracts may be increased, decreased or deleted, to reflect the degree of visibility of structures located in various portions of the subdivision or site. Additionally, such applicant may request alternative placement of landscaping on certain lots and tracts if such placement provides adequate mitigation of the visual impact of the roofline of the principal structure. Landscaping required by this section shall be credited against the landscaping requirements imposed by any other section of this chapter.
- (h) Tree cutting. All timber harvesting in the EPO-2 shall comply with the most recent versions of The Town of Chatham Timbering Regulation Law and the Timber Harvesting Guidelines for New York and Best Management Practices, as promulgated by the New York State Department of Environmental Conservation (DEC) and available from the Town's Planning Department.
- (i) This section is not intended to limit forest management in ridgeline areas when practiced in accordance with environmentally sound and sustainable silvicultural principles. Forest management constitutes a beneficial and desirable use of the Town's forest resources and makes vital contributions to the economy, environment and aesthetic features of Chatham. The tradition of using Chatham's forest resources for the production of forest products and related commercial activities, for recreation, and for sustenance of the Town's wildlife is essential to a favorable quality of life.
- (j) View preservation. The Planning Board may require buffers or use of conservation easements to protect or buffer views. A conservation easement shall follow § 247 of New York State General Municipal Law and §§ 49-0301 through 49-0311 of the New York State Environmental Conservation Law.
- (k) Lighting. Exterior lighting in the EPO-2 District shall be controlled in both height and intensity and under no circumstances shall the light level at any lot line exceed 0.2 footcandle, measured at ground level. Floodlights shall not be used to light any portion of a principal or accessory structure facade (except for the temporary lighting), and all outdoor light sources mounted on poles or buildings or trees to illuminate driveways, sidewalks, walkways, parking lots, or other outdoor areas shall use fully shielded light fixtures. For purposes of this section, a "full cutoff light fixture" is one in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted. All such fixtures shall be installed or shielded so that part of the light bulb or light source is not visible beyond the property boundaries.

- (l) Utilities. All utility housings shall be safely screened by native plant species and located so as to minimize their visual impact. All electric, telephone, television, and other communication lines, both main and service connections, servicing new development, shall be provided by underground wiring within easements of dedicated public street rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services. All service entrance lines to the structure(s) shall be buried.
- (m) Driveways and Parking. Driveways shall be governed by the requirements of Chapter 164 of the Town Code of the Town of Chatham (Road Specifications). If requirements from Chapter 164 are inconsistent with protecting the ridgeline and scenic view goals of the Town, the requirements of this Chapter shall control. Parking lots for nonresidential and multifamily residential uses shall be provided with screened parking located wholly at the side and/or rear of the structures, provided such an arrangement does not create a significant visual effect. If parking is provided at the side of structures, at least a ten-foot-wide landscaped area (exclusive of that required for sidewalks or utility easements) shall be provided between the road right-of-way and the parking lot, to be planted with shade or ornamental trees and at least a three-foot-high evergreen hedge, wall or fence. In addition, at least one tree and three shrubs shall be provided for each eight parking spaces in interior areas of the parking lot, whether such lot is provided at the side or rear of structures.
- (n) All major subdivision, or development on parcels greater than 50 acres in size and for which the applicant seeks subdivision of such parcel into more than three parcels, shall be designed with a Conservation Subdivision design pursuant to Chapter 135 of the Town of Chatham Code.
- (o) Clearing of existing vegetation at the edge of the road shall be minimized, except to open landscape views and as necessary to create road and driveway entrances with adequate sight distance. Curved driveways shall be used to increase the screening of buildings.
- (p) Dimensional regulations. The following dimensional regulations shall apply to development within the EPO-2 District:
 - (1) No building footprint shall exceed 7,500 square feet unless the structure is to be used exclusively for agricultural purposes.
 - (2) The maximum allowable impervious surface coverage on any parcel proposed for subdivision or development shall be 15%. To implement this requirement, restrictions on impervious surface coverage for individual subdivided lots shall be shown on any subdivision plat.
 - (3) Maximum building height requirements shall apply to the peak of the roofline except for cupolas or turrets as well as silos or barns when used in conjunction with agricultural operations, which may exceed the maximum building height.
- (q) Prevention of soil erosion. No site plan or subdivision plat shall be approved unless it includes soil erosion and sediment control measures, prepared in accordance with the standards described in manuals in common usage, such as the New York State Department of Environmental Conservation's Reducing the Impacts of Stormwater Runoff from New Development or the New York State Soil and Water Conservation Committee's New York Guidelines for Urban Erosion and Sediment Control. Landowners shall bear full responsibility for the installation, construction, and maintenance of all erosion control measures required as a condition of approval.
- (r) The Planning Board shall evaluate all potential impacts of a major subdivision on roads and shall minimize impacts to all roads, especially town rural roads by minimizing grade changes,

placement of new culverts, paving, removal of vegetation or other activities that would alter the rural road character or lead to changed or increased maintenance needs on such road.

C. Referral. The Town of Chatham's ridgeline areas contain significant wildlife habitats. To receive assistance in its review of applications, the applicable board may refer the proposed plan to the New York State Department of Environmental Conservation and/or the New York Natural Heritage Program for its review and recommendations. To receive further assistance, such reviewing board may refer the proposed plans to any such agencies or officials of the Town, county, state, or federal government as the board may deem appropriate.

D. Waiver. The Planning Board may waive some or all of the regulatory requirements of this section in the EPO-2 District only under any of the following circumstances:

- (1) The structure or area within the EPO-2 District is situated so that it does not create a visual impact, when viewed from visually sensitive areas, including public view locations, scenic roads or important views identified in the Town of Chatham Comprehensive Plan or Scenic Ridgeline Map; or
- (2) The Planning Board finds that the work to be done is of a minor nature and is consistent with the design standards set forth in this section; or
- (3) The use involves commercial agricultural operations.

Any such waiver by the Planning Board shall be done in writing providing reasonable detail and reference to the criteria found in the preceding section. Such written waiver shall include the reasoning for waiving of the requirements and how the waiver will not compromise the goals of the section.

§180-28. Density Bonuses.

A. Purpose and Applicability and Incentives.

- (1) Purpose. Pursuant to §261-b of the New York State Town Law, the Town of Chatham hereby establishes a program to encourage the preservation of open space, to promote environmentally sustainable and energy efficient development, to enhance public access to recreational lands or water bodies, to promote development of housing for senior citizens, and to promote provision of other facilities and amenities that would benefit the Town by providing incentive(s) to applicants seeking approval of a subdivision or site plan. The Planning Board may grant zoning incentives that are in compliance with the Town of Chatham Comprehensive Plan and with the provisions of this section.
- (2) Applicability.
 - (a) The incentives set forth herein may be applicable to residential developments in any zoning district except hamlet districts. .
 - (b) Where an application seeks subdivision approval as well as other approvals, the project shall be considered in its entirety and incentives shall not be granted separately for all approvals.
 - (c) Incentives shall not be granted where the community benefits or amenities offered are already required under other provisions of this Local Law or State law, including any mitigation measures required pursuant to the State Environmental Quality Review Act.

- (3) Incentives. An applicant may apply for an incentive adjustment to the maximum unit density requirements of this Law in exchange for one or more of the following benefits. But in no case shall the total approved incentives exceed a 30% aggregate increase to the maximum unit density for the proposed project.
- (a) Permanent Conservation of Natural Areas or Open Spaces. A bonus may be granted for the permanent preservation of open space lands through a conservation easement when a subdivision is designed as and complies with the Town Conservation Subdivision Law (Chapter 135), up to a fifteen percent (15%) increase to the maximum unit density for the zoning district.
 - (b) Cultural, archaeological, historic facilities or other unique features deeded to municipality or qualified not-for-profit agencies. A bonus may be granted for the permanent preservation of a cultural, archaeological or historic resource or facility, up to a fifteen percent (15%) increase to the maximum unit density for the zoning district may be approved.
 - (c) Public Access for recreational use. A bonus may be granted for the creation of public recreational lands or facilities open to the public, public access to streams, access to old railroad beds, access to other open space lands, the provision of fishing rights, or provision of public trails and public trail linkages, up to a fifteen percent (15%) increase to the maximum unit density for the zoning district may be approved.
 - (d) Senior Housing. For the provision of housing dedicated for use by senior citizens, up to a thirty percent (30%) increase to the maximum unit density for the zoning district may be approved. The bonus units may be assigned for either senior citizen or non-senior citizen units but may only be distributed proportionately to the ratio of senior to non-senior units. (For example, if 100% of all proposed units are for senior housing, then the applicant may be eligible for a 30% bonus. If 50% of proposed units are proposed for senior citizen occupancy, then the applicant may be eligible for a maximum of a 15% bonus.)
 - (e) Energy Efficient and Environmentally Sustainable (Green) Structures: A bonus may be granted when projects and structures are designed using LEED certified and other green building technologies, up to a fifteen percent (15%) increase to the maximum unit density for residential development, or adjustments in area requirements for non-residential development in the zoning district may be approved.
- (4) Procedures and Criteria for Approval of Incentives.
- (a) Where the plot falls within two or more contiguous districts, the Town Board may approve an incentive development representing the cumulative density as derived from summing of all residential lots allowed in all such districts together with the incentive density, and may authorize actual construction to take place in all or any portion of one or more such districts.
 - (b) Examples of ways that community benefits may be accomplished are:
 - (1) Use of permanent conservation easements.
 - (2) Donations of land in fee simple for conservation and other community benefit purposes.
 - (3) Construction of amenities, serving a Town-wide need, accessible to the general public, above and beyond that required to mitigate proposed impacts in accordance with SEQRA and the Town law.
 - (4) Construction or improvement to public works above and beyond that required to mitigate proposed impacts in accordance with SEQRA and the Town law.
 - (c) Authorization of zoning incentives is subject to the approval by the Town Board with recommendation from the Planning Board prior to the Planning Board grant of preliminary plat or site plan approval. Any lot or lots proposed to be part of an incentive request shall be shown and identified on all plans submitted for review.

- (d) Applications for incentives in exchange for amenities shall be submitted to the Town Board and Planning Board simultaneously. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be given by the applicant to both boards:
 - (1) Identification of the requested incentive in sufficient detail.
 - (2) Identification of the proposed amenity in sufficient detail.
 - (3) A narrative which describes the benefits to be provided to the community by the proposed amenity.
 - (4) A narrative which describes the impacts on the Town's infrastructure and emergency services as if the proposed subdivision including the incentive were developed to its fullest potential. This includes evaluation of the proposed sewer, water, transportation, waste disposal and emergency service protection facilities and what impact those additional demands will be placed on these facilities.
 - (5) A narrative that explains how the amenity helps implement the vision of the Town of Chatham Comprehensive Plan.
- (e) Applicants may first seek non-binding input from the Planning Board as to whether the proposal is worthy of consideration prior to the preliminary plat or site plan application. The Planning Board shall schedule a workshop to discuss the incentive application with the applicant. The intent of the workshop is to share information between the applicant, the Planning Board, Town Board members, and interested members of the public. The workshop will not supplant the formal hearing which will be conducted by the Town Board later in the review process. The applicant shall provide to the Planning Board the site plan with the density bonus included as an alternative as well as one without the density bonus so that the Planning Board and public can compare side-by-side what is allowed without the bonus and what would go in if the bonus was granted.
- (f) The Planning Board may engage a consultant to assist in review of the application, the cost of which will be borne by the applicant pursuant to Chatham Town Code Article 138.
- (g) Planning Board Procedures. The Planning Board shall, before making a recommendation to the Town Board, refer the proposal for review and comment to other governmental agencies as may be required and may refer the proposal to other boards and officials in the Town for review and comment.
 - (1) Compliance with SEQRA. All applicable requirements of the State Environmental Quality Review Act shall be complied with as part of the review, workshop and hearing process.
 - (a) Every decision by the Planning Board concerning an application for use of incentive zoning on a particular project will fully comply with the provisions of SEQRA.
 - (b) The applicant will submit an Environmental Assessment Form, Part 1, as required by the Planning Board as part of the application.
 - (c) The Planning Board will establish itself as SEQRA lead agency for all applications submitted pursuant to this section.
 - (2) The Planning Board shall hold a legally noticed public hearing. The public hearing related to the incentive application may be combined with any public hearing the Planning Board holds pursuant to SEQRA or any other state or local law. At least five days notice (fourteen (14) days if a draft environmental impact statement or supplemental environmental impact statement is required) of the time and place of a hearing will be published in an official newspaper of the Town. All current property owners adjacent to, directly opposite, or within 500' of the applicant's property shall be notified of the public hearing. Notice shall be mailed, return receipt requested, at least 10 calendar days prior to the hearing. All public notices shall specifically notify the public that a density bonus is

being sought and shall briefly describe the bonus being sought and the proposed community benefit sought to be exchanged therefore.

(3) The Planning Board, in consideration of an application for density incentives, shall make a written statement of findings making a recommendation for or against a density bonus and setting forth in reasonable detail the reasons based on evidence in the record supporting its recommendation. The findings shall include, but not be limited, to the following:

- (1) That the proposed adjustments would not have a significant adverse impact on the property, or to adjoining property, or to the neighborhood in which the property is situated.
- (2) That proper easements, surety or performance guarantees, if necessary, between the applicant and the Town is or will be in existence as of the date the final plat map is signed by the Chairman of the Planning Board.
- (3) That the necessary water and septic requirements can be met with the proposed density adjustments.
- (4) That the proposed amenity provides sufficient public benefit to provide the requested incentive.
- (5) Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Chatham Zoning Law.
- (6) Public benefit. That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted by the Planning Board.
- (7) Project quality. That the project is in harmony with the purpose and intent of this local law and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Chatham.
- (8) Comprehensive Plan. That the use of an incentive for the particular project is consistent with the Comprehensive Plan.
- (10) The Planning Board's referral to the Town Board shall include a report with the following information:

(a) An evaluation of how the incentive would benefit the site and how increased density relates to adjacent uses and structures. The Planning board shall assess whether such benefits would not otherwise result as provided in the provisions of the Town's laws. (This evaluation is not intended to serve as a site plan or subdivision review, which would otherwise occur after a final decision of the Planning Board on the incentive application.)

(b) A SEQRA determination as to whether the proposal will have a significant impact on the environment.

(c) An assessment that there are adequate resources, sewer, water, transportation, waste disposal, and emergency service facilities to serve the proposed incentive development and that such development will not substantially and deleteriously impact upon the development prerogatives of neighboring lands pursuant to local law.

- (4) The Planning Board may recommend that the Town Board place conditions on any grant of a density bonus to ensure that the Planning Board's findings are applied through the subsequent plan review, permitting and construction phases of the project.
- (5) The Planning Board's decision shall be within its discretion, subject to the provisions of this Section, and the Planning Board is free to recommend for or against any density bonus application in accordance with its good judgment based on its review. .

B. Town Board Approval Process.

- (1) Should the Planning Board make a preliminary determination to recommend issuance of an incentive, within sixty-two (62) days of receipt of the application for the incentive, or in the event the application might cause a present or future expenditure of public funds or commitment of public financial resources, it shall refer the application to the Town Board for final approval. This time frame may be extended by agreement of both the Planning Board and applicant.
- (2) The Town Board shall hold a properly noticed public hearing. Within 62 days of the close of the public hearing and upon completion of the SEQRA process, the Town Board will take action to approve, approve with modifications or conditions, or deny the proposed incentive zoning application. Regardless of the substance of the decision, the Town Board's decision shall be in writing and shall set forth in reasonable detail the reasons in support of its decision, including specifically addressing the recommendation of the Town Planning Board and any recommendations or comments received from the Columbia County Planning Board. A copy of the Town Board's decision shall be filed in the office of the Town Clerk, with a copies of the decision provided to the applicant, the Planning Board, the Zoning Board of Appeals and the Zoning Enforcement Officer. The time frame may be extended by agreement by both the Town Board and applicant.
- (3) Upon Town Board approval, the Planning Board is authorized to act on the application for preliminary and final approval pursuant to the Subdivision Regulations, and or Site Plan Review pursuant to this chapter.

ARTICLE IV. Special Regulations

§180-29. Site plan review.

A. The Planning Board shall review all plans for nonresidential uses, public and semipublic buildings, multifamily residential units, timber operations, whether or not such development includes a subdivision, clustered subdivision, conservation subdivision, or resubdivision of a site. Whenever the circumstances of a proposed development or application require compliance with this Site Plan Review Section and with another local law, ordinance or requirement of the town such as, but not limited to, Special Use Permits and Subdivision, the Planning Board shall integrate, to the extent reasonably practicable, site plan review with the procedural and submission requirements for such other compliance so as not to delay review and decision-making.

B. Land use activities which are exempted from the Site Plan Review requirements of this Chapter are:

- (1) Single and two-family dwellings, unless in an EPO-1 or EPO-2 Overlay District. If in an EPO Overlay, see section 180-26 and 180-27.
- (2) Farm and residential ponds.
- (3) Ordinary repair or maintenance of existing structures or uses;
- (4) Structures associated with a farm operation, commercial horse boarding operation and riding academy, and other agricultural structures as defined under N. Y. State Building and Fire Code Regulations and agricultural land uses, with the exception of roadside stands for the sale of agricultural products from a permanent structure. See Section 180-29 (C) (2) for Modified Site Plan Review for Certain Agricultural Uses as per subsection 180-29 (B) (2). Temporary roadside stands smaller than 100 square feet are exempt;
- (5) Exterior alterations or additions to an existing residential structure which do not substantially change its nature or use;
- (6) Interior alterations that do not substantially change the nature or use of an existing commercial structure;
- (7) Any change in use which does not require the issuance of a certificate of occupancy pursuant to the New York State Building and Fire Code;
- (8) Residential garden uses and residential, noncommercial timber cutting;
- (9) Garage and lawn sales;
- (10) Customary residential accessory uses.
- (11) Uses and structures which have already lawfully initiated construction prior to the enactment of this Zoning Law.

C. Site Plan Application Procedure

- (1) Sketch Plan. A sketch plan conference between the Planning Board and applicant shall be held to initially review the basic site design concept and to generally determine the extent of site plan review necessary for the intended project and the information to be required on the site plan and in accompanying reports. The Planning Board shall schedule a site visit by at least two (2) of its representatives to familiarize itself with the parcel and project, preferably prior to the sketch plan meeting, but no later than 30 days after receipt of an application for site plan approval or a special use permit.
 - (a) The Planning Board shall publish the date, place and time of the sketch plan meeting on the Town website and in the local paper so that the public can learn about the proposal at the earliest stage of project review.

- (b) The applicant shall provide seven(7) paper copies and one electronic copy (pdf) of the following information to the Planning Board for the Sketch Plan conference at least ten (10) days prior to a regularly scheduled Planning Board meeting:
 - (1) A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access, signs, existing and proposed vegetation, other planned features; general anticipated changes in the existing topography and natural features; and where applicable, measures and features to comply with wetland, stream, flood hazard and flood insurance regulations, if needed.
 - (2) An area map showing the parcel under consideration for site plan review.
 - (3) A topographic or contour map of adequate scale and detail to show site topography. The Planning Board shall have the discretion to waive the provision of a topographical map in the event that the applicant shall show that the contour of the subject matter parcel(s) does not impact the project in any manner.
 - (4) A sketch map showing known locations of natural features and resources such as wetlands, vernal pools, streams, lakes, steep slopes, or floodplains so that the design components of the project can be evaluated in context with the habitats and ecology of the site. The Town of Chatham Comprehensive Plan and the Town of Chatham Farmland Protection Plan may be consulted by the applicant in formulating this portion of the sketch map.
 - (5) A statement indicating which zoning district(s) the project is proposed to be located in and whether any portion of the project property is located in a certified New York State Agricultural District or within the EPO1 or EPO2 Districts.
- (c) At the sketch plan conference, the Planning Board will review and determine if the proposal is in conformity with the Town of Chatham Zoning Law, will require a modified site plan review as per Section 180-29 (C) (2) or a full site plan review as per Section 180-29, determine if the project is consistent with the Comprehensive Plan, and identify issues and concerns to be addressed during the review process. The Planning Board shall also review with the applicant submission requirements to determine what specific information is to be presented with the site plan application and what general time frames are applicable for SEQRA and the site plan review process.

(2) Modified Site Plan Review for Agricultural Uses.

The process outlined in this sub-section affords the Town of Chatham an opportunity to examine a proposed agricultural project and to evaluate and mitigate potential impacts to protect and preserve public health, safety and welfare without unduly burdening farm operations.

- (a) Applicability: Any new agricultural structure that is larger than 7,500 square feet building footprint and that is proposed to be sited within the EPO-1 or EPO-2 districts, or any agricultural structure proposed to be built within 100' of a stream or wetland shall be required to meet all requirements and procedures of this Modified Site Plan Review pursuant to this sub-section. Any other agricultural buildings are exempt from the provisions of this section.
- (b) A modified site plan review shall require the submission of, and consist of a review of, the following:

- (1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties, the owners of such contiguous properties, and any known easements or rights-of-way and roadways.
 - (2) Identification of the existing features of the site including land and water areas, water, sewer or septic systems, and the approximate location of all existing structures on or immediately adjacent to the site.
 - (3) Representation of the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.
 - (4) Indication of the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage or composting sites.
 - (5) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views, including copies of any available blueprints, plans or drawings of same. Where the application does not propose large scale improvements or complex planning or safety issues, then a plan drawn to scale by a surveyor shall not be a requirement.
 - (6) A showing or statement by the applicant that any exterior lighting installed shall be downward-directed and installed so that no part of the light bulb or light source is visible beyond the property boundary.
 - (7) A description of the existing and/or proposed farm operation and a narrative of the intended use and location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. This shall include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
 - (8) If a structure is proposed to be located within 200 feet of a stream, lake, or wetland, the applicant shall provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
 - (9) A completed agricultural data statement.
 - (10) Application form and fee, if established by the Town Board.
- (c) The Planning Board shall hold a public hearing on the modified site plan application, but the Planning Board may waive this requirement for proposed agriculturally-related uses on a farm operation that do not involve any public visitation to the site.
 - (d) As per Part 617 of the State SEQRA regulations, agricultural operations are Type II actions and are thus exempt. Therefore, no environmental review shall be required during a Modified Site Plan Review.
 - (e) The Planning Board shall initiate its review of a modified site plan application upon determination that the application is complete and shall make its decision within 45 days. If no action is taken by the Planning Board within that time frame, the application shall be deemed approved. Time frames may be extended only by mutual acceptance by both the applicant and the Planning Board.
 - (f) The Planning Board shall take into consideration the size and nature of the particular agricultural activity, including the construction of farm buildings/structures and shall approve, approve with modifications or deny the application. Modifications to the proposed site plan, if any, shall be made to promote the health, safety, and general welfare of the Town and shall not unduly restrict the agricultural operation.

- (3) Application for site plan approval. Within six calendar months of the sketch plan conference, a completed Town of Chatham application for site plan approval shall be made by the applicant, in writing, providing 7 paper copies and 1 electronic copy (pdf), to the Planning Board and shall be accompanied by a site plan which includes information drawn from the following checklist of items:
- (4) Site plan checklist. The site plan checklist shall include the following to be submitted by the applicant:
- (a) A written, detailed project narrative.
 - (b) Title of site plan, including the names and addresses of the applicant and the person(s) responsible for the preparation of such drawing and a signature block for the Planning Board's endorsement of its approval of the site plan. If the applicant is a corporation or LLC, names and addresses of the principal shareholders or members shall be identified on the application.
 - (c) North arrow, scale and date, with the scale to be not less than one inch equals 50 feet.
 - (d) An area map keyed to the real property Tax Maps, showing the parcel under consideration for site plan review and all properties, subdivisions, streets and easements within 200 feet of the boundaries thereof.
 - (e) Accurate boundaries of the property plotted to scale, including reference to the specific data source.
 - (f) The names and addresses of all current owners of record of lands adjacent to, directly opposite, or within 500 feet of the boundaries of the applicant's property.
 - (g) Identification of the zoning district(s) and overlay districts within which the proposed project is located, and identification if located within a certified New York State Agricultural District.
 - (h) The location of existing structures, uses and facilities (including any wells, utilities, or septic systems), if any on the property and on adjacent properties within 100 feet of the subject property line.
 - (i) An Agricultural Data Statement prepared by the applicant using the form supplied by the CEO, if located in or within 500 feet whether in a of a certified New York State Agricultural District or otherwise, and identification of any active agricultural operations existing on or within five hundred feet of the project, regardless of whether the project is located within a certified New York State Agricultural District or not.
 - (j) Existing watercourses, wetlands, vernal pools and floodplains, including reference to the specific data source.
 - (k) Location of all existing easements, covenants and restrictions, rights of ways, other reservations of land, and areas dedicated to public use within five hundred feet of the applicants' property as well as any significant restrictions affecting access to or the development of, the land.
 - (l) The location and boundaries of pertinent natural features that may influence the design of the proposed use or that would be affected by the proposed use such as but not limited to soil types, rock outcrops, wooded areas, other existing vegetative cover and either specimen trees or substantial tree masses on the property.
 - (m) The location and identification of any critical or rare habitats.
 - (n) Grading and drainage plan, showing existing and proposed contours at an appropriate interval to be specified by the Planning Board at the sketch plan conference.

- (o) Soil erosion and sediment control plan, if required by any applicable federal, state, county or local law or regulation, or if required by EPO-1 district.
- (p) The location, design, dimensions, proposed use, façade treatment, and height of all buildings, both existing and proposed.
- (q) The location, design and construction materials of all parking and truck-loading areas, including their access and egress drives and a clear indication of all traffic patterns on the site.
- (r) Location and manner for pedestrian access including bike paths, if any.
- (s) The location of outdoor storage for equipment and materials, if any, and the location, type and design of all solid waste-related facilities, including dumpsters and recycling bins.
- (t) The location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- (u) A description of the method of sewage disposal and the location, design and construction materials of such facilities.
- (v) A description of the method of securing water supply and the location, design and construction materials of such facilities.
- (w) The location of fire and other emergency zones, including the location of fire hydrants or of the nearest alternative water supply for fire emergencies.
- (x) The location, design and construction materials of all utilities and energy distribution facilities, including electrical, gas, wind, geothermal, hydro, and solar energy, and all communication facilities, including towers.
- (y) The location, size and design and construction materials of all proposed signage, including associated lighting, if any.
- (z) The location and proposed development of all buffer areas, including indication of both existing vegetative cover and that portion that will be preserved.
- (aa) The location and design of outdoor lighting facilities, including data regarding, when appropriate, lighting levels.
- (bb) General landscaping plan, including landscaping within parking lots.
- (cc) Listing of all permits required from other governmental agencies required for the project.
- (dd) Estimated project construction schedule and cost.
- (ee) Other elements and or information deemed integral to the proposed development as considered necessary by the Planning Board and which were communicated to the applicant during the sketch plan phase.
- (ff) Required fee and escrow deposit for development review costs. A completed Town of Chatham application for site plan review and approval shall include the applicable fee in accordance with the fee schedule established and reviewed annually by the Town Board and escrow deposit, if needed, as described below. The Planning Board is authorized to require the establishment of an escrow account for reimbursement of professional fees it may incur as the result of a site plan application in accordance with Chapter 138 of the Code of the Town of Chatham.
- (gg) Environmental assessment form (EAF). A completed Town of Chatham application for site plan review and approval shall also include a short or full EAF as required by the Planning Board pursuant to SEQRA
- (hh) A narrative which describes the impacts on the Town's infrastructure and emergency services
- (ii) The Planning Board may require additional studies including but not limited such as a traffic impact or visual impact analysis. A traffic impact analysis shall be, required by the Planning Board if it determines that the project will generate more than 100 car trips per day. The

Planning Board shall also require a traffic impact analysis if less than 100 car trips per day are proposed but the type of road, road conditions, line of sights or other site conditions may be impacted. The Planning Board shall evaluate the impact of a proposed development on town roads. If the project is located in EPO-1 or EPO-2 Districts, the Planning Board may require a visual impact analysis or a stormwater pollution prevention plan as per this subsection and sections 180-29. In all locations, if, upon a review of the materials submitted by the applicant, the Planning Board determines that a proposed project could have traffic, visual, or stormwater impacts, they are authorized to require the applicant to prepare and submit a traffic impact analysis, a stormwater pollution prevention plan, or a visual impact assessment. Costs for all reports, assessments, or plans required by the Planning Board shall be borne by the applicant.

(a) Traffic Report. A Traffic Report, developed by a qualified professional transportation planner or engineer with input from the Town of Chatham Highway Superintendent, and which shall include the following for the study area:

- (1) A description of the existing road, whether it is a Town, County or State road, whether it is gravel or paved, and general road measurements including width, right of way, road side vegetation characteristics, grade, curve, and presence of culverts or bridges.
- (2) Internal traffic flow analysis.
- (3) Existing and projected average daily traffic and peak hour levels.
- (4) Identification of construction traffic and its impact on roads including size of trucks and equipment, frequency of road use and deliveries, and duration of work along such road.
- (5) Identification if proposed traffic conditions will transition a gravel road to a paved road.
- (6) Existing and projected intersection levels of service (LOS).
- (7) Directional vehicular flows resulting from the proposed project.
- (8) Potential impacts of projected daily traffic and peak hour levels on the existing road character and conditions including but not limited to changes in paving, width, right of way, or other design features.
- (9) Proposed methods to mitigate the estimated traffic impact.
- (10) Identification of any pedestrian crossing issues.
- (11) The methodology and sources used to derive existing data and estimations.

b. Visual Impact Report. If a Visual Impact Assessment is required, it shall be prepared by a registered Landscape Architect or other qualified professional, who shall provide written evidence or credential of such qualification, and shall include:

- (1) A report that visually illustrates and evaluates the relationship of proposed new structures or alterations to nearby natural landscapes and to pre-existing structures in terms of visual character and intensity/scale of use (e.g. scale, materials, color, door and window size and locations, setbacks, roof and cornice lines, and other major design elements).
- (2) An analysis of the visual impacts from roads, public spaces, or parks of the proposed development, and of the location and configuration of proposed structures, parking areas, open space, and gradient changes.

(3) The Planning Board may require use of photo-simulations or balloon tests as part of the visual impact assessment.

c. Stormwater Management Plan. The contents of the stormwater management plan, stamped and signed by a licensed professional engineer, shall contain sufficient information for the Planning Board to evaluate the hydrological and hydrological-dependent characteristics of the land to be developed, the potential and predicted impacts of land development on the local hydrology, and the effectiveness and acceptability of all measures proposed by the applicant for reducing adverse impacts. The stormwater management and stormwater pollution prevention plans shall be prepared in compliance with the Stormwater Design Manual of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) program and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations. The Planning Board shall also review the project in relation to the Town of Chatham Comprehensive Plan.

(5) Improper Segmentation of Site Plan Prohibited. The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

D. Planning Board review. Before approving any site plan, the Planning Board shall conduct a review and determine that the following criteria have been met:

- (1) The site plan is compatible with the goals, policies and standards set forth in the Town of Chatham Comprehensive Plan. Development is compatible with its surroundings and in keeping with the character of the Town of Chatham.
- (2) The site plan shows compatibility with the neighborhood and overall character of Chatham:
 - (a) Relationship of buildings and site to adjoining areas. Site plans involving nonresidential uses proposed adjacent to a residential district or residential uses shall be reviewed with regard to minimizing the impact of the commercial development on such district or use.
 - (b) Individual buildings shall relate to each other, and to traditional structures in the surrounding area, in lot placement, scale, height, build-to lines, and connections to harmonize visually and physically with the traditional character of the area.
 - (c) Buildings shall have facades that honor traditional styles and patterns found in Chatham. The Planning Board shall evaluate the impact to, and compatibility of, these design features with existing neighborhoods.
 - (d) Treatment of the roof, sides and rear of all buildings shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings.
 - (e) When commercial projects involve the renovation/reuse of an existing building, the traditional character, historical elements, and architectural elements shall be maintained, and conditions may be required by the Planning Board to accomplish this.
 - (f) The Planning Board shall ensure that the visual impacts of new commercial structures on hills

or ridge tops, as viewed from public roads, public property, or publicly access areas such as parks shall prevent visual disruption of ridgelines to the maximum extent practical. See EPO-2.

- (g) The Planning Board shall consider the Agricultural Data Statement to determine the possible impacts the proposed project may have on the functioning of farm operations within the New York State Agricultural District in which the property is located. In determining the possible impacts of the proposed project, the Planning Board shall consider:
 - (1) Whether the proposed land use conflicts with farming activities.
 - (2) Whether the new use negatively impacts a farmer's ability to use existing right-of-ways or farm roads needed to access fields.
 - (3) Whether the new use affects land values and rental rates for agriculture.
 - (4) Whether any new proposed public roads will accommodate agricultural equipment and traffic.
 - (5) Whether the new use will be a non-farm growth inducing activity.
 - (6) Whether the new use will remove significant amount of land from being available for farming.
- (3) Pollution of air, streams, wetlands, lakes, soils, groundwater, habitats and other natural resources in the Town are avoided or mitigated.
- (4) Significant natural, ecological, cultural, and historical features on the site are preserved to the maximum amount possible to protect biodiversity and environmentally and ecologically sensitive areas of the parcel including, but not limited to water bodies, wetlands, vernal pools, critical habitats, stream and stream banks, wooded areas, native plants, scenic locations, historical structures and locations, and other areas of aesthetic and ecological interest. Adverse impacts on wetlands, vernal pools and other sensitive environmental features shall be identified and mitigated.
- (5) Adequate facilities to accommodate safe vehicular traffic access and circulation, including intersections, road widths, pavement surfaces or unpaved surfaces, dividers, channelization structures and other traffic controls. Traffic access management methods including but not limited to the following are used as necessary to the maximum extent feasible:
 - (a) Increasing spacing between signals and interchanges;
 - (b) Driveway location, spacing, and design;
 - (c) Use of exclusive turning lanes;
 - (d) Median treatments, including two-way left turn lanes (TWLTL) that allow turn movements in multiple directions from a center lane and raised medians that prevent movements across a roadway;
 - (e) Use of service and frontage roads; and
 - (f) Limiting right-of-way access to highways.
- (6) Roads, pedestrian pathways, driveways, and bike paths are properly designed and operated for universal accessibility, public safety, and for consistency with rural, hamlet and/or historic character, including maintenance of all rural roads especially an existing unpaved road and transitioning roads. The Planning Board shall consult with the Town of Chatham Highway Superintendent and receive their approval on all matters relating to existing or potential road conditions resulting from the development. As a condition of approval, the Planning Board may require that the application post a bond to pay for any required road improvements, as well as for additional maintenance or repair that may be required as a result of the development.

- (7) Off-street parking and loading facilities are safe, adequate and sufficient, and located, arranged, screened, and landscaped to be consistent with rural, hamlet and/or historic character.
- (8) The location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage meet the requirements of this zoning law and are consistent with the rural, hamlet and/or historic character. The use is consistent with the development design standards as required by the Town of Chatham.
- (9) Stormwater and drainage facilities are adequate and consistent with the standards of the New York State Department of Environmental Conservation or other agencies as required.
- (10) Water supply and sewage disposal facilities are adequate and meet the standards of the Department of Health.
- (11) Glare and light pollution that may be associated with new development and the negative impacts associated with them are minimized or eliminated.
- (12) The type and arrangement of trees, shrubs and other landscaping constitutes a visual and/or noise-detering buffer between the applicant's and adjoining lands, the landscaping plan maximizes retention of existing vegetation and important aesthetic features and the rural character of the neighborhood are protected. New streets shall require planting of deciduous street trees (See Section 180-44).
- (13) In the case of an apartment complex or other multiple dwelling, there is adequate usable open space for play areas and informal recreation.
- (14) Adjacent or neighboring properties are protected against noise, glare, vibration, unsightliness or other objectionable features.
- (15) Fire lanes and other emergency zones and water supply for fire emergencies are adequate.
- (16) Special attention is given to ensure adequacy of structures, roadways, including the preservation and maintenance of dirt roads. and landscaping in areas with susceptibility to ponding, flooding and/or erosion or in the vicinity of wetlands or similar natural features.
- (17) There is compatibility and consistency of scale of building design with existing characteristics of the neighborhood, including consideration of nearby historic or architecturally significant properties.
- (18) Utilities are adequate for the use of the property and are installed underground.
- (19) There is compatibility with active agricultural activities.
- (20) The Board shall review and consider GIS maps, associated information and impacts during its review of any application submitted for review under this Chapter.
- (21) Any site plan located within a certified New York State Agricultural District, or within 500 feet of such district or farming operation that is approved by the Planning Board shall include the following notice on the final, filed site plan:

"Disclosure: It is the policy of the Town of Chatham and this community to conserve, protect, and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform current and future buyers and users of this land use that nearby farming activities occur within the Town. Such farming activities may include, but not be limited to, activities that cause noise, dust, smoke and odors."

E. Public hearing. The Planning Board shall conduct a public hearing on the application for site plan approval. The public hearing shall be conducted within 62 calendar days of the receipt of the completed Town of Chatham application. Notice of the public hearing shall be published in the official newspaper of the Town and posted on Town website at least five calendar days before the public hearing. The

Planning Board shall require the applicant to provide notice of the public hearing and data regarding the substance of the application to the current owners of all property adjacent to, directly opposite, or within 500' of the applicant's property and those farm operators listed on the Agricultural Data Statement, if submitted, and all adjacent municipalities. Such notice shall be mailed by the applicant, certified mail return receipt requested, at least 10 calendar days prior to the hearing at the applicant's expense. The applicant shall submit the certified mail receipts to the Planning Board prior to the opening of the public hearing.

F. Extension of Time. Time frames for any Planning Board action related to the site plan review process may be extended only by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and Board, shall not constitute Planning Board approval of the site plan as submitted or last amended, and shall not be deemed automatic approval.

G. Referral to Other Agencies and Boards. Except for site plan applications subject to abbreviated site plan review, all other commercial site plan and site plan for subdivision applications shall be subject to:

- (1) Coordinated Review. The Planning Board may refer, or may be required by law to refer, the site plan for review and comment to other local and County agencies or their designated consultants, and/or to representatives of Federal and State agencies having jurisdiction over the site plan or some part of the proposed project.
- (2) Required Referral. The Planning Board shall refer to the Columbia County Planning Board all site plan applications which are required to be referred pursuant to the applicable provisions of Article 12-B of the State General Municipal Law. At least ten (10) days before such hearing, the Planning Board shall mail public hearing notices for the application to the applicant and to the Columbia County Planning Board as required by Section 239-m of the New York State General Municipal Law, which shall be accompanied by a full statement of such proposed action. The County referral shall apply to real property within 500 feet of the following:
 - (a) The boundary of any village or town; or
 - (b) The boundary of any existing or proposed county or state park or other recreation area; or
 - (c) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
 - (d) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
 - (e) The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

The Planning Board shall refer to the Columbia County Planning Board all site plan applications which are required to be referred pursuant to the applicable provisions of Article 12-B of the State General Municipal Law.

- (3) Required Agricultural Review and Agricultural data statement. An application for a site plan review must also contain an agricultural data statement if any portion of the project is located on property within a New York State certified Agricultural District containing a farm operation, or other property with boundaries within five hundred (500) feet of a farm operation located in such agricultural district. The agricultural data statement shall contain the name and address of

the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. The Planning Board shall cause a written notice of such application and date of public hearing to be mailed to the current owners of land as identified by the applicant in the agricultural data statement. The Planning Board shall evaluate the impact of the proposal on existing agricultural operations in that district. The Planning Board may request an advisory opinion from the Columbia County Farmland Protection Board, Columbia County Soil and Water District, New York State Department of Agriculture and Markets or other suitable agencies as needed with any costs borne by the applicant.

- (4) Conservation Advisory Council and Farmland Committee. The Planning Board may request an advisory opinion from the Town of Chatham Conservation Advisory Council or the Farmland Committee related to any application being considered for site plan approval. Any such advisory opinion must be submitted in writing to the Planning Board so that all procedural timeframes shall be met. All such opinions shall be advisory only.

H. SEQRA Compliance. Except for applications which are classified as Type II actions, no other application shall be approved without full compliance with State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617) and no other application for site plan review shall be considered complete for initiation of the site plan time frames until either a negative declaration has been issued or a draft environmental impact statement has been accepted as complete by the SEQRA lead agency as satisfactory with respect to scope, content and adequacy.

I. Costs Associated with Site Plan Review and Escrow. The Planning Board reserves the right to hire professional consultants, at the applicant's expense, to assist the Planning Board in its review of any information filed by the applicant including that filed under the SEQRA process. All costs related to the site inspection and review of a site plan, including any studies, reports, analysis, or other information that may be required by the Planning Board, shall be borne by the applicant. In addition to the application fees established by the Town Board, an escrow account may be established to cover all costs related to the review of a site plan. The applicant shall supply the Planning Board information as may be required to calculate the dollar amount required for the escrow account.

J. Planning Board action. The Planning Board shall act on the site plan application. Failure to act on such application within the required time shall not be deemed an approval.

- (1) The Planning Board shall act by resolution to either approve or disapprove or approve with modifications the site plan application. A copy of the resolution shall be filed in the Town Clerk's office and mailed to the applicant within 10 calendar days of the Planning Board's action. A resolution of either approval or approval with modifications shall include authorization to the Planning Board Chairman to stamp and sign the site plan upon the applicant's compliance with the submission requirements stated therein. The Planning Board shall also be authorized to impose such reasonable conditions and restrictions as are directly related to and incidental to a proposed site plan. Upon its approval of said site plan, any such conditions must be met in connection with the issuance of permits as set forth below. When reviewing a site plan application containing residential units, the Planning Board is authorized to approve such site plan, when offered by the applicant, at its discretion, a park or parks suitably located for playground or other recreational purposes, in accordance with NYS State Town Law §274(a)(6).

- (2) If the Planning Board's resolution includes a requirement that modifications be incorporated in the site plan, conformance with said modifications shall be considered a condition of approval and shall be satisfied prior to signing of the site plan. If the site plan is disapproved, the Planning Board's resolution shall state specific reasons for such decision. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.
- (3) Submission requirements for stamping. After receiving site plan approval, with or without modifications, from the Planning Board, the applicant shall within six calendar months submit six prints of the site plan to the Planning Board for stamping and signature by the Chairman. The site plan submitted for stamping shall conform strictly to the site plan approved by the Planning Board except that it shall further incorporate any revisions or other modifications required by the Planning Board.
- (4) Effect of stamping by Planning Board. Upon stamping and signature by the Chairman, the Planning Board shall forward a copy of the approved site plan to the Zoning Enforcement Officer, the Building Inspector and the applicant. The Building Inspector may then issue a building permit or the Zoning Enforcement Officer a certificate of occupancy, as applicable, if the project conforms to all other applicable requirements, including the applicant's presentation of documentation that all necessary permits and approvals from federal, state and county officials and agencies have been issued.
- (5) Expiration of approval. Planning Board approval of a site plan shall expire if any of the following circumstances occurs:
 - (a) The site plan is not submitted for stamping and signature by the Chairman within six calendar months of the Planning Board's resolution of site plan approval, with or without modifications.
 - (b) A completed Town of Chatham application for either a building permit or certificate of occupancy is not submitted to the Zoning Enforcement Officer and/or Building Inspector, as applicable, within one calendar year of the stamping and signing of the site plan by the Chairman.
 - (c) Work authorized under a building permit is not commenced and diligently pursued through the completion of substantial construction within 30 months of the stamping and signing of the site plan by the Chairman. Upon prior written request to the Planning Board, including a statement of justification for the requested time extension, the time period for submission of the site plan or submission of the complete application for a building permit or certificate of occupancy may be individually extended for a maximum period of six calendar months and one calendar year, respectively, from their otherwise specified termination dates.

K. Relief from Decisions. Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the final decision by the Planning Board is filed in the office of the Town Clerk. Such proceeding shall be governed by the specific provisions of New York Civil Practice Law and Rules Article 78.

§180-30. Special use permits.

A. Authorization to grant or deny Special Uses. The Town Board authorizes the Planning Board to grant or deny special uses in accordance with the requirements set forth in this section. No special use listed

in this law may be permitted, enlarged or altered unless approved by the Planning Board. All applications that require special use permit approval shall also require site plan review and approval.

B. Applications for special use. Any application for a special use permit shall be made in writing. The application and required information shall be delivered to the Clerk of the Planning Board at least ten (10) days prior to the date of the next regular meeting of the Planning Board. Time frames outlined in this section shall not initiate until the Planning Board has deemed the application complete. Seven copies of the application and required information as set forth below shall be submitted.

- (1) The application must include an Environmental Assessment Form (EAF) and all necessary documentation to comply with State Environmental Quality Review Act, Part 617 (SEQRA). No application shall be deemed complete until a Determination of No Significance has been made, or until a Draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy.
- (2) An application for a special use permit must also contain an agricultural data statement if any portion of the project is located on property within an agricultural district containing a farm operation or other property with boundaries within 500 feet of a farm operation, whether within an agricultural district or otherwise. The agricultural data statement shall contain the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
- (3) Fees. Fees for the special use permit application shall be in accordance with any fees established by the Town of Chatham. All application fees as may be established by the Town Board are in addition to any required escrow fees.
- (4) Expenses. The applicant shall be responsible for the total cost of environmental reviews determined to be necessary to meet requirements of SEQRA as per 6NYCRR Part 617.13. The Planning Board may also incur other extraordinary expenses in order to properly review documents or conduct special studies in connection with the proposed application including but not limited to the reasonable costs incurred by the Planning Board for private consultation fees, fees for technical and engineering services, legal fees, or other expenses in connection with the review of a special use permit application. All fees shall be established by the Planning Board and charged to the applicant. The Planning Board shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of each application for a special use permit. The amount so determined by the Planning Board shall be deposited by the applicant in escrow with the Town Clerk prior to the Planning Board's commencing any review of the application. If the amount so deposited is exhausted or diminished to the point that the Planning Board determines that the remaining amount will not be sufficient to complete the review of the application, then the Planning Board shall notify the applicant of the additional amount that must be deposited with the Town Clerk. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible, the Planning Board, in its discretion, may cease review of the application until such amounts are paid or deny the application. In no event, however, shall any special use permit be approved until such sums have been paid in full.
- (5) Informal consultation. Prior to submission of a formal application, applicants are encouraged to meet with the Zoning Enforcement Officer to review submission requirements. Applicants are also encouraged, but not required, to discuss the proposal with abutting landowners to ascertain any issues early in the application process.

C. Procedures

- (1) Coordination with Site Plan. The Planning Board shall review site plans and special use permit applications concurrently. All procedural and submission requirements shall be coordinated so as not to delay review and decision-making. In order to facilitate this coordination, any required information from Section 180-29 (Site Plan Review) shall accompany the special use permit application.
- (2) Area variance. Where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Section 180-65, without the necessity of a decision or determination by the Zoning Enforcement Officer.
- (3) Use variance. All use variance applications to the Zoning Board of Appeals shall be made only after denial of a permit by the Code Enforcement Officer.
- (4) Public Hearing Required. The Planning Board shall determine whether an application is complete or not. Within sixty-two (62) days of receipt of a completed Town of Chatham application, the Planning Board shall hold a public hearing. Notice of the public hearing shall be published in the official newspaper at least five (5) days prior to the date set for public hearing and posted on Town website. The Planning Board shall send, or cause to be sent, notice of the Public Hearing to all current property owners adjacent to, directly opposite, or within 500 feet of the applicant's property and those agricultural operators identified on the Agriculture Data Statement, if one is submitted. Notice shall be mailed, by the applicant, certified mail return receipt requested, at least 10 calendar days prior to the hearing. The applicant shall submit the certified mail receipts to the Planning Board prior to the opening of the public hearing.
- (5) Notice to Applicant and Columbia County Planning Board. At least ten (10) days before such hearing, the Planning Board shall mail public hearing notices for the application to the applicant and to the Columbia County Planning Board as required by Section 239-m of the New York State General Municipal Law, which shall be accompanied by a full statement of such proposed action. The County referral shall apply to real property within 500 feet of the following:
 - (a) The boundary of any village or town; or
 - (b) The boundary of any existing or proposed county or state park or other recreation area; or
 - (c) The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
 - (d) The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
 - (e) The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- (6) SEQRA. The Planning 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. An application shall not be deemed complete until a Negative Declaration has been adopted, or until a draft environmental impact statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy.
- (7) Other Agency Review. In its review, the Planning Board shall consult with the Town Highway Superintendent and may consult with the Town of Chatham Conservation Advisory Council, and professionals such as, but not limited to, an engineer, attorney, surveyor, or land use/environmental planner and other Town and county officials and boards, as well as with representatives of federal and state agencies, including the Soil and Water Conservation District,

the United States Army Corps of Engineers or the New York State Department of Environmental Conservation. All fees related to consultation with professionals shall be borne by the applicant.

- (8) The Planning Board shall require proof that all permits required by other agencies have been applied-for prior to final approval. The Planning Board may approve a special use permit application contingent upon final approval of such application by other agencies. The Zoning Enforcement Officer shall ensure that all other agency approvals have been received and all conditions required by the Planning Board are met prior to issuing a zoning permit. Such zoning permit shall be approved prior to the Building Inspector issuing a building permit.
- (9) Decisions
 - (a) Time of decision. The Planning Board shall decide upon the special use permit application within sixty-two (62) days after the close of the public hearing, subject to compliance with the requirements of SEQRA and the New York State General Municipal Law Sections 239-l and 239-m. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.
 - (b) Type of Decision. In rendering its decision, the Planning Board shall approve, disapprove or approve with modifications and conditions the special use permit application. In authorizing the issuance of a special use permit, the Planning Board has the authority to impose such reasonable conditions and restrictions as are directly related to, and incidental to, the proposed special use. The Planning Board shall impose additional conditions and safeguards to the special permit use as are directly related to and incidental to the proposed special use permit and which may be necessary to assure continual conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced. Restrictions and/or conditions may include those related to design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the resources of the Town. The Planning Board's decision shall be in writing and shall include an explanation in reasonable detail of the basis for the Board's decision and shall also set forth all conditions which apply to the special permit, if granted. Upon its granting of said special use permit, any such conditions must be met before issuance of permits by the Zoning Enforcement Officer and Code Enforcement Officer.
 - (c) Filing. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant and also provided to the Zoning Enforcement Officer and the Code Enforcement Officer.
 - (d) A special use permit shall be deemed to authorize only the particular special use or uses permitted. Once a special use permit has been granted, it shall apply to the approved use on that parcel regardless of ownership, as well as to any subsequent use of the property in the same use category as per the Use Table for that district, 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, or lapses in use.

D. Lapses, Revocation and Expiration.

- (1) Special use permits will expire if the applicant fails to obtain a building permit or fails to comply with the conditions of the special use permit, unless other provisions are set forth by the Planning Board in connection with its approval, within 18 months after approval.
- (2) A special permit may be revoked by the Planning Board if, after notice to the holder of the permit and an opportunity for hearing, it is determined that the conditions of the special use permit have been violated.
- (3) A special use permit will expire if the special use or uses shall cease for more than three years for any reason. If a use subject to an approved special use permit had been in continual operation but has since lapsed in operation for more than three years between Planning Board approval and re-initiation of such use, the Planning Board shall require a review of such use prior to reinstatement to ensure that all original conditions of the special use permit are still valid. In either case, the Planning Board may, after review, reinstate, or reinstate with conditions such lapsed use. Such Planning Board review shall be initiated through action by the Zoning Enforcement Officer.
- (4) Any violation of the conditions of a special use permit or a violation of any applicable performance criteria of this chapter shall be deemed a violation of this chapter and shall be subject to enforcement as provided in this zoning law.

E. Renewal of Permit. The Planning Board, as a condition of approval, may require that special use permits be renewed periodically. When the Planning Board has established such a condition of approval, at least ninety (90) days prior to the expiration of a special use permit, the applicant shall apply to the Zoning Enforcement Officer for renewal of the special use permit. The Zoning Enforcement Officer shall inspect premises and provide the Planning Board with a written evaluation of whether the terms of the conditions specified in the special use permit have been met. The Planning Board shall then determine if the special use permit should be renewed, modified or revoked.

F. Existing violation. No special use permit shall be issued for a property in violation of this Zoning Law unless the granting of a special use permit and Site Plan approval will result in the correction of the violation.

G. Expansion of special use. The expansion of any special use shall require amendment and approval of the special use permit by the Planning Board in accordance with the procedures set forth in this Zoning Law. For purposes of this section, expansion shall be interpreted to mean an increase in the floor or lot area allocated to the special use, an increase in development coverage, or an increase in the intensity of the use, e.g., an increase in traffic or need for on-site parking.

H. Standards applicable to all special uses.

(1) General Criteria

- (a) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site shall be in harmony with the orderly development of the district and shall be compatible with the neighborhood in which it is located and with the rural and small town character as well as compatible with existing agricultural activity in the district.

- (b) The proposed use shall safeguard the values of surrounding properties from noise, glare, unsightliness, or other objectionable features and will not have an adverse impact on adjacent properties.
- (c) The proposed use shall protect natural environmental features, will not negatively impact traffic and will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare or any other nuisances.
- (d) The location, nature and height of buildings, walls and fences, and the nature and intensity of intended operations shall not discourage the appropriate development and use of adjacent land and buildings nor impair the value thereof;
- (e) The landscaping of the site shall be in character with that prevailing in the neighborhood;
- (f) The character and appearance of the proposed use, building, structures, and signs shall be in harmony with the character and appearance of the surrounding neighborhood.

(2) Specific Criteria

- (a) The lot shall be of sufficient size, appropriate and adequate for the proposed use and the reasonably anticipated operation and expansion of that use.
- (b) The proposed use shall conform with any special requirements or conditions as set forth by the Planning Board.
- (c) Access facilities, entrances and exits shall not have the effect of creating traffic congestion or a potentially unsafe condition. In this regard the Planning Board shall consider the estimated traffic to and from the site and the use of the site by customers and/or the public. Vehicle entrances and exits shall be clearly visible from the street.
- (d) The proposed use shall not alter either the level of service on the road that serves it or significantly alter the essential character of that road, including dirt roads.
- (e) All proposed curb cuts and/or driveways shall be approved by the appropriate agency or agencies having jurisdiction.
- (f) There shall be adequate off-street parking and loading facilities sufficiently constructed for the anticipated number of occupants, both employees and patrons or visitors, and further that the layout for the spaces and driveways adequately addresses all known safety issues. In locations where on-street parking is available or allowed, those parking spaces may be allowed to be included to meet parking requirements. Although on-street parking may be allowed, safety must be considered.
- (g) Adequate buffering and screening between the proposed site and adjoining properties shall be provided for in order to adequately protect the characteristics and uses of the adjacent properties and land uses.
- (h) There is an adequate supply of water to the site and that adequate provisions have been made for sewage, refuse or other waste. The applicant shall show that any public water and sewer infrastructure to be used by the special use has capacity to support the proposed special use. Where no public water infrastructure exists, the applicant shall ensure that the proposed special use does not adversely impact water supply quantity or quality currently used by existing land uses in the area.
- (i) The applicant shall provide for adequate collection and disposal of all drainage and stormwater runoff from the site following DEC stormwater guidance.
- (j) The proposed use shall be in compliance with all applicable performance and design standards as set forth in this chapter.

- (k) The location, size of the use, nature and intensity of the operations, site layout and its relation to streets and highways giving access to the site shall be such that the proposed use will not be hazardous, inconvenient or detrimental to the neighborhood. In applying this standard, the Board shall consider, among other things, convenient and safe routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street and road intersections, and the general character and intensity of the development of the neighborhood. Rural roads shall be maintained.
- (l) The applicant shall secure all necessary permits from any federal, state or local authority, including site plan approval; provided, however, that the Board may, in its sole discretion, grant conditional approval and establish a time frame for final approval upon the issuance of any required permits. In this regard, the applicant shall demonstrate that all necessary permits have been applied for. Conditional approval shall not be applicable for permits required for ingress and egress.
- (m) The applicant has demonstrated compliance with all wetlands and all flood zone regulations.
- (n) The proposed use shall have adequate lighting, but such lighting uses standards from professional lighting associations such as International Dark-Sky Association, New England Light Pollution Advisory Group, and Illumination Society of North America and ensure there is no unnecessary glare to adjacent properties. All lights shall be down directed and shielded.
- (o) All activities involving the storage of chemicals, flammable and explosive materials may be allowed in business or industrial zones provided that adequate safety devices against the hazard of fire and explosion are in place. Methods of prevention and suppression of these hazards shall be approved by the local officials responsible for fire prevention and public safety.
- (p) No emission of vibration, fly ash, dust, smoke, vapors, gases or other forms of air pollution shall be permitted which can jeopardize human health or animal or plant life or which otherwise contributes to the deterioration of or detracts from adjacent properties.
- (q) The proposed use shall be designed and carried out in a manner that does not adversely affect historic, aesthetic, and natural environmental features on the site and in adjacent areas.
- (r) All proposed buildings, structures, equipment, and/or material shall be readily accessible for fire, police, and other emergency service protection.
- (s) Compliance with the Town of Chatham Mass Gatherings Law (Local Law #1 of 2013), et. seq. is required if the use shall attract 300 or more people at any one time.
- (t) All applications must comply with section 180-49, Noise of this chapter.
- (u) Where a business district use is immediately adjacent to a residential use, complete visual buffering shall be required, and existing vegetation shall be maintained as much as possible to mitigate any visual or sound impacts. All lights shall be down directed with housing shields. Any operational systems (HVAC, water, etc.) shall be shielded and baffled.
- (v) Hours of operation may be limited where such limitation would directly mitigate potential negative environmental impacts such as traffic, parking, lights and sound.

§180-31. Commercial Design Standards

A. Purposes: To promote adaptive reuse of existing buildings, to promote the traditional character of business areas to be consistent with original settlement areas in Chatham, and to encourage compact commercial development in neighborhood-scaled commercial centers for those applications that come before the Planning Board and Zoning Board of Appeals.

B. Applicability: These standards shall be applied to all commercial uses as per Table 2, in all districts except for home occupations. All requirements of Article V (Provisions Applicable to All Districts) shall be met in addition to those included in 180-31. Additionally, trademarked structures shall be allowed provided they are designed to meet all the standards of this section.

C. Standards

- (1) **Sidewalks.** A clear, on-site system of pedestrian walkways must be provided. The pedestrian system must connect buildings to one another, to parking areas, and to public streets and sidewalks.
 - a) Sidewalks sized 4' to 8' wide shall be provided for along the length of the road frontage.
 - b) Sidewalks shall be separated from vehicular traffic lanes by individual planters or planted strips. Planting strips or medians, where provided, shall be depressed to facilitate rainwater infiltration. Sidewalks shall be raised and curbed along buildings and within parking lots, where suitable.
 - c) Pervious surfaces for sidewalks are preferred. Pedestrian exits from all parking lots shall be linked to the sidewalk.
 - d) Restaurant uses shall be permitted to operated outdoor cafés on sidewalks and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired.
 - e) Commercial uses shall be permitted to have sidewalk displays of retail merchandise directly in front of the establishment, provided that at least five feet of clearance is maintained at the storefront entrance.
- (2) **Parking Areas.** All off-street parking and loading requirements of 180-42 and 43 shall be met. In addition, the following standards shall be incorporated into the design:
 - a) All parking shall be placed to the side or rear of the principal building.
 - b) Parking areas shall be buffered and screened from the street by a building (if to the rear), or vegetation (if to the side). There shall be no direct views of parked vehicles from streets although such screening shall not impede sight distances for vehicles and pedestrians.
 - c) The interior of all parking lots shall be landscaped to provide shade and visual relief through the use of planting islands or peninsulas. Parking lots with ten or less spaces may not require interior landscaping if the planning Board determines that there is adequate perimeter landscaping.
 - d) Parking lot layout shall take into consideration pedestrian circulation. Where necessary and appropriate, crosswalks shall be provided for and be distinguished by textured paving and integrated into the larger pedestrian network.
 - e) Where feasible, use of permeable surfaces are preferred.
 - f) A minimum of one bicycle rack place shall be provided for every ten vehicular parking spaces.
 - g) Minimize the number of off-street parking spaces provided should be to the minimum necessary to adequately serve the

intended use.

- h) Cross-easements between two commercial parcels should be used to provide shared access to parking to the maximum extent practical.

(3) **Street Trees, Screening and Landscaping.** Street trees shall be planted within planters or strips using a single or alternating species aligned every 30' on center and shall be depressed to facilitate rainwater infiltration. Landscaping shall be required in accordance with a landscaping plan approved by the Planning Board. Within two years from the time of planting, all dead or dying plants, installed new shall be replaced by the developer. Plant species selected should be hardy for the climate in Chatham and preferably native species. Reference New York State Stormwater Design Management Manual.

- a) Detention basins, headwalls, outlet structures, flow channels and other drainage improvements shall be screened with plant materials and/or berms. In cases where the above features are not architecturally compatible then, fencing used to screen the feature that is visible from the street or adjacent properties shall be either fully screened with vegetation or a decorative fence style used that is compatible with the character of the neighborhood.
- b) Where practicable, existing tree rows and hedgerows, stone walls, and similar features should be retained in the development of any new use or the expansion of any existing use. Maximum effort should be made to save existing mature vegetation.

(4) **Lighting.** Lighting poles shall be post style, with a maximum height of 18'. All luminaires shall be full-cut off, and shielded to direct light downwards. Traditional fixtures instead of shoe-box style fixtures are preferred. In general, lighting poles shall be spaced at no greater than 80 feet on center. Non-color corrected low pressure sodium and mercury vapor light sources are prohibited. There shall be no glare beyond the property lines. The Planning Board may require a lighting plan to illustrate light levels at property lines. Lighting fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors and details of the building.

(5) **Buildings and Lot Layout.**

- a) One principal building is allowed along the frontage.
- b) One accessory building per lot is allowed and shall be placed to the rear or side of the principal building and set back 20 feet plus the required building setback.
- c) Building footprints shall be limited as per Table 1 and Table 2. No single building shall have a building footprint exceeding 20,000 square feet. All buildings having facades larger than 5,000 square feet shall be articulated to appear as multiple buildings or with offsets, each part of which does not exceed a maximum building footprint of 5,000 square feet.
- d) There shall be a maximum of 70% lot coverage in the B district with a maximum of 60% frontage buildout.
- e) All dumpster or trash receptacles shall be placed to the rear of a principal structure or if lot configuration is such that rear access is not feasible, in the

side yard provided it is set back the farthest possible distance from the frontage.

- f) All facades shall be parallel to the frontage line.
 - g) Setbacks may be allowed to match that of existing, adjacent principal building setbacks if they conform to the dimension requirements of Table 1.
 - h) Balconies, open porches and bay windows may encroach in the front yard.
 - i) Two-way vehicular entrances to parking lots, garages, and parking structures shall be no wider than 24 feet at the frontage. One-way entrances shall be no wider than 12 feet at the frontage. Where a mix of residential and commercial uses is allowed in one structure, residential uses shall be placed to the rear or upstairs of the commercial use. All ground floor spaces facing the frontage shall be the commercial use.
 - j) Major modifications to the existing landscape, such as extensive grading, clear-cutting of trees, or other similar activities, should be avoided to the extent possible.
 - k) Low impact development (LID) for stormwater management shall be incorporated, and shall use the New York State Stormwater Management Design Manual, and in particular, Chapter 5 (Green Infrastructure Practices), Section 5.1 (Planning for Green Infrastructure: Preservation of Natural Features and Conservation Design).
- (6) **Signs.** All sign requirements of 180-46 shall be met. In addition,
- a) Illuminated signage shall be externally illuminated only, except that signage within shopfront windows may be neon or LED lit.
 - b) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on the building or its vicinity.
- (7) **Building Design.** Buildings shall generally relate in scale and design features to the local context of the surrounding buildings, and larger hamlet area. New buildings adjacent to existing structures should be designed in a manner consistent with the general architectural features of such existing structures in terms of form, materials, and fenestration and roof shape. No trademarked architecture shall be allowed. Drive-through facilities are not allowed in any hamlet area.
- a) There shall be no blank and windowless walls along any frontage. The architectural treatment of the front façade shall be continued, in its major features, around all visibly exposed sides of a building. Blank wall or service areas of side elevations visible from the public viewshed are not allowed.
 - b) Buildings shall be located to front towards and relate to public streets, both functionally and visually to the greatest extent feasible. Where the street frontage is not the functional front of the structure, windows and building accessories shall be required to make it appear visually as the front.
 - c) The maximum building size shall be 100 feet in length along the frontage.
 - d) Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a long wall. Roof-line offsets shall be provided in order to

add architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

- e) Gable roofs with a minimum pitch of 9/12 and hipped roofs of 6/12 shall be used to the greatest extent possible. Dead-flat roofs are generally inconsistent with the existing character of the Town and should be avoided. Where the size or type of the building requires a flat roof, other architectural features shall screen or disguise the flatness of the roof.
- f) Fixed or retractable awnings are permitted at ground level if they complement a building's architectural style. Canvas and other water-proof fabric is the preferred material; metal or aluminum awnings are prohibited.
- g) All HVAC, stacks, pipes, and other utility structures shall be thoroughly screened from view from the street and from adjacent properties.
- h) The utilization of ribbon or continuous strip glazing in any building facade should be avoided.
- i) Where drive through facilities are allowed, they shall Drive-through facilities should be located at the side or rear of buildings and landscaping should be used to reduce the visibility of such facilities.
- j) In areas having a traditional main street style, conversion of an existing main street structure shall require provision of a mix of both commercial and residential uses.

§180-32. Rural Siting Standards

A. Purposes: To promote and ensure that new development in the Rural Districts is in keeping with the rural character of Chatham. These standards are developed to preserve rural character found in the non-hamlet areas of town by emulating traditional development patterns found there and these through standards that ensure consistent layout, siting, building design, and dimensions of structures.

B. Applicability: These standards shall be applied to all development within the Rural Districts (RL1, RL2, and RL3). These standards are mandatory for all uses in those districts and are in addition to those required in other sections of this local law and the Town of Chatham Subdivision of Land Law.

C. Standards

- (1) General Standards. The following features which add to the rural character of Chatham shall be maintained to the maximum extent feasible:
 - a. Stone walls, mature trees, rock outcroppings
 - b. Existing roadside trees
 - c. Existing historic structures
- (2) Dimensions for District. In addition to those required dimensions from Table 1, the following shall cover all development within any of the RL districts:
 - a. Impervious Surface Ratio: 0.06 (0.06 times total parcel area = acreage eligible to be covered in impervious surfaces)

- b. Except in a conservation subdivision design, the Open Space Ratio: 0.85 (0.85 times total parcel area = acreage required to be in open space)
 - c. Allowable Square Footage: Except for structures part of a farm operation, no structure shall exceed as referenced in 1Table 15,000 square feet.
- (3) Siting of Structures on Lots
- a. All new subdivisions in the RL1 and RL2 districts shall be sited as per 180-35 (Farm Land Protection Siting Standards)
 - b. Only one principal building per parcel shall be allowed, except for agricultural uses.
 - c. All requirements for steep slopes and environmentally sensitive locations included in the EPODS shall be followed (180-26 and 180-27).
 - d. In the case of an open area, new house sites shall be to the edge of instead of in the middle so to preserve the maximum amount of open space/farmland as possible. In the case of a wooded area, new house sites shall be placed in a manner to avoid forest fragmentation to the maximum extent feasible.
 - e. Driveways shall follow natural contours, be located along edges of fields or forests, retain trees along the driveway edge, and preferably be of pervious surfaces.
 - f. Use of very long setbacks shall be encouraged to protect scenic or historic resources that may be present and visible from the public road.
 - g. Major subdivisions may be required to be designed as a conservation subdivision as per Chapter 135 of the Town of Chatham Code.
 - h. Buffers may be required as follows:
 - i. Farm buffers – see 180-35.
 - ii. Stream Buffers – there shall be a 100’ setback from stream banks for all structures except agricultural buildings are exempt from this requirement.
 - iii. A landscaped and/or fenced buffer shall be provided for when a non-residential use is adjacent to residences.
 - i. Stormwater runoff rates after development shall not exceed the rate that existed prior to the site being developed. Low impact development standards to control stormwater as per Chapter 5 of the New York State Stormwater Management Design Manual shall be used to the maximum extent. feasible (http://www.dec.ny.gov/docs/water_pdf/swdm2010chptr5.pdf).
 - j. New commercial buildings will be located in a way that minimizes significant adverse impact on adjacent farm operations and expansion of agricultural uses, and shall not interfere with current agricultural operations, or displace farm storage, use, or functions.
- (4) Design
- a. To achieve the goals of maximizing open space and protection of the environment, all site plans, subdivision and special use permits shall require identification of building envelopes for a new structure and its accessories such as driveway, outbuildings and septic systems. The Planning Board has the authority to site the building envelope and to adjust the siting of the structure to better preserve natural resources, vistas, aesthetic features, wildlife resources and other environmental features that may be on the parcel.

- b. All subdivisions shall ensure that new minor and major subdivisions prevent repetitive single-family detached house designs.
- c. Existing natural landscapes should be protected as much as possible. In locations lacking landscaping, the Planning Board may require street tree planting and landscaping during new development. All new plantings should replicate the natural, existing landscape of the area.
- d. It is recommended that driveways be constructed of pervious materials (concrete pavers or crushed stone, for example). Where soil permeability is minimal, or where lot sizes are small, require driveways to be constructed of pervious materials. (concrete pavers or crushed stone, for example) and recommend it in other areas.
- e. The location of a new building should take into consideration its rural surrounding and take advantage of this by maintaining open views and spaces. Buildings should be in proportion, in scale and characteristic to their rural and natural setting. The building design and material should contribute to the style and feeling of its rural surrounding. Accessory structures such as outparcel buildings, accessory structures, fences and walls shall have architectural features and exterior materials consistent with the principal building. When possible, garage door openings shall face the side or back of the principal building so as not to be visible from the road.
- f. For non-residential and non-agricultural structures, there shall be variation in the exterior through a change in detail, patterns or materials, overhangs, and change in rooflines for every 80 feet of building length on a single face.
- g. Non-agricultural building exterior building walls shall not consist of plain, reinforced concrete slabs, mirrored glass, press-wood or corrugated steel.

§180-33. Hamlet Design Standards

A. Purposes: To promote new development in the Hamlet Districts that will preserve and promote the traditional hamlet-style character found in the hamlet and crossroad areas of town. Its goal is to create a more pedestrian-oriented environment and limited reliance on automobiles.

B. Applicability: These standards shall be applied to all development within any hamlet district (H1 and H2). These standards are mandatory for all uses in those districts and are in addition to those required in other sections of this local law and the Town of Chatham Subdivision of Land Law.

C. Standards

1. Minimum lot area, yard, setback and height requirements. See Table 1.
2. Principal uses. See Schedule of Uses, Table 2.
3. Accessory Buildings. An accessory building shall not be located in a front yard. For corner lots, a structure accessory to a single-family or a two-family residential use may be located in a front yard, opposite the side yard as determined by the Building Inspector, and shall have a minimum setback of not less than 20 feet from the front property line. An accessory building may be located within the required side yard or rear yard setback, provided that such accessory building shall be set back not less than five feet from any side or rear lot line

and shall be located not less than five feet from the principal structure unless fire rated as per applicable New York State Building Codes. Any accessory structure used as a secondary dwelling shall not exceed either 1.5 times the area of the dwellings' main floor or 1,000 square feet, whichever is less. Accessory apartments shall not exceed 30% of the gross floor area of the primary dwelling. An accessory structure shall not exceed 25 feet in height, and in no event shall an accessory nonagricultural use structure exceed the height of the principal structure. The total lot coverage of all accessory structures shall not exceed 5% of the total lot area.

4. Building Footprint. With the exception of mixed use structures, no single building should have a building footprint exceeding 5,000 square feet. Exceptions may be made only if the facades of larger buildings are articulated to appear as multiple buildings, each part of which does not exceed a maximum building footprint of 5,000 square feet.
5. Design Elements.
 - a) New or in-fill construction should be designed so as to be compatible with the general character of buildings on the street frontage. The setback, height, bulk, gable and pitch of roofs, use of porches, shutters and other exterior design elements should result in an overall design that complements the existing character of the streetscape. The adaptive reuse of existing structures is encouraged.
 - b) New buildings adjacent to existing structures should be designed in a manner consistent with the general architectural features of such existing structures in terms of form, materials, and fenestration and roof shape. Building façades should provide architectural detail, and such detail, including eaves, columns, pilasters, cornices, windows and window surrounds, canopies, fascia, and roofs, should be proportionate with the building and compatible with historic buildings in the Town. The architectural features, materials, and the articulation of a façade of a building should be continued on all sides visible from a public street.
 - c) New buildings, or additions to existing buildings, should reflect any discernible pattern of window and door openings that is established among adjacent structures or is present in the existing building.
 - d) New buildings should have a roof shape similar in proportion, form and character to that which is present on the majority of the existing structures having frontage on the same corridor. Dead-flat roofs are generally inconsistent with the existing character of the Town and should be avoided, except where the size or type of the building requires a flat roof and facade variations and other architectural features can disguise the flatness of the roof.
 - e) Any large building facade and the sides visible from the transportation corridor should incorporate changes in plane and architectural features that give the appearance of several common-wall buildings.
 - f) Landscaping. The incorporation of small, landscaped front yards is encouraged with any new residential or commercial use (if building is not built to the sidewalk edge). The development of public parks, commons, or small pedestrian plazas with amenities such

as benches and landscaping are encouraged. Where practicable, existing tree rows and hedgerows, stone walls, and similar features should be retained in the development of any new use or the expansion of any existing use.

- g) Streets and Sidewalks. All structures shall require construction of a minimum of four-foot wide sidewalks. All new streets shall be designed to permit the installation of electric, water, sewer, gas and other utilities underground, either initially or at the time major improvements or upgrades are made to the street or the particular service. Where practicable, service alleys for deliveries and utility access should be established along rear property lines.
- h) The primary entrances to any building should be oriented to the lot frontage. Secondary entrances should be oriented to parking, plazas or parks.
- i) Cross-easements should be used to provide shared access to parking whenever possible.
- j) Off-street parking lots and loading areas, accessory use structures or storage other than sheds should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.
- k) Reuse of existing structures to allow for development of multi-unit dwellings or mixed uses within them shall be allowed by special use permit and shall contain no more than four units.
- l) Cottage residential style development may be allowed with a maximum of four units per building and 12 dwellings per cluster.
- m) For subdivisions containing over 20 homes, a minimum of 30% open space will be required. The open space can be used for a village green, pocket park, playground and/or community garden. Offsite septic and water may be installed in an area designated as permanent 'open space' such as a village green or open field.
- n) For subdivisions of three units or more, vary required lot sizes as follows: 50% of new lots should be 0.25 acre in size, 25% of lots should be 0.50 acre, and 25% should be 1.0 acre if water and septic are installed in an area on the parcel designated as permanent 'open space' such as a village green or open field.
- o) Setbacks of new structures in a hamlet district shall match those of adjacent structures to ensure consistency with existing development.
- p) All buildings shall front to the street, unless it is a cottage development in which case the front yard shall be to the side containing the common open space.
- q) A covered front porch is a key element in fostering neighborly connections, providing a human scale to a dwelling, and offering surveillance of public space. Its placement, size, relation to interior and public spaces, and the height of railings are all factors in achieving these intents. Every new dwelling in the hamlet district shall have a covered entry porch oriented toward the common open space or street. This porch shall be open on at least two sides and shall not be enclosed.
- r) Zero lot line dwellings may be approved with no side windows when deemed appropriate to provide for privacy between buildings on small lots.
- s) Buildings of 40 feet or more in width should be visually divided into smaller increments to reduce their apparent size and contribute to a human-scale development. The mass of these buildings should be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and

entry treatments, variation in roof lines, awnings, or the use of sections that may project or be recessed up to 10 feet.

§180-34. Industrial District Development Standards

A. Purposes: To promote ensure that industrial uses as allowed as per Table 2 are consistent with the environmental, character, and quality of life goals as established in the Town of Chatham Comprehensive Plan.

B. Applicability: These standards shall be applied to all uses within the Industrial (I) district.

C. Standards

- (1) All requirements of Article V shall be met.
- (2) Maximum building size shall be 40,000 square feet.
- (3) Maximum impervious surface coverage shall be 70 percent.
- (4) Setbacks shall be as per Table 1.
- (5) Mixed use structures within the Industrial District shall be allowed provided that all uses are as allowed per Table 2.
- (6) Adequate provisions shall be made for the collection and proper disposal of all stormwater from the site in a manner which does not pollute groundwater or stream water.
- (7) The proposed use shall not adversely impact the quantity of groundwater available to public or private water supply wells.
- (8) Adequate control measures that prohibit on-site disposal of solid waste, pathological waste, or process waste, including aqueous-carried waste shall be provided for. The adequacy of the proposed control measures must be evaluated by the Planning Board in terms of their reliability and feasibility, as well as the degree of threat to groundwater in the event that the control measures failed.
- (9) All handling and storage of solid waste, pathological or medicate waste, petroleum, pesticides, herbicides, radioactive material, hazardous substances, hazardous waste, or process waste shall meet the applicable standards of federal and New York State law and the rules and regulations of the New York State Department of Environmental Conservation.
- (10) The industrial use shall ensure that adequate, safe off-site disposal is provided for. The Planning Board may require a spill response and containment plan to be in place to minimize groundwater or surface water contamination.
- (11) The Planning Board may require a landscape buffer of a specific width, or other visual or sound barrier (fence, wall, landscaping, or combination of such materials) to mitigate adverse impacts that cannot be avoided through building orientation alone.
- (12) Open storage of goods or materials incidental to the primary activity shall be screened from any adjacent public street by a solid, decorative, masonry wall, or landscaped berm and wall, the design and height to be approved by the Planning Board.
- (13) Loading and unloading areas and ground-mounted equipment, including utility vaults, air conditioners, fuel containers. etc., that are visible from any adjacent public streets shall be screened by a solid, decorative masonry wall or landscaped berm and wall that has a minimum height of eight feet above the adjacent street grade.
- (14) Uses shall not encroach into any required setback area.
- (15) All noise standards shall be in compliance with 180-49.

- (16) No barbed or concertina wire shall be visible from any adjacent public street.
- (17) The horizontal building elevation facing Route 295 shall provide a variety of architectural features such as but not limited to windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features for a minimum of 30 percent of the horizontal building facade.
- (18) Outdoor storage for such things as trash and materials shall be permitted only when the storage areas are suitably screened with a solid wall or tight board fence and are located at least 100 feet from any adjacent residential use and not within any required front or street side yard. The location and screening of outdoor storage areas shall be approved by the Planning Board.
- (19) All exterior lighting fixtures, including those pole and building mounted, shall use fully shielded luminaires.

§180-35. Farm Land Protection Siting Standards

A. Right to Farm Statement: Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Chatham at all such times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are: 1. reasonable and necessary to the particular farm or farm operation, 2. conducted in a manner which is not negligent or reckless, 3. conducted in conformity with generally accepted and sound agricultural practices, 4. conducted in conformity with all local, state, and federal laws and regulations, 5. conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person, and 6. conducted in manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

B. All subdivisions within the RL-1 and RL-2 Districts shall be platted to preserve the maximum amount of prime and statewide important farmland soils for continued agricultural use. During subdivision review, and insofar as practicable, building envelopes shall be identified and located in a manner to protect the maximum amount of prime and statewide important farmland soils as follows:

- (1) On the least fertile soils for agricultural uses and in a manner which permits access to active agricultural land. Structures shall, to the maximum extent practicable, avoid being placed on lands defined by the Columbia County Soil Survey as being Prime Farmlands, or Soils of Statewide Importance².
- (2) Within any woodland contained within the parcel, or along the far edges of open fields adjacent to any woodland, so as to reduce impact on agricultural operations and to enable new construction to be visually absorbed by natural landscape features;
- (3) To maintain the largest amount of contiguous acreage for agricultural use;
- (4) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland so as to reduce encroachment on agricultural soils and areas; and

² For mapped information derived from the Columbia County Soil Survey, review the Town of Chatham Agricultural and Farmland Protection Plan.

- (5) All new non-farm development shall buffer itself from existing agricultural uses. It shall be the responsibility of a non-farm applicant, subject to approval by the Planning Board or the Zoning Board of Appeals, as the case may be, to provide an effective buffer that will reasonably distance and protect adjacent non-farm and residential living areas from agricultural procedures. Buffers adjacent to actively farmed land shall be established to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the agricultural operation and to protect the agricultural operation from potential complaints related to same. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and shall be no less than two hundred (200) feet in width. Buffers may be required to be larger depending upon the type of agriculture or farm use adjacent to the non-farm use, the topography and the proposed design and planting of such buffer.
- (6) Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways.
- (7) Locate new development so that the flow of water to farm properties is not impeded, and in ways that are compatible with existing field drainage patterns.

ARTICLE V, Provisions Applicable to All Districts

§180-36. Accessory Uses

A. Accessory Residential Dwellings in an Accessory Structure, including Farm Worker Housing

The Code Enforcement Officer/Zoning Enforcement Officer may issue a permit, following the granting of a special use permit by the Planning Board for the construction and occupancy of 1 (one) accessory residential dwelling on one lot provided that the following standards are met:

- (1) The use is an accessory use and must be subordinate to the use and size of the primary residence. It must be no more than fifty (50) feet away from the primary residence and the portion of the lot upon which it is located shall not be subdivided away from the portion of the lot upon which the primary residence is located.
- (2) The setback, area, density and use requirements of the district in which the accessory residential dwelling is to be located must exist for both units. Installation of an accessory residential dwelling shall not be allowed on pre-existing undersized lots. The structure shall only be placed in a side or rear yard and shall comply with all minimum yard setback and maximum lot coverage requirements.
- (3) The accessory residential dwelling may share a common well and/or septic system with the primary dwelling if the system has adequate capacity to serve both dwellings. Design and construction of any new septic system shall be approved by the Columbia County Department of Health.
- (4) The maximum building footprint for accessory dwellings shall be no more than 1500 ft².
- (5) There shall be only one accessory residential dwelling per parcel.
- (6) The special use permit shall be issued to the owner of the principal dwelling and lot. (7) The accessory structure shall be constructed and installed in accordance with Chapter B of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code and any other applicable laws, ordinances and/or regulations of the Town of Chatham.

- (7) In addition to the parking required for the principal dwelling, one parking space per additional vehicle (minimum of one additional space) shall be required together with the provision of a turnaround as required in this Chapter.
- (8) Farm Worker Housing: In addition to using accessory structures for an accessory residential use, single and double-wide manufactured homes may be used for farm worker housing. All housing proposed for farm workers shall be required to obtain Planning Board approval pursuant to Modified Site Plan Review prior to approval of a building permit. Farm Worker Housing shall be exempt from the above provisions however all New York State Fire Prevention and Uniform Building Code requirements for manufactured homes shall be met. Farm worker housing shall meet all Columbia County Department of Health requirements for water and septic systems.
 - (a) All modular, double-wide manufactured, and stick-built housing to be erected for farm worker housing shall be sited so that all density, frontage and setback regulations of the Town of Chatham Zoning Law shall be met so that a future subdivision would result in a conforming lot.
 - (b) Single-wide manufactured homes may be used only for farm worker housing as an accessory dwelling to an active farm operation. In that circumstance, such structures do not need to meet density requirements but shall be set back a minimum of one hundred (100) feet from all side and rear property lines, fifty (50) feet from public road rights-of-way, and fifty (50) feet from other dwelling units or agricultural structures. Any single-wide manufactured home used for farm worker housing shall be removed from the premises within six (6) months of cessation of a farm operation

B. Accessory Residential Dwelling within Principal Dwelling.(1) A special use permit shall be required for placement of an accessory residential dwelling within a principal dwelling with the following criteria:

- (1) No exterior changes shall be made which will alter or extend the existing foundation of the principal dwelling.
- (2) The accessory residential dwelling shall be self-contained, and shall contain separate cooking, sleeping and sanitary facilities for use by the occupant(s).
- (3) The accessory residential dwelling shall be subordinate to the principal dwelling.
- (4) The accessory residential dwelling within a single family primary dwelling shall not occupy more than 40% of the square footage of that single family dwelling.
- (5) The conversion of any existing single-family primary dwelling to accommodate an accessory residential dwelling is limited to one accessory residential dwelling per principal dwelling.
- (6) Parking, as required for an accessory residential dwelling/principal dwelling shall be a minimum of two spaces per dwelling unit on-site and shall be designed and located to be convenient without encroaching on any required yard or setback area.
- (7) Columbia County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any zoning permit for an accessory residential dwelling. Such systems may be connected to existing or upgraded water supply and sanitary systems of the single-family dwelling or may be separate facilities if there is adequate water and waste capacity. If a separate

system is necessary, all other standards, setbacks and requirements of this Law and of the County Department of Health shall be met.

(8) When an existing single-family dwelling is altered to accommodate an accessory residential dwelling, all construction associated with adaptation of the existing primary dwelling shall be performed in a manner that retains the character of the dwelling.

C. Accessory Structures

- (1) In all districts, accessory uses, and structures shall not be located in any required front yard, but accessory structures may be located within a required side yard or rear yard, provided that such structure is not located closer than 10 feet to any side or rear lot line.
- (2) Accessory structures are permitted, including but not limited to a garage for three cars (or less), shed, pool house, or greenhouse. Accessory buildings shall occupy no more than 50% of the primary dwelling building footprint. Exceptions to this size limitation may be made for farm operations and on parcels of land greater than 10 acres.

§180-37. Public utility uses, siting and structures.

A. Public utility; definition. A public utility shall be deemed to include any use, structure or facility having the following characteristics:

- (1) Essential nature of service.
- (2) Operation under a federal or state franchise or permit providing some measure of public regulation.
- (3) Providing a product that must be piped, wired, transmitted or otherwise served to each user with a supply to be maintained at a constant level.
- (4) User has no alternative source, and supplier has no alternative means of delivery.

B. Public utility; siting approval. No public utility use or structure, including telecommunication towers and public utility solar facilities may be located in any zoning district of the Town of Chatham without the person, firm or entity proposing to operate, use, construct or service the same first obtaining a special permit entitled "public utility special permit" from the Town Planning Board. In reviewing any such application, the Planning Board shall apply the following standards:

- (1) New York State Environmental Quality Review Act (SEQR). The proposed use or structure shall be deemed to be a Type I action, as defined in the New York State Environmental Quality Review Act (SEQR).
- (2) Visibility. All public utility uses or structures shall be located and sited so as to have the least possible adverse visual impacts on other lands within the Town of Chatham. To properly review these impacts, the applicant shall prepare and file a visual environmental assessment form addendum with any required SEQR environmental assessment form.
- (3) Public necessity. The applicant must show that the use, structure or facility is a public necessity; that its proposed useful life will be; that the same is required in order to render safe and adequate service; and, that there are compelling reasons, economic or otherwise, which make it more feasible to use the proposed site or facility than to use alternative facilities or sources of the same service that may be provided by other facilities.

C. Alternative sites. In reviewing an application to use a particular site, the Planning Board's review shall specifically include an analysis and evaluation of alternative sites which would allow for the public utility service to be provided safely and adequately but would be less likely to cause injury to the

environmental resources of the community, neighborhood character, and disruption to the goals of the Town Comprehensive Plan. The alternative site review and analysis shall include specific information on the advantages and disadvantages of the proposed site as well as the alternative site(s).

D. Shared use.

- (1) As a public policy of the Town of Chatham, the shared use of existing public utility structures is preferred to the siting, location and construction of additional new facilities. It is the public policy of the Town of Chatham to avoid the unnecessary duplication of public utility uses and structures in the Town. An applicant shall be required to present a detailed inventory locating all existing public utility structures providing the same service, either within the Town of Chatham or reasonably adjacent thereto, which said structures might adequately serve the needs of the applicant if the applicant shared the use of such facility with the existing owner.
- (2) An applicant requesting permission to share the use of an existing public utility structure or parcel within the Town of Chatham shall be required to provide documentary evidence of consent from the existing owner, and that such intensified use will not have a detrimental effect on the public health, safety or other utility services already being provided. Further, the applicant shall provide evidence that an increased intensity of use will not have a significant adverse impact on the surrounding neighborhood.

E. Setbacks. All public utility structures (excepting underground or buried utilities) shall comply with zoning setback regulations in the affected zone. In any event, a structure shall be set back a distance at least equal to its height. Additional setbacks may be required by the Planning Board in order to provide for the public safety in the event of any failure of the structure.

F. Lighting and Underground Wiring. No structure shall be artificially lighted, except as required by the Planning Board or by any state or federal agency having jurisdiction over the site or use, including but not limited to telecommunication towers. Structures shall be constructed of such materials and painted in such colors so as to minimize their visual impacts. The Planning Board shall have the authority to require underground wiring to and from the facility where appropriate in consideration of the site conditions.

G. Vegetation and Landscaping. Existing on-site vegetation shall be preserved to the maximum extent possible. The requirement of shrub or tree plantings to screen the use and/or structure shall be considered as part of the normal site plan review process by the Town Planning Board. The applicant shall be required to provide landscaping at the site to mitigate visual impacts and provide consistency with the character of the surrounding community. The Planning Board may also require a maintenance plan for the landscaping to ensure that it continues to effectively perform its screening function for the life of the facility.

H. Abandonment.

- (1) The terms of any approval for a public utility facility shall require the applicant to deposit with the Town an amount in escrow of a sum of money sufficient to remove the facility. Such amount shall be arrived at based upon the recommendation of the Town's engineer and other appropriate professionals, including the owner/operator's engineer. The terms of approval of the special use permit shall require the applicant to enter into an escrow agreement with the Town of Chatham, the terms of which shall be reviewed and approved in advance by the attorney for the Town, in which the applicant shall agree to post the escrow funds required by

this section of the law and to abide by the terms of this section of the law. Escrow funds shall be deposited in a separate, interest bearing account and shall not be utilized for any purpose except as stated herein. The interest earned on said funds may, upon the written request of the applicant, be returned to applicant on an annual basis. At any time, the Planning Board may review the sufficiency of the amount in escrow to complete the removal of the facility and may require a further or additional amount to be deposited in the event a determination is made that same is necessary based upon the recommendation of the Town's engineer and other appropriate professionals including the owner/operator's engineer. The Town shall not utilize the escrow funds herein to remove the facility unless same has been abandoned as defined herein and the owner/operator or its successor in interest has failed to remove the facility after more than 30 days following a written demand by the Town to do so. The owner/operator and/or its affiliate shall be liable for all applicable penalties and fines independent of any amount remaining in escrow and relating to any obligation(s) which arise regarding the issuance and use of a public utility special permit and site plan review approval.

- (2) Notwithstanding any inconsistent provision of the Town Code, in the event that the use of a public utility facility has been discontinued for a period of 120 consecutive days or more or the owner/operator notifies the Town of its intention to discontinue its use thereof, the facility shall be deemed to be abandoned. If there are two or more operators or users of a facility, then this provision shall become effective only when all users have discontinued use of said facility. The Building Inspector shall make a periodic inspection of the premises, at least annually, on the anniversary date of the granting of the public utility special permit herein. The Building Inspector shall make a determination of the date of abandonment and shall request documentation from the owner or operator of the facility regarding usage within five days of the determination of abandonment.
 - (a) Any public utility special permit or other approvals, permits and certificates granted by the Town related to the facility shall automatically expire on the date the facility is deemed to be abandoned.
 - (b) All public utility special permits or other approvals, permits and certificates granted by the Town related to the facility shall be deemed to allow the Town or its representatives entry onto the property for the purpose of removing the facility upon reasonable notice to the owner of such property following the abandonment of same and the completion of the process set forth below.
- (3) Within 90 days after the determination of abandonment by the Town Building Inspector, or the revocation of a public utility special permit or site plan review approval, the facility and related structures shall be removed by the owner or operator and shall be properly disposed of in accordance with all local, state and other laws and regulations regarding such disposal.
 - (a) If the facility is not removed within said ninety-day period, a process for removal by the Town of Chatham shall be commenced at the owner or operator's expense.
 - (b) Following the expiration of the ninety-day period, the Building Inspector, with the approval of the Planning Board, may notify the owner in writing that removal must be accomplished within 30 days of said notification. The notification shall indicate that failure to remove the facility within 30 days shall result in the removal of said facility by the Town of Chatham with the cost thereof to be paid with the funds deposited in escrow with the Town. Any cost incurred by the Town in such removal, not paid under the escrow, shall constitute a lien on

the tax lot on which the structure is situated and shall be collected in the same manner as a Town tax on real property.

I. Applications for telecommunication structures shall comply with the requirements of this section and those of Zoning Law Section 180-38. In the event of conflict between the two sections, the provisions of §180-38 shall take precedence to control the use and siting of communications or broadcast towers or facilities.

J. The Town Board of the Town of Chatham hereby expressly grants the Planning Board of the Town of Chatham the authority to hear, review and grant or deny applications within the jurisdiction of the Town of Chatham with regard to public utilities forth hereinafter, site plan review and public utility special permits.

§180-38. Communication or broadcast towers or facilities.

The development of a communication or broadcast tower and facilities and related structures shall be permitted by special use permits approval by the Planning Board. A communication or broadcast tower and facility shall be subject to the following supplementary requirements:

A. Purpose.

(1) The purpose of these supplementary requirements and standards is to regulate the development of communication or broadcast towers and facilities in the Town of Chatham, consistent with the general purposes stated in the Town Code of the Town of Chatham, to accommodate the necessary infrastructure for the provision of telecommunications services or other types of broadcast within the Town, to address the visual, aesthetic and land use compatibility aspects of telecommunications or broadcast facilities, towers and antennas and more specifically to:

- (a) Minimize the total number of towers throughout the Town;
- (b) Encourage the co-location or shared use of proposed and existing tower sites;
- (c) Encourage the location of towers and antennas, to the extent possible, in areas where the adverse impacts on the community are minimized;
- (d) Encourage the configuration or camouflaging of towers and antennas in a way that minimizes the adverse visual impact of the towers and antennas;
- (e) Enhance the provision of telecommunications services and reception within the borders of the Town of Chatham; and
- (f) Whenever practicable in accordance with the restrictions set forth hereinbelow, maintain the number of tower(s) per overlay zone at one.

(2) This section does not apply to citizen band, short wave and/or two-way radio antennas for ordinary residential or recreational use and shall be no more than five feet taller than any structure within the zone.

B. Application procedures and requirements.

(1) The proposed use shall conform to the general requirements and procedures of the Town Code of the Town of Chatham pertaining to approval of special uses as stated in §180-30. The required application for site plan review shall conform to the requirements and standards in §180-29 regarding site plan review.

- (2) Where an application involves the addition or removal of antennas or other equipment onto or from the site of an existing communication or broadcast tower and facilities (or tower facility) by the current users or operators of said facilities, such application may, at the discretion of the Planning Board, be considered exempt from the requirements for approval of special use permits and the related site plan review. Exemption from approval of special use permits and the related site plan review shall only be granted for proposed development that complies with the criteria below and shall be subject to a building permit:
- (a) The addition of antennas or other equipment onto an existing tower facility shall be exempt where such addition involves the installation of antennas or other equipment clearly specified as part of the original approval for the communication or broadcast tower and facilities, including approved additional users and collocation of approved equipment and including approved accessory structures. An exemption granted under this subsection need not comply with the criteria in the subsections below;
 - (b) The addition of antennas or other equipment onto an existing tower facility shall not result in any increase in the total height of the structure, as originally approved, including the height of any antenna protruding above the tower structure;
 - (c) The addition or replacement of antennas or other equipment onto an existing tower facility shall not result in any increase in the bulk (i.e., volume) greater than 5% over the total bulk of antennas or other equipment approved for installation on said tower in accordance with the original approval of said tower facility. The bulk of existing and proposed antennas shall be calculated in appropriate cubic (three-dimensional) units such as cubic inches or cubic feet using the outside dimensions;
 - (d) The removal of antennas or other equipment from an existing tower facility shall only be permitted as an exemption herein where it results in no net increase in the bulk (i.e., volume) of the total bulk of antennas or other equipment approved for installation on said tower as per the original approval of said tower facility. The removal of an antenna under an exemption herein shall not result in any significant alteration of the remaining antennas or equipment on the tower structure; and
 - (e) The addition of antennas or other equipment onto an existing tower, under this exemption, shall not include the construction of any new accessory structures such as equipment buildings, fencing or other site improvements unless such accessory structures or improvements are clearly indicated as part of the original approval for the communication or broadcast tower and facilities.

C. Reimbursement of review costs. The applicant shall be required to establish an escrow account to reimburse the Town of Chatham for the legitimate costs of review associated with the use of professionals qualified to review the required plans, reports and other technical information submitted in support of an application for a communication or broadcast tower and facility. The initial amount of the establishment of the escrow account shall be determined on a case-by-case basis as 1% of the estimated overall cost to erect the proposed tower and facility but in no case shall be less than \$3,000 or a larger amount estimated by the Planning Board to be reasonable and necessary to cover the cost of the review to be incurred by the Town. All necessary reviewing professionals assisting the Town in such reviews shall provide an estimate of the approximate cost of review services. The Town shall submit an itemized bill to the applicant at least thirty days prior to any deduction of such amount billed from the escrow account. The Planning Board may periodically and at its discretion require the replenishment of the escrow account established as per this Chapter. Upon completion of the application and review process, any balance remaining in the escrow account shall be refunded to the applicant within 30 days

of the submission and payment of the final bill by the Town and payment in full of all application and approval fees.

D. Additional application information. In addition to the special use permit in §180-30 and the site plan review in §180-29, applications for development of communication or broadcast towers and facilities shall include the following information:

- (1) Name(s), address(es) and telephone numbers of persons preparing submitted plans, reports and information;
- (2) Name(s), address(es) and telephone numbers of the property owner, operator and applicant and their involved affiliates;
- (3) Name(s), address(es) and telephone numbers of owners of all properties adjacent to the proposed site or within a one-quarter-mile radius of the proposed site;
- (4) Elevations and details of the proposed structure, including the height, width, depth, location and configuration of guy wires or other anchoring devices, type of materials, color(s), lighting, the number and type of all proposed antennas, and receiving and transmitting equipment and other relevant information for all existing and proposed structures, equipment, parking and all other related improvements. The elevations and details shall provide, as appropriate, information about the facilities of other users if the applicant is considering the collocation of additional antennas, equipment and other facilities, including the relationship of the height of the tower to the feasibility of collocation of additional facilities. The special use permit and site plan review applications shall also include a description of the proposed communication or broadcast tower and facility and such other information that the Planning Board requires;
- (5) The special use permit application and/or site plan review shall indicate the location of the proposed access to the site, including the location of access to a suitably improved roadway, the length, width, grading, drainage, snow storage area and driveway profile and proposed surface material(s) and the environmental impacts thereof. The proposed access shall be used only for the purposes of construction, operation, maintenance and repair of the communication or broadcast tower and facilities. Any proposed fence or gate related to the access driveway shall be shown, including provision for police, fire or emergency vehicle access to the site and facilities;
- (6) Any substantial off-site impacts;
- (7) Visual analysis.
 - (a) A visual impact analysis or study may be required to further assess the visual impact of a proposed tower facility. The consideration of alternative designs may be requested as part of the visual assessment, such as flagpole technology (a monopole with internal antennas), a camouflaged pole and antennas, installation of antennas on existing structures at appropriate locations, the use of whips (individual antennas) on utility poles and connection with a fiber optic network, if available, or other designs that may provide for the mitigation of visual impacts. In order to take the necessary "hard look" as required by the State Environmental Quality Review Act, the applicant shall submit any other visual analysis or study deemed necessary by the Planning Board.
 - (b) The methodology for any visual analysis should be approved by the Planning Board and shall address impacts on nearby viewsheds, ridgelines, scenic features and historic sites and structures identified as significant, as well as compatibility with nearby land uses and any other resource deemed by the Planning Board as reasonably relevant to the application. The Planning Board may consider methodologies, including, but not limited to, the following:
 - [1] Photographic simulation or photographic montage, with and without foliage;

- [2] A demonstration using a balloon or the top of the actual structure on a project site, based on the following requirements:
 - [a] Balloon to be flown at actual height. Alternatively, the top portion of a tower structure with all proposed antennas and related structures attached, to be temporarily held up at actual height (typically by a crane);
 - [b] Approximate actual color/finish;
 - [c] Balloon or top of tower to have same reflective property;
 - [d] Balloon to approximate bulk and diameter of proposed tower and related structures; top of tower to include all proposed antennas and related structures;
 - [e] Balloon to be flown, or top of tower to be held up, for a minimum of eight hours, though not necessarily consecutively and as deemed necessary by the Planning Board; and
- [3] Regardless of the methodology utilized, adequate advance written notification to all landowners within a one-quarter-mile radius of the proposed site of the balloon test and public notice published in the newspaper of record for the Town in accordance with the Chatham Town Code;
- (8) A landscape plan shall delineate existing vegetation and wooded areas to remain undisturbed, specimen trees of six inches in diameter at breast height (6" dbh) or larger, the height of the surrounding tree line, and shall identify vegetation to be removed, including areas to be kept clear by mowing, and the location, size, type and number of all proposed plantings. Additionally, any other improvements such as fences and walls shall be shown, including the purpose of such improvements and details, elevations, materials and color and any other information related to landscaping improvements, their purpose and appearance;
- (9) A statement about safety measures related to the project, such as fencing to prevent access to the tower structure and related equipment and lighting;
- (10) Documentation sufficient to demonstrate that the proposed tower height is the minimum height necessary to provide licensed communication or broadcast services to locations within the Town of Chatham which the applicant is not able to serve with existing facilities in the project site area. Additionally, documentation regarding height should address any variations in height necessary to accommodate collocation of antennas or other equipment by other users or operators;
- (11) An affidavit by the applicant regarding whether the construction of the facility will accommodate the collocation of additional communication antennas or facilities for future users, when technically and economically feasible, may be required. Said affidavit should examine the following:
 - (a) Whether the necessary equipment would exceed the structural capacity of existing or proposed facilities; or
 - (b) Whether the applicant, after a good-faith effort, has been able to reach an agreement with the owner of an existing facility.
- (12) A report prepared by a New York State licensed professional engineer specializing in structural engineering about the structural integrity of the proposed communication or broadcast tower and facility. The report shall demonstrate the structure's compliance with applicable standards and shall describe the structure's capacity, including the number and type of antennas it can accommodate, using illustrations as necessary. In the case of antennas being mounted on an existing structure, the equivalent of the above-required information shall be provided about the existing structure;
- (13) Report.

- (a) A report, certified by a qualified New York licensed professional engineer or counsel admitted to practice law in the State of New York, about the safety of the radio frequency emissions of the proposed facility, including the following information:
 - [1] Evidence of FCC license, franchise and/or permit to grantee/applicant or their affiliate (including information regarding all related permitting standards and specifications) and, if an affiliate, that the applicant is recognized by the FCC as entitled to use the license, franchise and/or permit;
 - [2] Certification that the proposed antenna(s) will not cause interference with existing communication devices; and
 - [3] Certification of compliance with the following:
 - [a] All current, applicable FCC regulations and standards;
 - [b] National Electrical Safety Code (NESEC);
 - [c] National Electrical Code (NEC);
 - [d] All current standards of all federal agencies with authority to regulate telecommunications or broadcast towers and antennas;
 - [e] All pertinent New York State building codes and fire prevention codes; and
 - [f] All local building codes and fire prevention codes.
 - (b) The above report shall be certified to be true, complete and accurate and subject to all applicable penalties.
- (14) Coverage map and report.
- (a) A map which shows the applicant's existing and proposed area of coverage (propagation map), including all adjacent towers used or operated by the applicant or its affiliate(s) outside the Town of Chatham. The map shall locate all existing and proposed sites in the Town and in bordering communities which contain communication or broadcast towers or facilities used by the operator, owner or applicant or other operators and which provide coverage in the Town of Chatham.
 - (b) A detailed report shall accompany the coverage map which indicates why the proposed communication or broadcast tower and facility is necessary. The report shall also identify locations within the proposed project site service area which are not and could not be served by either existing or proposed facilities (depicted in the map of coverage and existing facilities), by collocation or by other tower design options.
- (15) When an applicant proposes to locate additional antennas, antenna arrays or facilities on existing towers or sites (collocation), the application may include information from a previously approved application for the same site or facility to address application requirements. The application must provide additional or updated information pertinent to the new antennas, antenna arrays or facilities and must address related changes in conditions on or near the site, including equipment shelter plans and specification sheets for the antenna as requested by the Planning Board. The submittal of materials of previous applications does not exempt the application for collocation from any of the procedural steps in the review of a regular application, unless said application meets the criteria for an exemption as set forth in §180-38 and 180-23.
- (16) If collocation is not proposed, an affidavit stating that collocation is not practically feasible. The Planning Board shall not accept greater financial cost alone as sufficient grounds for nonfeasibility of collocation. Evidence that an alternative contract or business arrangement is currently in use in the industry may be considered by the Planning Board that such alternative is financially feasible and thus available to the applicant. Said affidavit shall examine the aspects of feasibility noted in Subsection D(11) above. Said affidavit may also be required to address the

feasibility of any alternate designs that are presented as mitigation measures for potential visual impacts of the proposed tower facility.

- (17) In order to assess the long-term effects of communication or broadcast tower development on the Town of Chatham and areas surrounding the proposed tower site, the Planning Board may require the presentation of a long-range conceptual plan for additional communication or broadcast tower and facility development by the applicant. The long-range plan shall address the possible location of additional tower sites, the related service area coverage and alternative long-range plan scenarios that illustrate the potential effects of tower height on the number of towers in the service area.
- (18) If an applicant anticipates the potential collocation of antennas by other users on a proposed new communication tower, these facilities may be presented in the application. If specific users or operators, other than the principal applicant, are being identified by the applicant, then appropriate certification must be submitted with the application that the applicant is authorized by the other users, or that the other users are co-applicants, to properly represent such other users in the approval of the application. All application materials, plans and illustrations must clearly identify additional users' facilities and service areas as is required for the primary applicant or co-applicant, as appropriate.
- (19) If the application proposes a new communications tower in Zone T-2 or T-3, the applicant must provide evidence in the form of affidavits and RF plots outlining that the new tower is necessary to provide reasonable coverage in the Town of Chatham in accordance with the standards delineated in the Federal Telecommunications Act.

E. Criteria for approval. Applications for an approval of a special use permit and site plan review for development of a communication or broadcast tower and facility shall meet all of the following criteria:

- (1) The collocation, or sharing, of existing tower structures for mounting of proposed communications antenna(s) or equipment shall be required upon the application of new towers and/or facilities. When a new tower structure is proposed, the applicant must demonstrate that the proposed communication or broadcast devices and equipment cannot be accommodated on an existing facility within the project area, including areas within the Town of Chatham and nearby areas in adjacent municipalities. When an applicant proposes collocation of a proposed antenna(s) on an existing structure, the applicant must demonstrate that the existing site will be properly adapted to the placement of additional antenna(s). As required by the Planning Board, the applicant shall address the capacity of the site and structure and necessary screening, landscaping, camouflaging and additional safety measures.
- (2) Height.
 - (a) The maximum permitted height of a communication tower, monopole or any structure constructed for the purpose of locating antennas or telecommunications devices shall be a maximum height of 115 feet for up to five users or operators.
 - (b) The height shall be measured from the elevation of the proposed finished grade at the base of the communication or broadcast tower structure to the top of the tower or monopole structure, or to the top of any antenna or equipment installed above the top of the structure, including the lightning rod which shall not exceed 120 feet, whichever is higher.
 - (c) The applicant must demonstrate to the satisfaction of the Planning Board that the proposed height and bulk of a communication or broadcast tower or monopole is the minimum height and bulk necessary to provide service to meet the applicant's communication needs within the Town's boundaries and the visual or aesthetic impact has been minimized to the greatest extent practicable. Notwithstanding the above, the Planning Board may, in its

discretion and where same shall encourage collocation, require that the height of the tower be increased, up to the maximum height allowable herein.

- (3) A proposed communication or broadcast tower shall be separated from all the boundary lines on the lot on which it is located by a distance equal to the height of the tower or the distance of the corresponding minimum yard setback (front, side and rear) according to the requirements for that zone as stated in the lot size, density and yard dimensions of the Town of Chatham Town Code, whichever is greater. Additionally, the base of any guy wire shall be subject to the normal setback requirements of the underlying zone in which the proposed tower is to be sited.
- (4) Related buildings.
 - (a) All related buildings shall conform to the applicable minimum front, side and rear yard setback requirements as set forth in the Town of Chatham Code. The additional setback distance, equal to the tower height, shall not be applied to the related buildings proposed to house equipment, and for maintenance and operation of the communication or broadcast tower and facility. However, the related buildings shall be located so as to minimize visibility from adjacent properties and, the Planning Board so directs, shall be located in the rear of the site, and shall be effectively screened from the view of the site's road frontage(s).
 - (b) The total gross floor area for any related buildings shall be the minimum size necessary for operation and shall not exceed 600 square feet per operator or user with facilities located on the site. Operators and users on sites with more than one such structure shall share such structures whenever possible to minimize the number and total area of such structures on a site.
- (5) The Planning Board, at its discretion, may require that security fencing be located around each communication or broadcast tower and facilities or related structures to secure the site, including provision for access to the tower facility through a locked gate. If required, said fencing shall be designed to minimize visual and aesthetic impacts.
- (6) When considering applications, the Planning Board shall determine the volume of the proposed antenna, the volume of any future possible antennas and the effect and cumulative effect thereof.
- (7) The Planning Board shall review and consider GIS maps, associated information and impacts during its review of any application made as per this Chapter.

F. Design guidelines. An application for development of a communication or broadcast tower and facilities shall meet the following applicable design guidelines:

- (1) Unless required by the Federal Aviation Administration (FAA) or other federal, state or local agency, the painting or marking of towers or monopoles shall have a finish or coloring that will minimize visual and aesthetic impacts and shall be visually unobtrusive to the maximum extent practicable.
- (2) Unless required by the Federal Aviation Administration (FAA), or other federal, state or local agency, no signals, lights or illumination shall be permitted on communication towers. Any lighting necessary for the related structures shall be minimized and shall be properly shielded to prevent glare onto adjacent properties. Motion-detection-activated lighting shall be used whenever practicable.
- (3) The base of the communication or broadcast tower or monopole and any related structure shall be effectively screened using primarily vegetative screening such as a continuous evergreen hedge consisting of native trees and shrubs. Clearing and site disturbance shall be minimized and shall conform to all pertinent Town regulations and requirements. Existing vegetation shall be preserved to the maximum extent practicable. Additional plantings shall be required, as

necessary, to screen structures from nearby properties or important viewsheds or scenic areas. All landscaping shall be properly maintained to ensure good health and viability. The landscaping and screening maintenance as set forth above shall be the responsibility of the applicant, its successor in interest, any lessee of the tower and the landowner.

- (4) All communication or broadcast tower facilities shall be located and designed to have the least possible adverse visual and aesthetic effect on the environment. Alternative designs may be considered, such as flagpole technology (a monopole with internal antennas), a camouflaged pole, installation of antennas on existing structures at appropriate locations, the use of whips (individual antennas) on utility poles, or other designs that may provide for the mitigation of visual impacts. Any alternative design option considered shall be consistent with the purpose, procedures, requirements and standards of these supplementary regulations. Concealed towers and short towers shall be used whenever feasible and whenever possible shall be situated off ridgelines and where the visual impact is least detrimental to scenic areas and residential properties.
- (5) Signage shall be prohibited on communication or broadcast tower facility sites except for one identification sign that shall not exceed the minimal permitting requirements and design standards in §180-46 of the Town of Chatham Town Code. Such signage shall include notification of any hazardous materials, gasoline or batteries stored within the facility. Except as specifically required by a federal, state or local agency, no sign shall be permitted on a tower or monopole.

G. Additional requirements.

- (1) The terms of any approval for a communication or broadcast tower and facilities shall require the applicant to deposit with the Town an amount in escrow of a sum of money sufficient to remove the tower, antenna and associated facilities. Such amount shall be arrived at based upon the recommendation of the Town's engineer and other appropriate professionals, including the owner/operator's engineer. Said funds shall be deposited in a separate, interest bearing account and shall not be utilized for any purpose except as stated herein. The interest earned on said funds may, upon the written request of the applicant, be returned to applicant on an annual basis. At any time, the Planning Board may review the sufficiency of the amount in escrow to complete the removal of the tower and facility and may require a further or additional amount to be deposited in the event a determination is made that same is necessary based upon the recommendation of the Town's engineer and other appropriate professionals including the owner/operator's engineer. The Town shall not utilize the escrow funds herein to remove the tower and facility unless same has been abandoned as defined herein and the owner/operator or its successor in interest has failed to remove the facility after more than 30 days following a written demand by the Town to do so. The owner/operator and/or its affiliate shall be liable for all applicable penalties and fines independent of any amount remaining in escrow and relating to any obligation(s) which arise regarding the issuance and use of a special use permit and site plan review approval.
- (2) In any approval for a communication or broadcast tower and facilities, the Planning Board shall require an irrevocable commitment from the owner of the tower, antenna and related facilities, the owner of the land upon which the tower is located and any and all lessees and the affiliates of any of the above, to defend, indemnify, and hold the Town of Chatham, its boards, officials, employees and agents, free and harmless from judgments or costs, including reasonable attorney's fees, arising directly or indirectly from the construction, use, operation and/or removal of the tower, antenna and related facilities except as to those arising from the Town's own negligence.

H. Construction, operation and maintenance. The Planning Board may revoke any special use permit and/or site plan review approval granted under this section after a hearing in the event any condition of the special use permit or site plan approval is violated or not fulfilled. The Planning Board shall provide written notification to the owner(s) of the tower, antenna and any related facilities at least 10 days prior to such hearing so that they may have an opportunity to be heard. If at such hearing it shall be shown by substantial evidence that the tower, antenna and related facilities constitute a nuisance or a safety hazard, or that the conditions of the approval have been materially violated, the Planning Board may revoke the special use permit and/or site plan review approval.

I. Abandonment.

- (1) Notwithstanding any inconsistent provision of the Town Code, in the event that the use of a communication or broadcast tower and facilities has been discontinued for a period of 120 consecutive days or more or the owner/operator notifies the Town of its intention to discontinue its use thereof, the facility shall be deemed to be abandoned. If there are two or more operators or users of a communication or broadcast tower facility, then this provision shall become effective only when all users have discontinued use of said facility. The Building Inspector shall make a periodic inspection of the premises, at least annually, on the anniversary date of the granting of the special use permit herein. The Building Inspector shall make a determination of the date of abandonment and shall request documentation from the owner or operator of the facility regarding usage within five days of the determination of abandonment.
 - (a) Any special use permit or other approvals, permits and certificates granted by the Town related to the communication or broadcast tower and facilities shall automatically expire on the date the facility is deemed to be abandoned.
 - (b) All special use permits or other approvals, permits and certificates granted by the Town related to the communication or broadcast tower and facilities shall be deemed to allow the Town or its representatives entry onto the property for the purpose of removing the communication and broadcast tower facility upon reasonable notice to the owner of such property following the abandonment of same and the completion of the process set forth below.
- (2) Within 90 days after the determination of abandonment by the Town Building Inspector, or the revocation of a special use permit or site plan review approval, the tower facility and related structures shall be removed by the owner or operator and shall be properly disposed of in accordance with all local, state and other laws and regulations regarding such disposal.
 - (a) If the tower and related structures are not removed within said ninety-day period, a process for removal by the Town of Chatham shall be commenced at the owner or operator's expense.
 - (b) Following the expiration of the ninety-day period, the Building Inspector, with the approval of the Planning Board, may notify the owner in writing that removal must be accomplished within 30 days of said notification. The notification shall indicate that failure to remove the tower and related structures within 30 days shall result in the removal of said facilities by the Town of Chatham with the cost thereof to be paid with the funds deposited in escrow with the Town. Any cost incurred by the Town in such removal, not paid under the escrow, shall constitute a lien on the tax lot on which the tower is situated and shall be collected in the same manner as a Town tax on real property.

- (3) The applicant or its successor in interest shall be required to file a copy of any certification of compliance which the owner/operator files with the FCC related to the operation of the communication or broadcast tower and facilities and copies of complaints with the Town Clerk.

J. Alteration of an existing communication tower, antenna or related structure.

- (1) Alteration of an existing communication or broadcast tower or monopole, antenna or any related building or other structure or improvement, including a plan for the collocation of facilities, which results in a change in the use of said facility, or a change in the type(s) of antenna(s), or an increase in the size, height or bulk of the antenna(s) or tower, or an increase in the type or intensity of lighting, or reduction of any of the improvements related to screening of the facility, shall be permitted only after application to the Planning Board. The application shall be reviewed as if the alteration were a new application for a special use permit, and a new application for site plan review approval, and may include appended materials from a previous approval.
- (2) The application for alteration of an existing communication or broadcast tower and facilities may be exempt from application procedures, provided that the proposed alteration complies with the standards as provided in §180-23 and 180-38.

K. Change of identity of parties. In the event that the identity of any party to the initial or any subsequent application and/or permit changes or their interest in the project is assigned, conveyed or transferred, the Town shall be notified of all new parties' names, addresses and telephone numbers within 120 days of such change, assignment, conveyance or transfer.

L. The provisions of this sub-section related to telecommunication or broadcast towers shall not apply to normal residential uses, such as the location and siting of utility, power or telephone distribution poles.

§180-39. Small-scale mines.

Any person who proposes the extraction of more than 100 cubic yards and fewer than 1,000 tons or 750 cubic yards of minerals from the earth within 12 successive calendar months must obtain a "mining special permit" from the Planning Board, pursuant to the provisions set forth herein, except for extractions used solely for farm-related activities on a farm operation or for use by the Town for road maintenance purposes. The Planning Board may only issue such a mining special permit for applications within the RL-1, RL-2, RL-3 and I Zones within the Town. The applicant must obtain site plan approval pursuant to the Town of Chatham Town Code. The provisions of §180-24 G, H, I, J, K, L, M, N, O, and P shall be applicable to all applications for small scale mines.

A. Procedure for mining special permit applications for small-scale mining.

- (1) The applicant shall submit to the Planning Board Secretary the following documents:
 - (a) A mining plan, including a metes and bounds description of the proposed area to be mined, and a plan for a phased reclamation of the entire affected area shall be considered part of reclamation requirements and a completed Agricultural Data Statement and farms within 500 ft of project boundaries .
 - (b) A plan, acceptable to the Planning Board, for safeguarding the public health, safety and welfare of surrounding and nearby residents during extraction and related activities.

- (2) The Town shall not bear costs for outside consultant reviews deemed necessary by the Town pertaining to the project or the permitting process. Prior to the Town incurring any costs necessary for its deliberations and chargeable to the applicant, the Planning Board shall advise the applicant of said costs and obtain the applicant's agreement to bear such costs and establish an escrow account to fund such costs.
- (3) The applicant shall furnish the Planning Board with all information in his possession which might affect its decision. In addition, the applicant shall be responsible for promptly providing the Planning Board with any new information or circumstances since the filing date of the application.
- (4) If approved, the mining special permit shall be issued by the Planning Board for a three-year period, subject to annual inspection by the Planning Board or its designee, and to revocation for a finding of noncompliance with any condition of the permit.
- (5) Any permit, when issued, shall explicitly state all operating conditions which are necessary to assure compliance with this section, applicable Town and state laws, ordinances, regulations, and operational procedures designed to minimize physical and aesthetic damage to the environment.
- (6) Each extraction site shall be governed by an individual permit. If an operating group conducts extraction operations at more than one site in the Town of Chatham, the conduct at all sites shall be considered in determining the provisions of each mining special permit and may be grounds for denial or restrictions of such permit. If the combined extraction is greater than 1000 tons, the operation cannot be considered a small-scale mine.

B. Review of permits for small-scale mines.

- (1) The Planning Board shall review all small-scale mining permit applications in accordance with the standards for approval of a special use permit under §180-30 and the following provisions:
 - (a) Permit renewals may be granted at the discretion of the Planning Board if the activity is proceeding in accordance with the provisions of the initial plan. No more than one permit renewal shall be granted.
 - (b) All holders of permits shall advise the Planning Board of any change of facts and conditions which might affect their ability to operate under the permit.
 - (c) Immediately after any change of ownership of any extraction site or of the persons or entities directly responsible for its operation, the new owner or operator shall apply for a new permit, indicating on the application any existing or anticipated changes from the data, plans and/or conditions supporting or including in the previous permit.
 - (d) Each site shall be inspected for compliance by the Town Code Enforcement Officer prior to any permit renewal. A written report of such inspection and its findings shall be made to the Planning Board. Such inspection(s) shall be financed by a fee system as established by the Town Board.
 - (e) Each permit shall contain provisions which effect its suspension in the event of a finding of noncompliance with any term or condition of operation. Should the mine owner discover toxic waste previously disposed on the property, the owner should cease operation and notify the Town Code Enforcement Officer.
 - (f) Each permit shall contain provisions which require that all mining activity shall be set back at least 200 feet from any property line.
 - (g) Mining operations may only be conducted between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 12:00 noon on Saturdays. Mining operations may not occur on any Sunday or legal holidays as set by the Town Board.

C. Reclamation standards and requirements for small-scale mines. Before issuing a mining special permit, the Planning Board must find that the reclamation plan meets the following standards and requirements:

- (1) Reclamation shall occur after the removal of 750 yards or 1,000 tons of mineral, unless the Town Planning Board determines that a different reclamation schedule is more appropriate.
- (2) All final site drainage shall be designed, sloped, revegetated or treated by other measures so that drainage patterns, including volume and outflow points, will be the same as before the mining occurred, unless an alteration of patterns would improve drainage in the surrounding area. Measures must be specified to prevent erosion and sedimentation of wetlands, watercourses and ponds. The Planning Board may require a hydrogeologic study to be prepared to document the pre-mining aquifer water quality in order to ensure that water quality is preserved during and after mining operations.
- (3) No slope shall be left with a grade steeper than one foot vertical on three feet horizontal for gravel, or its normal repose slope for other minerals.
- (4) All restoration material used in the final grading of the site shall be free from refuse or toxic contaminants and shall be compacted as much as is practical, such as by installation in layers. Stumps, boulders and nontoxic debris generated by the mining operation shall be removed from the site and disposed of, or buried and covered with a minimum of two feet of soil. All toxic debris and waste, including petroleum products, shall be removed from the mining site for proper disposal. If hazardous waste is generated as defined by NYSDEC, disposal must follow State guidelines and regulations.
- (5) Final soil depths and types shall be appropriate for the expected reuse specified in the application. Subsoil and topsoil shall be re-spread over the excavated area to a minimum depth of one foot: six inches of topsoil and six inches of subsoil. If the original soil depth was less than one foot, restoration shall be to a minimum of the original depth.
- (6) All topsoil shall be stripped from the active excavation area and stockpiled on site and seeded for use in accordance with the reclamation plan. Such stockpiles shall be treated to minimize the effects of erosion by wind or water upon public roads, streams or adjacent property.
- (7) Revegetation of the site to control dust and erosion and to restore the natural character is required. The operator shall maintain the vegetation for two growing seasons to ensure viability.

D. Reclamation bonding for small-scale mines. The Planning Board shall require the permit holder to post a bond in an amount at least sufficient to cover the costs of the reclamation plan.

§180-40. ~~Reserved~~ Garbage Trash Bins.

To ensure that empty garbage trash bins do not become a public safety issue for vehicles, bikes or a road maintenance issue for highway departments, garbage trash bins placed along a public road for pickup by a trash hauler shall be removed within 48 hours after pick up, or be removed to a shielded area within the boundaries of the property.

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§180-41. Home occupations.

A. There are three levels of home occupation – minor, intermediate, and major. Minor home occupations are limited to a use occurring fully within the principal dwelling on the lot and shall be considered a permitted use with no Planning Board review required. Intermediate home occupations are those occurring wholly or partially in an accessory outbuilding such as but not limited to garage and barns and that have no employees other than the occupants of the principal residence on the parcel but that does have signage and parking for customers. Intermediate home occupations require site plan approval from the Planning Board prior to operation. Major home occupations are those that may be either within the principal dwelling or in an accessory building, but that have employees or features such as but not limited to parking, signage, exterior lighting, outdoor storage, parked/stored equipment. Major home occupations shall be authorized by special use permit granted by the Planning Board.

B. All home occupations must comply with the definition set forth in §180-9 of this chapter. Application for a home occupation shall be made to the Zoning Enforcement Officer for intermediate and major home occupation. Minor home occupations are permitted uses and do not need any kind of permit or Planning Board review provided that the requirements of this section (B) (1) are met. For intermediate and major home occupations, the application shall include a description of the proposed use and shall address each of the items listed below. The ZEO shall forward the application to the Planning Board for approval. If, after such use permit is granted, it is subsequently determined that the home occupation use no longer complies with any of these conditions, the Zoning Enforcement Officer may revoke such use permit. If this occurs, the applicant may appeal such determination to the Zoning Board of Appeals, provided that such appeal is taken within 30 days of the decision of the Zoning Enforcement Officer.

- (1) Requirements for All Home Occupations. The following additional requirements shall be applicable for all home occupations. The applicant shall have the burden of establishing, by clear and convincing proof, that the proposed home occupation will comply with all of these items.
 - (a) Not more than two home occupations may occur on a single residential lot.
 - (b) A home occupation shall not cause a significant increase in neighborhood traffic.
 - (c) There may be no more than two vehicles used in connection with the operation of the business on the premises. Any such vehicles shall be screened or stored in an enclosed structure. However, this does not refer to a passenger vehicle and/or pickup truck used by the occupants for their personal use.
 - (d) A sign is allowed, which shall not exceed dimensions four square feet and may be double-sided. It may be located in the required front yard, provided that it is set back at least 15 feet from all property lines, and is not more than six feet above the natural ground level at its location. The sign shall not be lighted.
 - (e) Retail sales shall not be permitted on the premises except for small scale sales of goods actually produced on the premises or small scale sales of goods incidental to the main service provided.
 - (f) There may be no exterior storage of materials or exterior variations from the residential character of the neighborhood. Generally, the display of goods in the front yard of the premises shall not be permitted. However, the applicant may have a sample display of goods in the front yard where the applicant can demonstrate that this will not have an adverse impact on the residential area and that such display will be maintained in a neat and orderly condition. Goods for retail sale only may be displayed elsewhere on the property if appropriately covered by a structure and/or screened by a fence or natural vegetation, provided that outdoor display of goods does not occur within 40 feet of an adjoining lot.

- (g) The proposed home occupation shall not produce any unusual appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that would exceed those normally produced by a residence.
 - (h) Storage, use and disposal of hazardous substances and petroleum products must meet applicable state and federal regulations.
 - (i) Any new construction undertaken to accommodate the home occupation activity shall be wholly consistent with the character of a residential premises.
 - (j) There may be no sharing, letting or subletting of space for use by others in connection with a home occupation.
 - (k) There shall be sufficient off-street parking to avoid parking congestion in the public roadway and in order to adequately accommodate the anticipated use of the property in connection with such home occupation.
- (2) Requirements for Intermediate and Major Home Occupations. In addition to the requirements above, the following shall also apply to Intermediate and Major Home Occupations: a home occupation in outbuildings shall otherwise comply with the dimensional requirements in the applicable zone. However, the Zoning Board of Appeals may grant an area variance with respect to any setback requirement. No more than three persons, other than members of the household occupying such dwelling, shall be employed on the residential premises in the conduct of all home occupations thereon; provided, however, that the applicant shall have the right to appeal to the Zoning Board of Appeals which, after public hearing, may allow more than four persons in such circumstances where the Zoning Board of Appeals has determined that the use of the property, with such additional employees, still qualifies as a home occupation under the definitions and requirements set forth in this chapter. Should the Zoning Board of Appeals determine that more than three persons other than members of the household may be employed at the property in the conduct of such home occupation(s), the Zoning Board of Appeals shall set the maximum number of persons, other than members of the household occupying the dwelling, who may be employed on the residential premises in such circumstances.
- (a) All storage of equipment, materials, goods, or supplies shall also meet all requirements for such use pursuant to this local law. All exterior storage used in conjunction with a major home occupation shall be screened from view or stored within structures and not visible from the public way or adjacent properties.
 - (b) Adequate parking shall be provided for all home occupants, employees and customers so as not to cause parking congestion or a visual disturbance to the character of the neighborhood.

§180-42. Off-street parking.

Off-street parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use is enlarged. Public off-street parking in lieu of on-site parking may be utilized to fulfill parking requirements when provided for this purpose within a distance appropriate to the proposed use, but not exceeding 400 feet, upon approval of the Planning Board.

Use	Parking Spaces Required
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Residential	2 per dwelling unit
Church and school	1 per 3 seats in principal assembly room
Private club or lodge	1 per 4 members
Theater	1 per 4 seats
Hospital, nursing and convalescent homes	1 per 3 beds and 1 for each employee based on the expected average employee occupancy
Professional offices, business services and medical clinics	1 for every 250 square feet of gross building floor area
Retail businesses and personal service establishments	1 for each 180 square feet of gross building floor area
Eating and drinking establishments	1 for every 3 seats
Industrial	1 for each 1.2 employees, based on the highest expected average employee occupancy
Funeral homes	1 for each 75 square feet of floor space in slumber rooms, parlors and individual service rooms

§180-43. Off-street loading.

Off-street loading shall be conveniently located for bulk pickups and deliveries, scaled to delivery vehicle size expected to be used, and accessible by such vehicles and can be logistically accommodated when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. Off-street loading shall be provided for all industrial and commercial uses.

§180-44. Roads and Driveways

As per the Town of Chatham Comprehensive Plan, the Town recognizes the important role its roads play in contributing towards the rural character of Chatham. As such, minimizing impacts to and changes along Town rural roads is a critical goal to be met whenever new commercial uses and major subdivisions are developed. This goal is reflected in the Use Table (Table 2) that identifies certain uses shall be approved only if their access is from a State or County highway. Some uses identified in Table 2 are prohibited from Town roads specifically to limit changes to the rural road and the character of the area. Through site plan, special use and subdivision regulations, the Planning Board is further directed throughout this local law and Chapter 170 to minimize all impacts and changes to the Towns rural roads. This includes, but is not limited to minimizing or eliminating alterations to a roads width, grade, curve, right of way, roadside vegetation, and surface treatment (gravel or pavement).

For specific highway standards for new roads, see Chapter 164 and 170-14 and 170-15 for Road Specifications.

§180-45. Reserved

§180-46. Signs.

Signs as defined in § 180-9 shall meet the following standards and provisions. Table 3 details sign regulations by district and shall be considered in addition to the standards of 1809-46 (A – M). No sign shall be erected without approval from the Planning Board, except those listed in sub-section 180-46 (A), below. An applicant may seek sign permit approval in conjunction with a special use, modified site

plan or site plan approval application and no separate sign application shall be required. If no site plan or special use permit approval is required, signs shall be permitted and approved by the Planning Board prior to issuance of building permits.

Table 3. Sign Standards by District (All dimensions are Maximum Size), Signs not listed are prohibited (2)

Type of Sign	H-1	H-2	RL-1	RL-2	RL-3	B	I
<u>Residents name, address, or home occupation sign, on-premise</u>	4 sf						
<u>Bulletin board associated with for public, museum, library, school, religious or municipal use structure, on-premise</u>	24 sf						
<u>Temporary real-estate signs or construction sign on-premise</u>	24 sf (NANS NOTE – SEE A (9) BELOW – YOU CAN’T CHERRY PICK WHAT TYPE OF TEMPORARY SIGNS TO ALLOW. YOU EITHER ALLOW THEM OR YOU DON’T.) You can prohibit all temporary signs located in public right of ways or you can allow. You can’t say political signs are OK, but temporary real estate directional signs are not. I am unclear what you want to do. See how I have drafted this – might need adjustment.)						
<u>Temporary signs, on-site for architect, engineer, or contractor when construction or repair is in progress</u>	12 sf						
<u>Business sign, one freestanding, 1 building mounted Freestanding sign associated with a commercial use, on-premise</u>	12 per premise (1)	12 per premise (1)	12 per premise	12 per premise	12 per premise	12 per premise	12 per premise
<u>Building Mounted, Wall or Projecting Sign associated with a commercial use, on-premise</u>	1 per business per Premise	1 per business per Premise	1 per business per Premise	1 per business per Premise	1 per business per Premise	1 per business per Premise	1 per business per Premise
<u>Sign height for freestanding sign, where allowed</u>	8 ft	8 ft	10 ft	10 ft	10 ft	10 ft	12 ft
<u>Sign size for building mounted sign</u>							
<u>Hanging perpendicular</u>	12 sf						
<u>Parallel & flat to building</u>	16 sf	16 sf	24 sf	24 sf	24 sf	24 sf	24 sf
<u>Awning and Canopy</u>	Allowed with six inch letters on valance						

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_ Window Sign	No more than 20% of length of façade area or with a maximum of 12 sf, whichever is less.
Business Complex where more than 1 business shares a building or access	24 sf

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(1) Commercial uses in H-1 and H-2 that are in buildings with less than a 15 foot front setback shall not have a freestanding sign.

(2) Roof mounted signs and billboards are prohibited in all locations.

(4)

A. Signs Exempt from Requiring Planning Board Approval Exemptions:

(1) Signs one square foot or less in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.

(2) ~~Flags and insignia of any government, except when displayed in connection with commercial promotion.~~

(2)(3) Flags depicting the 'open' or 'closed' status of a business.

(3)(4) ~~Legal notices, identification, informational or directional signs erected or required by governmental bodies.~~

(4)(5) ~~Integral decorative or architectural features part of buildings, except letters, trademarks, moving parts or moving lights.~~

(6) ~~On-premise signs directing and guiding traffic and parking on private property, but bearing no advertising matter.~~

(7) ~~Signs which mark property boundaries, trespassing signs, or warning or hazard signs (2 sf per side).~~

(8) ~~For sale or rental signs, maximum 6 square feet per side and located on-premises.~~

(5) ~~(9) Temporary signs such but not limited to garage sales, non-recurring events, fund drives, political advertising, real estate, construction, or events undertaken by a political, religious, charitable or educational organization placed for no more than 30 days, to be removed within 7 days after the event or election, and with a maximum of 24 sf per side. Temporary signs erected by and for municipal uses may be allowed to be in place for more than 30 days.~~

(6) ~~All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.~~

(10) ~~Temporary/seasonal signs associated with roadside stands.~~

(7)

B. ~~In any district, a sign not exceeding four square feet is permitted which announces the name, address or professional or home occupation of the occupant of the premises on which said sign is located.~~

Repeat from what is in table

C. ~~A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.~~ Repeat from what is in table

D. ~~A temporary real estate or construction sign, not exceeding 24 square feet is permitted on the property being sold, leased or developed. Such sign shall be removed when the property has been sold,~~

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~~leased or developed. Any person offering lots for sale in a subdivision may erect non-illuminated, directional signs within the limits of the subdivision, or adjoining property in the same ownership, having an aggregate total face area of not more than 50 square feet. The Planning Board shall approve such sign at the time of the subdivision approval. The permit for such signs shall be issued for a period of one year, each following a determination by the Building Inspector that the signs have been repainted or are in good condition in each case.~~

E. A business sign shall be permitted in connection with any legal business or industry located on the premises, and meeting the following requirements:

- (1) ~~A maximum of two signs are permitted with any legally established business, one freestanding and the other attached to the building. The Planning Board may require that a freestanding sign be placed within a landscaped base.~~
- (2) ~~The primary purpose of the sign shall be for identification and not for advertising and may state only the owner, trade names, trademarks and products sold and/or the business or activity conducted on the premises on which the sign is located.~~ **YOU CAN NO LONGER REGULATE THE CONTENT OF THE SIGN.**
- (3) Signs shall not extend above the roof or parapet of the building. ~~The height of a freestanding sign shall not exceed 10 feet and shall not exceed 24 square feet in size.~~
- (4) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.
- (5) Signs with illumination are permitted with a special use permit. Illuminated signs shall use only exterior lighting.
- (6) Signs shall not project over public rights-of-way or property lines.
- (7) The maximum area of a building mounted sign shall be equal to the length of the building front facade measured in feet multiplied by one foot, but in no case shall the sign area exceed 10% of the building face area or 24 square feet, whichever is smaller.
- (8) Signs on canopies may be permitted as one of the on-site signs and if such sign complies with the size and lighting requirements of this section.

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F. Any sign which becomes in disrepair may be removed upon order of the Town Board if not repaired after 30 day's notice. Any new sign must conform to all regulations.

~~G. Signs off site may be permitted by the Zoning Board of Appeals for farm businesses, churches or service organizations located in Chatham only if necessary for directional purposes. Permanent off-premise signs on County and Town roads are permitted for municipal uses only.~~

H. No sign shall create a traffic or pedestrian hazard by reason of its shape, method and direction of illumination of location. No sign shall have any moveable parts or flashing lights, except those placed by the municipality for emergency or informational reasons.

I. Signs shall not attempt or appear to regulate, warn or resemble official traffic signs, signals or devices.

J. Signs should be a subordinate part of the streetscape. Signs shall be architecturally compatible with the style, composition, colors, materials, and details of the building and should reflect the visual character of their surroundings.

K. The size ~~and content~~ of the sign shall be the minimum essential for legibility ~~and for the provision of information to patrons or invitees seeking the particular use being identified~~. Signs should convey a minimum of information in order to avoid clutter.

L. Whenever feasible, multiple signs should be combined into one to avoid clutter. A principal building with more than one tenant is permitted a multi-business directory sign that is no larger than 24 square feet as the freestanding sign for the premises. Each individual business in the multi-business building will be allowed one sign to mark their individual entrance that is no larger than four square feet.

M. A use located in a corner building is permitted to have one sign for each lot frontage. Businesses with service entrances may identify such entrances with one sign that does not exceed four square feet.

N. All signs must be constructed of durable materials and shall be maintained in good condition and repair at all times.

O. A new business, or a business in a new location, awaiting installation of a permanent sign, may use a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever occurs first. Such portable sign must meet all the requirements of this Law.

§180-47. Offensive use.

A. Any non-agricultural use, including a permitted use, that may be offensive or injurious by reason of production, emission of odor, dust, smoke, refuse matter, fumes, noise, vibration, discharge of water, electromagnetic interference, heat, fire/explosions, traffic, parking or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health or safety of adjacent landowners, the community or leading to its disturbance or annoyance, is prohibited.

B. Outdoor lighting shall be so shielded to prevent the light source being visible off site or otherwise constitute offensive glare.

§180-48. Air pollution and fire controls.

A. It shall be unlawful within the Town of Chatham for any person, owner, agent, operator, firm or corporation to permit, cause or allow the discharge, of emissions or releases into the atmosphere from any source or activity in such place, manner, duration or concentration as to constitute atmospheric pollution or which are injurious to human, plant or animal life or property, or which unreasonably interferes with the comfortable enjoyment of life or property. This applies to the release or creation of soot, fly ash, dust, cinders, dirt, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid, gaseous matter or any other deleterious emissions, either alone or in combination with others.

B. Fire and safety hazards. Only buildings which are in conformity with the New York State Uniform Fire Prevention and Building Code are permitted.

§180-49. Noise.

A. Unreasonable noise prohibited. It shall be unlawful for any person to make, continue, cause to be made or permit to be made any unreasonable noise within the geographical boundaries of the Town of

Chatham or within those areas over which the town has jurisdiction. The determination as to the existence of unreasonable noise may be established either by the specific acts considered to be unreasonable noise enumerated below or by the measurements exceeding the limitations set forth below.

B. Specific acts constituting unreasonable noise. The following acts and the causes thereof are declared to be in violation of this chapter and to constitute unreasonable noise:

- (1) The use of any sound-reproduction device whether inside or outside a structure, in a vehicle or water vessel or on private property or a public right-of way or public space at any time within the residential areas or within the commercial areas which, by causing noise, annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities. This provision shall not be construed to prohibit public performances being conducted in accordance with the provisions of a special permit granted by the Town.
- (2) The operation of any sound-reproduction device within five hundred (500) feet of any quiet zone as defined above.
- (3) Any impulsive noise which occurs repeatedly over the course of one hour or more and which is measured in excess of 75 dBA.
- (4) Yelling, shouting or hooting at any time or place so as to annoy or disturb the quiet, comfort and repose of a reasonable person of normal sensitivities.
- (5) The performance or engagement in construction work, building, excavating, hoisting, grading, demolishing, dredging or pneumatic hammering within the limits of the town between the hours of 5:00 p.m. and 7:00 a.m. Monday through Friday (night) and 12:00 noon. and 8:00 a.m. Saturday (night), except for emergency work of a public nature, service utilities or as otherwise provided herein.
- (6) The sounding of any horn, security alarm, siren or other auditory signaling device in any vehicle, vessel, engine, machine or stationary boiler for period of time longer than five (5) minutes, except as required by law or to provide a warning signal during use thereof. This provision shall not be construed to prohibit the use and operation of an audible signal device in an authorized emergency vehicle.
- (7) In addition, any other excessive or unreasonable noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities, shall be prohibited.
- (8) The operation of any radio or sound system or use of any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort, health, safety, or repose of persons in any dwelling, hotel, motel or other type of residence.
- (9) The keeping in any building or upon any premises of any animal, bird or fowl which produces noise of a degree and kind to disturb the comfort, repose, and quiet, of neighbors or persons residing in the vicinity. Persistent barking of dogs confined or chained on the premises, or dogs roaming free on or off the owner's premises, shall be a violation of this chapter. "Persistent barking" is defined herein as the continuous or intermittent barking of a dog, which can be heard on other premises and which continues for a period of more than one (1) hour. The owners or occupants of the premises shall be responsible to prevent the dog from barking or place it in an area where its barking cannot be heard.
- (10) The discharge into the air of the exhaust of any steam engine, stationary, internal combustion engine or motor vehicle engine, except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.
- (11) No person shall operate or permit to be operated any recreational vehicle, all-terrain vehicle, dirt bike, go cart, snowmobile off a public highway, or watercraft at any time, at any speed or

under any condition of grade, load, acceleration or deceleration or in any manner whatsoever as to exceed eighty (80) dBA. This limit shall apply at a distance of fifty (50) feet from such vehicle.

C. Exempt sounds

- (1) Sounds generated by church bells or chimes;
- (2) Sounds generated by any government agency by the use of public warning devices including but not limited to emergency vehicles, personnel and activities, hospitals, state and municipal maintenance and repair activities, any activities of the armed forces;
- (3) Sounds connected with sporting events of any public or private school or park, or an authorized carnival, fair, exhibition, parade, etc. or any event so authorized specifically by permit of the Town, County, State or Federal government;
- (4) Sounds created by agricultural activities or operations, including, but not limited to crop cultivation, production, harvesting and livestock production, provided equipment generating the noise is in proper working order;
- (5) Sounds created by snow removal equipment in good working order.
- (6) Sounds created by generators and power equipment in emergency situations in good working order.
- (7) Sounds created by lawn mowers or other home power tools between the hours of 7:00 a.m. and 9:00 p.m. Monday through Saturday and 9:00 a.m. and 9:00 p.m. Sundays.
- (8) Sound from law enforcement vehicles, personnel and activities.
- (9) Sound from trains.
- (10) Sound from permitted fireworks displays.
- (11) Sounds associated with hunts, including the use of dogs and legally conducted hunting.
- (12) Sound from motor vehicles and trucks over 6,000 pounds gross vehicle weight. Said vehicles are still required to comply with applicable state law.
- (13) Home owner processing wood for personal home use for heating.
- (14) Sounds related to tree removal, care and forest management.

D. Additional guidelines to determine unreasonable noise.

- (1) The subject noise must exceed ambient noise by ten (10) decibels or more, for a period in excess of one (1) hour, in any octave band, to be declared excessive or unreasonable, or
- (2) Specific maximum noise level limitations (dBA) are established as follows at the property line:

Sunday through Thursday, 7am-9pm (day):	65 dBA
Sunday through Thursday, 9pm-7am: (night):	50 dBA
Friday and Saturday, 7am-9pm (day):	75 dBA
Friday and Saturday, 9pm-7am (night):	60 dBA

E. Methods of measurement. Noise measurements shall be made with a sound-level meter and compatible octave band analyzer manufactured according to the specification of in compliance with ANSI the American National Standards Institute S1.4-1983, or latest version thereof, or any other meter device(s) approved by the Town. USA Standard Specification for General Purpose Sound Level Meters (51.4-1971) and Preferred Center Frequencies for Acoustical Measurements (51.6-1960) or any subsequent nationally adopted standard superseding the above standards. Unreasonable noise emanating from private property shall be measured or determined at the adjoining property line.

F. Landlord's Liability. Violations of this chapter shall be the act of the owner of the residential dwelling unit, or commercial property, even if the owner does not reside in the unit nor is employed at the site, as well as the persons on the premises who violate this chapter. The owner will only be liable for those violations occurring after receipt of written notice from the Code Enforcement Officer, County Sheriff's

Department or New York State Police of a violation of this chapter. Proof of the commencement of an eviction proceeding against the alleged violator(s) shall be a defense to a landlord liability hereinafter.

G. Enforcement

- (1) The Code Enforcement Officer, County Sheriff's Department or New York State Police shall enforce this chapter.
- (2) The Code Enforcement Officer shall have the authority to grant permit for variances, as provided for below.

§180-50. Trailers and mobile homes.

No mobile home shall be located in the Town of Chatham, except as authorized by Chapter 151, Mobile Homes. Factory-manufactured homes, as defined in this chapter, are permissible as per 180-36, and 53.

§180-51. Storage of mobile homes, boats, trailers and trucks.

Except as may be otherwise permitted under the provisions of this chapter or any other Town regulation, no mobile home, boat, trailer, travel trailer, RV or truck shall be stored (which is different from parked) in the front yard in any district. See also §180-58.

§180-52. Agricultural uses.

Agricultural uses shall comply with the following requirements:

A. Farm buildings, other than a dwelling, shall be set back at least 100 feet from the boundary line of any neighboring property. However, in both the Hamlet-One (H-1) and Hamlet-Two (H-2) zones, respectively, such farm buildings shall be set back at least 45 feet from the boundary line of any neighboring property, provided the building does not store material that causes odors in which case the farm building shall be set back at least 100 feet from the border.

B. Feed lots, fenced runs, manure storage facilities, pens and facilities of similar intensity used for animal raising and care shall be set back at least 100 feet from the boundary line of any neighboring property and from any stream banks, unless the stream is located in a pasture.

C. Temporary roadside stands for sale of agricultural products shall be permitted if:

- (1) They are set back at least 50 feet from the center of the road;
- (2) Parking spaces are set back at least 50 feet from the center of the road ;
- (3) Signs shall conform to provisions set forth in §180-46.

§180-53. Temporary Living Structures.

Temporary living structures, including mobile or manufactured homes used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a twelve-month period. Residing in basement or foundation structures before the completion of the total structure shall not be allowed for a period longer than one year, unless an extension of time is granted by the Planning Board, which shall utilize the general standards of review and approval for special use permits when considering an extension. Only one such extension shall be granted.

§180-54. Grading permits.

A. The extraction of minerals off site of less than 100 cubic yards within 12 consecutive months shall require a grading permit issued by the Town Code Enforcement Officer. A grading permit shall also be required for the moving of topsoil, sand, earth and/or gravel from one portion of a premises to another portion of the same premises as an incident to construction of a building or other improvement to land or landscaping where greater than one acre of land is disturbed. Applicants shall also comply with DEC stormwater regulations. For residential construction that disturbs one acre or more, a Notice of Intent (NOI) must be filed and an erosion and sediment control plan must be prepared. For residential development that disturbs five acres or more, the NOI must be filed and a stormwater pollution prevention plan (SWPPP) must be prepared as per DEC requirements. Commercial developments must file the NOI and prepare a SWPPP when more than one acre is disturbed. The applicant shall file a grading plan with topographical map(s) of the area on which the extraction or redistribution shall be conducted, demonstrating such topographical conditions as is expected, both before work is commenced and after the work is completed, showing contour elevations at intervals of heights of two feet and such other information as may be required by the Town Code Enforcement Officer.

B. The Town Code Enforcement Officer shall be authorized to issue a grading permit for the removal of not more than 100 cubic yards of excavated minerals. Separate permits for a single lot shall not total more than 100 cubic yards within any ten-year period. No excavation of soil, natural products or rock shall adversely affect natural drainage or the structural stability or safety of adjoining buildings or lands. Excavations shall not create objectionable dust or noise nor create any kind of noxious or injurious substance or cause a public hazard.

C. No finished slope shall be created with holes or hills, or which slopes down from any adjoining property steeper than one foot vertical to two feet horizontal, and no embankment shall be created which slopes upward from any adjacent property line steeper than one foot vertical to three feet horizontal, unless an adequate retaining wall is constructed in accordance with plans prepared by a professional engineer licensed to practice in New York State.

§180-55. On-site water and sewer systems.

A. Septic tanks, tile or drainage fields, and seepage pits shall be located and maintained on a lot so as to be consistent with requirements of the Columbia County Department of Health.

B. Other types of on-site systems. The location of structures for other types of systems shall have the same setback requirements that are required for septic tanks. Any discharge pipe from such systems shall be so located as not to be a potential cause of pollution for any water supply.

C. Replacement of existing systems. This section shall not apply to replacement of existing systems unless there is sufficient area on the parcel to accommodate the standards herein, in which case such standards shall be adhered to.

D. Water supply. Wells and other sources of water for human consumption or use shall be located at least 50 feet from any lot line. When the size, shape or soil conditions of a pre-existing lot may necessitate the placing of such water supply closer than 50 feet to a lot line, the location of the water supply shall be subject to the approval of the Columbia County Department of Health. In addition, the well shall be located such that it is not subject to flooding or surface water contamination and that it meets the minimum horizontal separation distances from potential sources of contamination listed in

Table 1 of 10NYCRR Part 5, Appendix 5B, unless a waiver has been granted by the Columbia County Department of Health.

E. Pollution. All new sewage systems shall be so located as not to be a source or a potential source of pollution for any water supply or water bodies.

§180-56. Burned buildings.

No owner or occupant of land in any district shall permit burned buildings to be left standing. Burnt buildings shall be removed within one year or regrade the ground level or shall repair, rebuild or replace the structure. Adequately protect open wells.

§180-57. Demolition

A. No demolition of any structure in excess of 200 square feet shall occur until the CEO has issued a demolition permit. All applications for demolition permits shall be in writing, signed by the owner or agent, on forms furnished by the Code Enforcement Officer and shall briefly state:

- (1) A description of the property and buildings or structures to be demolished.
- (2) The name and address of any contractor, if any, participating in the demolition.
- (3) An agreement to comply with this chapter and all other laws, ordinances and regulations including those that include hazardous materials (e.g., asbestos) that may be applicable.
- (4) The applicant's proposal for capping natural gas lines, water lines, water wells, sewage lines or systems, if any.
- (5) The applicant's proposal, including a description of materials, to fill in any dug wells, septic system and/or cellar or other subsurface areas to grade level, if needed.

B. A demolition plan shall be included with an application for a demolition permit, along with any fee that may be established by the Town of Chatham for such activity. All demolition plans shall include one of the following:

- (1) A redevelopment plan for the property that provides for a replacement or rebuilt structure for the regulated structure being demolished or relocated, indicating in sufficient detail the nature, appearance and location of all replacement or rebuilt structures; or
- (2) For property to remain vacant, a restoration plan for the property following demolition, including a description of the materials, grading, landscaping, and maintenance procedures to be utilized to ensure that the restoration conforms to the approved plan and that landscaping survives in a healthy condition; and/or
- (3) A treatment plan for any walls of adjacent buildings exposed as a result of the demolition.

C. The Code Enforcement Officer shall determine if any special use permit or site plan approval is required when replacement or construction of a new structure or use is proposed. If demolition is proposed in conjunction with a project that requires Planning Board review, the application shall consider both actions.

- D. The application shall be accompanied by a signed affidavit of the applicant stating that all demolition debris shall be promptly and legally disposed of at a properly permitted landfill or dump.
- E. All the demolition sites shall be barricaded in such a manner as to provide proper warning and protection to the public.
- F. All demolition projects once commenced must be completed within 30 days of their commencement date, unless a written extension has been granted by the Code Enforcement Officer.
- G. Demolition permits shall expire 90 days from the date of issuance if the work authorized has not commenced, unless a prior written extension has been granted by the Code Enforcement Officer for good cause shown.

§180-58. Individual Standards for Special Uses.

In addition to the general approval standards above, the following special uses must comply with the individual specific requirements set forth below.

A. Animal Hospital, Kennels and Animal Camp

- (1) Requirements for Animal Hospitals, Kennels, and animal camps:
 - (a) Animal waste shall be disposed of in a manner acceptable to the Department of Health. All on-site disposal containers for waste shall be covered and emptied regularly to control odors.
 - (b) All facilities associated directly with the kennel or veterinary hospital, whether indoors or outdoors, shall be set back a minimum of one hundred (100) feet from any property line.
 - (c) Animals shall be housed in a permanent enclosed building which shall be constructed of soundproof materials so as to adequately minimize the noise.
 - (d) Parking shall be located behind the front line of the principal building to the side or rear of the structure.
 - (e) The Planning Board shall evaluate potential noise impacts and shall minimize negative impacts to adjacent uses which may include use of buffers or sound proofing buildings.
 - (f) The Board may require visual screening of outdoor runs.
 - (g) All animals shall be kept inside the enclosed kennel structure during the hours of darkness.
 - (h) The minimum area required shall be two acres with a maximum of six animals. An additional three (3) animals per acre may be kenneled for each additional acre with a maximum of ten (10) animals for any such use in the RL1 and RL2 districts and twenty-five (25) in the B district .

(2) Additional Requirements for Animal Hospitals.

(a) Land burial of animals on-site is prohibited.

(3) Additional Requirements for Kennels.

(a) The owner or occupant shall maintain adequate control of the animals and shall provide adequate protection to ensure that the dogs are not able to leave the premises.

(b) No animal may be kenneled without a valid dog license issued by the town clerk or any other duly authorized municipal entity or official.

B. Automotive Repair

(1) All automotive repair work shall be conducted in fully enclosed building.

(2) All vehicles whether registered or not, stored on the premises in excess of seventy two (72) hours shall be shielded from view from the road or placed in an enclosed storage yard. There shall be no outside idling of vehicles for period in excess of 15 minutes.

(3) Where an automotive repair use adjoins a residential use, a landscape screen with a minimum height of ten (10) feet, shall be provided adjacent to the shared property line.

(4) Bay doors to the garage shall not front on any public right-of-way. Bay doors shall face the rear yard. The Planning Board may approve an alternative orientation to mitigate impacts to adjoining uses.

(5) Dumpster locations shall be screened from public view. All refuse shall be disposed of in appropriate waste containers and removed from the premises on a regular basis. Waste oil, grease and other solvents shall be disposed of in accordance with all applicable federal, state and local laws.

(6) No parking shall be permitted within the front yard unless the Board shall determine that negative visual impacts can be mitigated by requiring landscaping or screening.

(7) There shall be no outside accumulation of parts, tires, spare vehicles, etc. All storage must be in compliance with NYS DEC and DOT regulations and laws.

C. Automotive Repair Facilities which Sell Cars and Motor Vehicle Salesroom & Garage

(1) All automotive repair work shall be conducted in fully enclosed building. All vehicles whether registered or not, stored on the premises in excess of seventy two (72) hours shall be shielded from view from the road or placed in an enclosed storage yard.

(2) Where an automotive repair use adjoins a residential use, a landscape screen with a minimum height of ten (10) feet, shall be provided adjacent to the shared property line.

(3) Bay doors to the garage shall not front on any public right-of-way. Bay doors shall face the rear yard. The Planning Board may approve an alternative orientation to mitigate impacts to adjoining uses.

(4) Dumpster locations shall be screened from public view. All refuse shall be disposed of in appropriate waste containers and removed from the premises on a regular basis. Waste oil, grease and other solvents shall be disposed of in accordance with all applicable federal, state and local laws.

(5) No parking shall be permitted within the front yard unless the Board shall determine that negative visual impacts can be mitigated by requiring landscaping or screening.

- (6) The display of motor vehicles, mobile homes and/or boats shall not be allowed in the required front, side or rear yard setbacks.
- (7) The total area for the outdoor display of motor vehicles, mobile homes and/or boats, including the rows and/or spaces in between, shall not exceed 25% of the total lot.
- (8) There shall be adequate spacing in between the vehicles, mobile homes and/or boats to accommodate emergency vehicle access.
- (9) All requirements for Automotive Repair must be complied with.

D. Bed and Breakfast

- (1) The facility must be operated by the owner(s) of the parcel or structure involved, who shall reside on the premises at all times that guests are there.
- (2) The facility shall have not more than five rooms for fee paying guests and no more than 10 guests. Such rooms must be located in the main residential dwelling.
- (3) The minimum lot size required for the establishment of such a facility shall be the minimum lot size for a single-family dwelling in the district where the parcel is located.
- (4) The applicant must submit proof satisfactory to the Board, demonstrating that the on-lot septic system and water supply is adequate for the maximum occupancy of this facility, including the resident/owner operator.
- (5) No meals may be served other than breakfast. No meals or beverages shall be served to persons other than those who are actual fee paying guests or the resident/owner operator.
- (6) There must be a common dining area, a separate dining area for guests only is not permitted.
- (7) Off street parking shall be located in the rear yard only unless the lot configuration does not allow for this.
- (8) The minimum number of parking spaces shall be one per each room to be utilized by guests and three for the resident owner/operator and his or her family.
- (9) One sign not larger than four square feet shall be allowed.

E. Cemetery

- (1) No burial or memorial plots or buildings in new cemeteries shall be located closer than 50 feet to any residential lot line, except that when a dense evergreen hedge or a wall or landscaped strip, at least six feet in height, providing complete visual screening from all adjacent residential property is provided, burial or memorial plots less than six feet in height may be located no closer than 20 feet to any residential lot line.

F. Commercial Daycare:

- (1) All buildings, structures and areas of organized activity such as play areas, swimming pools, etc., shall be not less than 75 feet from any property line.
- (2) Off-street parking areas shall be not less than 50 feet from any property line.
- (3) Outdoor floodlighting or public address systems are prohibited.
- (4) Landscaping and fencing shall be sufficient to buffer the use from adjoining properties.
- (5) Must conform to all NYS law and agency licensing requirements.

G. All Recreation Facility Uses, Health Clubs, Membership Club, Community Center

- (1) These uses shall be allowed when access is from a State or County highway only.
- (2) For private recreational facilities there shall be a maximum size of 10 acres.

~~(32)~~ Community center and membership clubs shall have a maximum building footprint of 2,500 square feet.

(4) Compliance with the Town's Mass Gathering local law is required when the use is expected to attract greater than 300 at any one time.

~~(52)~~ For indoor or outdoor commercial recreation facilities, the recreational area building foot print or usable space on the lot shall be no larger than 40,000 sf.

~~(63)~~ Water consumption by ~~any~~the recreational ~~use~~area shall not affect surrounding well pressures, and the Planning Board may require pump testing to ensure that there is no adverse impact on water pressure to neighbors. The amount of impervious surfaces shall be minimized.

(74) Hours of operation for any of these uses shall be no later than 10 PM. Exterior lighting after hours shall be limited to only that required for safety. Nighttime activities and lighting shall be limited to minimize noise and lighting impacts on neighboring properties.

~~(85)~~ No ~~recreational activity or community center activity that produce~~ excessive noise, pollution, or heavy traffic shall be allowed. Such prohibited activities include but are not limited to paint ball courses or race tracks for motorized vehicles, drones, or model cars/planes.

~~(96)~~ In RL districts, commercial recreational uses shall have a minimum of 50 acres. In B district, commercial recreational uses shall have a minimum of 5 acres.

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H. Fuel Storage Facility

- (1) Shall not be located within 100 feet of any high water mark of a water body.
- (2) No other use except accessory use, may utilized on the affected parcel.
- (3) Adequate fire suppression and equipment must be on-site at all times.
- (4) In no event shall storage of more than eight (8) twenty thousand (20,000) gallon tanks be approved.
- (5) In no event shall a fuel storage facility be approved within a flood plain.
- (6) All tanks shall be fully screened from view from the street and adjacent properties.

I. Group Home:

- (1) All buildings, structures and areas of organized activity such as play areas, swimming pools, etc., shall be not less than 75 feet from any property line.
- (2) Off-street parking areas shall be not less than 50 feet from any property line.
- (3) Outdoor floodlighting or public address systems are prohibited.
- (4) Landscaping and fencing shall be sufficient to buffer the use from adjoining properties.
- (5) Must conform to all NYS law and agency licensing requirements including New York State Volume B-1, Title 18, Articles 4-7.
- (6) No exterior alterations other than normal maintenance and those mandated by any other codes or regulations to assure safety and sanitation shall be made to any existing dwelling.
- (7) Within a residential district, any new building shall be compatible with the scale, character and design of surrounding dwellings and shall comply with all regulations herein applicable to the district.
- (8) The number of residents in a group residence shall be reasonably consistent with the number of bedrooms and other living accommodations available in the structure.

J. Hunting Preserve and Outdoor Firing Range:

- (1) Minimum of 100 acres.

- (2) No firing of guns before 10:00 am or after dusk.
- (3) No more than 10 hunters per 100 acres hunting at the same time.
- (4) Compliance with Appendix B.

K. Mini-Mart/Convenience Store (No drive through allowed)

- (1) Exterior display of merchandise for sale will be allowed only on paved walkway within three (3) feet of the building.
- (2) Loading areas shall minimize impacts to the surrounding properties and the neighborhood. Screening and buffer yards shall be provided if adjacent to residential use.
- (3) At least one (1) building entrance, and all principal windows, shall face the street.
- (4) Use of alternative pavements (brick pavers, porous pavement) is encouraged.
- (5) There shall be a minimum lot size of twenty thousand (20,000) square feet.
- (6) Vehicle entrances shall be minimized to maximize safety and efficient traffic circulation while minimizing impacts to the surrounding neighborhood.
- (7) The applicant shall demonstrate to the satisfaction of the Planning Board that the use is compatible with neighborhood.
- (8) Exterior lighting shall not glare on adjacent property or public right-of-way.
- (9) The hours of operation may be restricted.

L. Mini-Warehouse/Self-Storage Facility

- (1) The minimum front setback shall be fifty (50) feet. No structure shall be within 100 feet of any high water mark of a water body.
- (2) No security fencing, security gate, or other obstruction to vehicle access shall be permitted in the required front yard setback. Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.
- (3) No door opening for any storage unit shall be constructed facing any residential use.
- (4) Door openings for storage units shall face the interior of the site unless impracticable.
- (5) An on-site office for a manager may be required if the Planning Board deems it appropriate to help provide adequate security or assurance of mitigation of potential impacts to nearby properties.
- (6) The roof shape and materials shall be pitched, compatible with the design and materials of neighboring buildings, and consistent with the rural and/or historic character of the neighborhood.
- (7) Views of the storage facility from public rights-of-way shall be fully buffered and screened.
- (8) All parking shall be to the rear of the building or to the side, and if on the side, must be adequately screened.
- (9) Storage units shall not be used for: the servicing or repair of motor vehicles, boats, recreational vehicles, motorcycles, trailers, lawn mowers and other similar equipment; or for office, retail, manufacturing or other similar uses.
- (10) No activities such as miscellaneous garage sales/auctions shall be conducted on the premises. However, the owner shall have the ability to have a sale for foreclosure purposes.
- (11) All storage uses shall be inside an enclosed building.

- (12) Spacing between structures shall be a minimum of twenty (20) feet and emergency access shall be provided to at least three (3) sides of all structures. Access drives shall be designed to handle automobiles, vans, light trucks, and other two-axle vehicles.
- (13) All outdoor dumpsters shall be screened.

M. Theater

- (1) There shall be a minimum of 10 acres.
- (2) No facility shall be approved for greater than 100 seats, regardless of whether indoor, outdoor or any combination thereof.

N. Research Laboratory

- (1) The minimum lot area shall be five (5) acres and the lot shall have no less than fifty (50) feet of frontage on a county or state road. The building shall be set back no less than one hundred (100) feet from any lot line.
- (2) No sales to the general public shall be permitted.
- (3) All uses, processes and storage shall be within a fully enclosed structure, and no tanks or other apparatus incidental to the processing or manufacturing shall be visible outside of a manufacturing building. The façade of buildings and structures shall be compatible with the rural character and adjacent development.
- (4) The applicant shall submit a list of any other permits that may be required for the operation as well as a list of the goods and materials to be stored and manufactured.
- (5) Parking shall not be permitted in the front yard.
- (6) The location and hours of operation of all on-site lighting shall be reviewed and approved by the Planning Board.
- (7) The Planning Board may require a wall, fence, landscaping or other buffer be installed where a property adjoins a residential use. Said buffer shall be no less than ten (10) feet in width and height.
- (8) There shall be no animal testing taking place within the facility.

O. Restaurant

- (1) Parking is not permitted in the front yard setback unless the parking area is adequately screened to mitigate negative visual impacts.
- (2) An applicant shall clearly demonstrate that the use will be compatible with the adjoining uses, particularly with regard to traffic circulation, parking, and appearance. No more than two (2) curb cuts per lot frontage shall be allowed.
- (3) Sufficient screening shall be provided to buffer the site and limit noise and lighting impacts on adjacent residences.
- (4) Where a residential building which contributes to the historic or unique character of the surrounding neighborhood, is proposed to be converted to a restaurant, exterior alterations shall be made in a manner that preserves the essential residential character of the building.
- (5) The Planning Board may prohibit or limit outside music or entertainment where same would negatively impact adjoin or nearby properties.

P. Storage Facility (Travel Trailer, Cars, Boats, Etc.)

- (1) All storage shall take place within a fully enclosed building.

- (2) There shall be no outdoor storage of pallets, dumpsters, or equipment.
- (3) Outside storage areas shall not exceed twenty five (25%) percent of the total area of the site for commercial uses where allowed, and thirty percent 30% for home based businesses.
- (4) Parking shall be located behind a principal building and shall be completely screened from view from the public road and from any other adjacent residential uses.
- (5) The Planning Board shall evaluate impacts related to noise, traffic, hours of operation, and lighting requirements and shall minimize negative impacts on adjacent uses.

Q. Portable On-Demand Storage Units

- (1) The storage trailer must be structurally sound and pose no detriment to public health, safety, convenience or property values.
- (2) The storage trailer must meet the same side, front and rear setback and coverage requirements as would a conventional structure. No storage trailer shall be sited in front of a principal structure.
- (3) The storage trailer shall be located so that it does not take up parking spaces required for other uses on the site and does not obstruct emergency access or other essential circulation patterns.
- (4) The aggregate area covered by storage trailers shall not exceed 10 percent of the total floor area of all buildings on the site.
- (5) A self-storage pod placed for less than 180 days shall be allowed in all zoning districts. Extensions can be granted by the CEO but not more than 1-year.

R. Office

- (1) In the Business (B) district there shall be a maximum building footprint size of 20,000 square feet.
- (2) In the Industrial (I) district there shall be a maximum building footprint size of 30,000 square feet.

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S. Outdoor Furnaces and Burn Barrels

Where allowed as per the Use Table established in this local law, all requirements of 6 CRR-NY III A, Part 247 shall be met.

T. Wind Turbine for Individual Residential, Farm or Business Use Reserved for Phase 2

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U. Museum or other Cultural Facility in Hamlet Districts

- (1) Buildings shall be no larger in size than 125% the size of the adjacent buildings' footprint and shall not exceed the size of the largest building in the hamlet. Parking shall be no more than 10% of the lot size. All signage and lighting regulations shall apply.
- (2) Must be in an existing structure.
- (3) In keeping with hamlet character.
- (4) Must meet all other design standards and other development requirements for commercial uses in that district including but not limited to lighting, noise, landscaping and sign standards.
- (5) Traffic shall not be increased > 25% above existing traffic levels.

V. Small Recreational Facility and Pocket Park

- (1) These facilities shall serve primarily immediate and nearby neighborhoods.

- (2) Any associated structure with the park shall not exceed 2500 square feet, but in H1 and H2 shall not exceed the largest building in the hamlet.
- (3) Water consumption by the recreational area shall not affect surrounding well pressures.
- (3) Nighttime activities and lighting shall be limited, in-keeping with the residential neighborhood character.

W. Solar Panels for Individual On-Site Residential, Farm or Business Use

- (1) Roof Mounted. The installation of roof mounted solar panels that generate up to 25 kW are permitted in all districts and shall require a building permit.
- (2) Ground Mounted. For ground mounted facilities up to 25kW, site plan review approval by the Planning Board is required for all zoning districts. All side and rear setbacks shall be met. No ground mounted panels shall be placed in the front yard of any structure in the H1 and H2 districts. The Planning Board may require that screening be provided when practicable from adjoining lots through the use of architectural features, earth berms, landscaping, fencing, or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the solar collectors. The height of ground mounted or freestanding solar collectors' height shall not exceed 20 feet when oriented at maximum tilt.

- (1) X. Solar Farm Solar Farms are allowed in those portions of the RL districts located within the New York State Agricultural District with a special use permit and site plan review by the Planning Board, or within the Solar Overlay District, as may exist. Such systems are prohibited from all other zoning districts in the Town of Chatham.
- (2) All applications for solar farms shall include the following:
 - (a) Plans and drawings of the solar energy system installation signed by a professional engineer registered in New York State showing the proposed layout of the entire solar energy system along with a description of all components, whether on site or off site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval.
 - (b) An electrical diagram detailing the solar energy system installation, associated components, and electrical interconnection methods, with all disconnects and over-current devices identified.
 - (c) Documentation of access to the project site(s), including location of all access roads, gates, parking areas, etc.
 - (d) Plan for clearing and/or grading of the site. The clearing and grading plan shall also include methods to stockpile, reduce erosion of, and reuse all top soil from the site.
 - (e) A stormwater pollution prevention plan as per NYS DEC requirements to detail stormwater runoff management and erosion control plans for the site.
 - (f) Decommissioning plan and description of financial surety that satisfies the Town that all required improvements shall be made for utility-scale systems only. For all utility-scale solar energy systems, the applicant shall submit a decommissioning plan for review and approval as part of the special use permit application. The decommissioning plan shall identify the anticipated life of the project, method and process for removing all components of the solar

energy system and returning the site to its preexisting condition, and estimated decommissioning costs, including any salvage value.

(g) Design and Development Requirements.

- (3) Development and operation of a solar energy system shall not have a significant adverse impact on fish, wildlife, or plant species or their critical habitats, or other significant habitats identified by the Town of Chatham or other federal or state regulatory agencies. Lands which have the highest ecological values as evidenced by large, contiguous areas of forest, undisturbed drainage areas, wetlands, or NYS DEC identified critical habitats or rare plant and animal populations shall be avoided.
- (4) There shall be a minimum 100 foot buffer between any component of the utility-scale solar energy system and the parcel boundary line. The Planning Board is authorized to increase the width of this buffer after analysis of site conditions and adjacent land uses.
- (5) Roadways within the site shall not be constructed of pervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- (6) Inactive farmlands, previously cleared or disturbed areas are preferred locations for solar panel arrays.
- (7) Solar arrays and agriculture. The Town encourages development of the solar arrays so that animals may graze beneath the solar panels.
- (8) Native grasses and vegetation shall be maintained below the arrays.
- (9) The solar facility, including any proposed off-site infrastructure, shall be located and screened in such a way as to avoid or minimize visual impacts as viewed from public roads.
- (10) The design, construction, operation, and maintenance of any solar energy system shall prevent the misdirection and/or reflection of solar rays onto neighboring properties, public roads, and public parks in excess of that which already exists.
- (11) All transmission lines and wiring associated with a solar energy system shall be buried and include necessary encasements in accordance with the National Electric Code and Town requirements.
- (12) Any signage used to advertise the solar energy facility shall be in accordance with the Town's signage regulations. The manufacturers or installer's identification, contact information, and appropriate warning signage shall be posted at the site and clearly visible.
- (13) Following construction of a large-scale or utility-scale ground-mounted solar energy system, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.
- (14) Abandonment or Decommissioning of Utility-Scale Systems
 - (a) All applications for a utility-scale solar energy facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the utility-scale solar energy facility or structure. Prior to issuance of a building permit, the owner or operator of the facility or structure shall post a performance bond or other suitable guarantee in a face amount of not less than 150% of the estimated cost, as determined by the engineer retained by the Town, to ensure removal of the facility or structure in accordance with the decommissioning plan described below. The form of the guarantee must be reviewed and approved by the consulting Engineer and Town

Attorney, and the guarantee must remain in effect until the system is removed. Review of the guarantee by the consulting Engineer and Town Attorney shall be paid from an escrow established by the applicant. Prior to removal of a utility-scale solar energy facility or structure, a demolition permit for removal activities shall be obtained from the Town of Chatham.

- (b) If the applicant ceases operation of the utility-scale solar energy facility or structure for a period of 18 months, or begins but does not complete construction of the project within 18 months after receiving final site plan approval, the applicant will submit a decommissioning plan that ensures that the site will be restored to a useful, nonhazardous condition without delay, including but not limited to the following:
 - (1) Removal of all aboveground and belowground equipment, structures and foundations including but not limited to ground anchors, cables, wiring, concrete foundations, switchyards, control houses, fencing, and inverters.
 - (2) Restoration of the-surface grade and top soil after removal of equipment. Compacted portions shall be decompacted and excavations shall be backfilled to restore the site.
 - (3) Revegetation of restored top soil areas with native seed mixes, excluding any invasive species.
 - (4) The plan shall include a time frame for the completion of site restoration work.
- (c) In the event that construction of the utility-scale solar energy facility or structure has been started but is not completed and functioning within 18 months of the issuance of the final site plan, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.
- (d) Upon cessation of activity of a fully constructed utility-scale solar energy facility or structure for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator shall either restore operation equal to at least 80% of approved capacity, or implement the decommissioning plan.
- (e) If the owner and/or operator fails to fully implement the decommissioning plan within the 180-day time period and restore the site as required, the Town may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may, in accordance with the law, recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.
- (f) The Planning Board is authorized to seek and use legal, engineering, planning, or other professional assistance for the review of any utility-scale solar energy facility. All costs incurred related to retention of any such assistance shall be paid in full by the applicant.

Y. Agri-tourism

- (1) The Planning Board shall consult with the New York State Department of Agriculture and Markets on a case-by-case basis to determine whether the Department considers a specific proposal to be eligible as part of a farm operation under AML 305-a. In cases where the farm

operation offers a recreational activity or holds a special event, including charitable events as part of its overall marketing strategy, the event is open to the general public, the farm's agricultural products/services are sold at the event and no admission, facility rental and/or vendors fees are involved, these activities are part of the farm operation and the NYS Department of Agriculture and Markets review shall not be necessary. The primary purpose of the events must still be to market the farm's agricultural commodities and the events must be sufficiently related to the farm operation.

~~(1)~~(2) Agritourism activities determined to be part of ~~on~~ a farm operation shall be subordinate to the farm operation. On-farm special events and activities may be determined to help market the farm operations's crops, livestock and livestock products. Agri-tourism events and activities must be: 1) directly related to the sale and promotion of the crops (including beverages), livestock and livestock products produced at the farm; 2) incidental and subordinate to the retail sale of the farm's crops, livestock or livestock products; 3) hosted by the farm; and 4) feature the farm's crops, livestock and livestock products. The primary purpose of an agri-tourism event/activity is to sell the farm's agricultural commodities and not to gain admission fees or other income.

~~(2)~~(3) All agritourism uses shall require a modified site plan approval as per 180-29 (C) (2).

~~(3)~~(4) When a bed and breakfast as part of a farm operation is proposed, all requirements for a bed and breakfast pursuant to 180-58 (D) shall be met and the dwelling used for the Bed and Breakfast shall be on the farm parcel in an existing residential structure. There shall be a maximum of 10 guests.

~~(4)~~(5) The Planning Board may limit the number of vehicles accessing the site per day based on the existing road conditions, adjacent land uses, and activity in order to limit adverse impacts of traffic, noise, and on roads.

~~(5)~~(6) Any structure associated with an agri-tourism activity shall be consistent with the existing character of the neighborhood. Adaptive reuse of barns and other farm structures is encouraged.

~~(6)~~(7) The agri-tourism activity shall not interfere with any agricultural practices conducted on adjacent farms.

~~(7)~~(8) All agri-tourism use applications shall also include an agricultural data statement and use of such statement to notify adjacent landowners.

Z. Short Term Rental

- (1) The Town of Chatham hereby establishes a registration permit system to address short term rentals. The Town recognizes both the economic benefits of this use as well as the potential impacts they can cause to neighbors, and neighborhood character, among other concerns. To address this, the Town establishes the following objectives:
 - a. Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents.
 - b. Ensure any regulation of short-term rentals does not negatively affect property values.
 - c. Ensure that homes are not turned into pseudo hotels or "party houses".
 - d. Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for emergency and enforcement officials.
 - e. Give permanent residents and those residents having a second home in Chatham the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the above mentioned policy objectives are met

- (2) Short term rentals shall be allowed through an annual registration permit issued by the Town Building Inspector. No Planning Board review shall be required. No permit shall be issued until all fees for such permit as established by the Town Board are received by the Town.
- (3) The permit holder shall verify permanent residency or ownership of a home within the Town of Chatham on an annual basis. No permit shall be issued or reissued unless ~~permanent~~ residency in the Town is shown. Adequate proof of residency can be in the form of a government issued identification card, utility bill, car registration, deed, or income tax statement.
- (4) There shall be no more than one short-term rental permit issued per ~~permanent~~ residential family per year.
- (5) There shall be an initial safety inspection conducted by the Building Inspector as part of the permit approval process. At a minimum, such inspection shall ensure all rentals provide smoke and carbon monoxide detectors. There shall be a re-inspection every five years. No short-term rental permit shall be issued until there is proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure that may be of particular concern.
- (6) The permit holder shall maintain books and records of the short term rentals for a period of three years.
- (7) There shall be a maximum of 10 people on any short term rental property (2 adults per bedroom).

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There shall be no more than three motor vehicles parked on the premises. No parking along the road at any timeovernight shall be allowed.

~~(8)~~

(8) All Town of Chatham noise and nuisance regulations shall be provided to all transient lodgers and shall be posted in the dwelling at all times. Further, all lodgers shall also be provided information methods for garbage collection. Garbage receptacles shall not be left in front of the home for more than one day after collection.

- (9) Any advertisement of the property (both on and offline) and all rental contracts must specify both the number of people and vehicle limits as per this local law.
- (10) The permit holder must list two a local contacts that can be reached 24/7.
- (11) When notified by the Town or a violation or nuisance complaint, permit holders must take immediate corrective action in the event of any non-emergency issues when reported (including but not limited to noise, trash or parking).
- (12) There shall be a 'three strikes' rule whereby the short term rental permit is automatically revoked for two years if the Town receives three substantiated complaints about the property within any 12 month period.
- (13) Fines for advertising a property without first having received a short term rental permit from the Town, or for violating any of the requirements of this sub-section shall be \$200 per day for the first violation, and \$400 per day for the second violation. On the third violation, there shall be both a \$650 fine and revocation of the short term rental permit for a period of two years.

AA. Private School

In RL districts, public buildings shall provide for a landscaped and/or fenced buffer when adjacent to residences. Buildings shall not to exceed 20,000 square feet. Traffic generated by the private school shall not to adversely impact existing unpaved roads.

BB. Water Storage Facility

There shall be a buffer with neighboring residences provided for. Elevated storage units shall be allowed only when a visual impact study shows visual impacts are minimized and/or mitigated. No water storage facility shall be placed in any EPOD overlay district.

CC. Pond

The Planning Board, in its review of a pond, whether for farm pond or residential or other non-farm pond, shall consider:

- (1) Possible overland drainage changes that may occur after construction.
- (2) Impacts to nearby streams or wetlands, or their habitats, if the impoundment captures water from those features.
- (3) Impacts of sedimentation from upstream areas.
- (4) Changes in drainage patterns.
- (5) Visual impact of impoundment from road or other public place.
- (6) Spillway capacity and size to ensure that it is adequate to handle flood waters and prevent erosion or washout of impoundment.
- (7) Whether pond construction or fish stocking permits are necessary and approved.
- (8) Impact of pond pesticide use, if any.
- (9) Impact on nearby adjacent protected resources, if any.

DD. Swimming Pools

- (1) No swimming pool, as defined by the Residential Code of New York State, shall be built, assembled, erected or filled in the Town of Chatham without a building permit issued by the Building Inspector. Each application for a building permit shall include a plot plan of the lot upon which the swimming pool is to be built, and such plan shall include existing structures and lot lines.
- (2) Private swimming pools may be erected or installed only as an accessory to a dwelling, private club, community building or commercial structure for the use of the owner(s) or occupant(s) and family(ies) guests and/or invitee. Such swimming pool shall not be erected nearer than 12 feet to the rear or 15 feet to the side property lines of the lot and shall not occupy more than 10% of the area of the lot on which same is located and shall in all other respects comply with this chapter.
- (3) Fences and gates must comply with the Residential Code of New York State.
- (4) A filter-recirculating pump and purification system shall be provided so as to maintain the bacterial standard established by the provisions of the New York State Sanitary Code relating to public swimming pools.
- (5) No artificial lighting shall be maintained or operated in connection with any swimming pool presently constructed or installed or hereafter constructed or installed in such manner as to unreasonably interfere with the occupants of any neighboring property.
- (6) The use of megaphones, loud speakers or public-address systems is prohibited in connection with swimming pools herein regulated, and the use of any sound producing or reproducing devices, including human voices, shall not be such as to be objectionable to the occupants of any neighboring property.

EE. Retail Sales

- (2) The maximum building footprint of a structure used for retail sales shall be 20,000 square feet in the Business (B) district and 30,000 square feet in the Industrial (I) district.
- (3) All commercial design standards pursuant to 180-31 shall be met.

FF. Multi- Unit Residential Dwelling

- (1) The allowable density for a multi-unit residential dwelling shall be the same as the density allowed for any residential use in the district.
- (2) Any multi-unit residential dwelling that includes three or more separate structures containing residential units shall be designed pursuant to the conservation subdivision design requirements of Chapter 135-3, 135-4, and 135-5 of the Town of Chatham code.
- (3) Any multi-unit dwelling that exists at the time of enactment of this chapter may continue to exist; however, any structural modifications, improvements or changes to that dwelling must conform to the provisions of this chapter and the New York State Uniform Fire Prevention and Building Code. All new multiple dwellings shall meet the requirements of this sub-section.
- (4) Where allowed, a special use permit shall be required, including site plan review and approval.
- (5) All multi-unit dwellings shall have no less than two parking spaces per dwelling unit. No front yard shall be used for open air parking or storage of any vehicle.

(6) Development Standards.

- ~~(6)~~
 - a. Pedestrian Circulation: A clearly defined, visible, and identifiable pedestrian network shall be provided between parking spaces, open spaces, recreational facilities, and individual buildings within the development site and connected to adjacent public street sidewalks and public parks, open spaces, and community facilities.
 - b. The maximum length of any individual building containing multi-unit dwelling units shall be 200 linear feet, regardless of the number of units.

(7) The design of multi-unit dwellings shall emulate a single-family residence. Building details including roof forms, siding materials, windows, doors, and trim shall reflect a similar level of quality and architectural detailing on all sides facing a street. The street-facing front façades of buildings shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least two feet deep and spaced no more than 30 feet apart. In addition to wall offsets, street-facing front façades shall provide at least three of the following articulation elements:

- a. A covered porch;
- b. A recessed entrance;
- c. One or more dormer windows or cupolas;
- d. Pillars, posts, or pilasters;
- e. One or more bay windows projecting at least 12 inches from the façade plane;
- f. Eaves projecting at least four inches from the façade plane;
- g. Raised corniced parapets over the entrance door;

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- h. Multiple windows with a trim at least four inches wide;
- i. Integral planters that incorporate landscaped areas or places for sitting.
- j. Side façades shall maintain at least 20 percent of the façade area as windows.

(8) Principal buildings shall incorporate roof pitches between 3:12 and 12:12, or incorporate a parapet at least three feet high with a three-dimensional cornice around a flat roof. Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features. All roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or otherwise be configured, to the degree practicable, to have a minimal visual impact as seen from the street.

(9) Garages shall be located to the side or rear of the building(s) containing the dwellings.

GG. Hotel/Motel/Inns

- (1) The Planning Board shall find that the proposed use will not adversely affect property values and is consistent with the objectives of the zoning district.
- (2) All hotels and motels and Inns shall meet the commercial design standards of 180-31.
- (3) Detailed site plans showing building location, parking, traffic flow, buffer areas, proposed compatible, ancillary or accessory uses, building heights, aggregate hotel square footage, aggregate ancillary or accessory building square footage, overall signage design plan, etc. shall be submitted for review. Site plan and special use approval may be granted upon finding that:
 - a. The site plan is designed to minimize traffic congestion from ingress and egress;
 - b. The proposed use will not create traffic problems within the proposed area of use;
 - c. Area and yard specifications, loading and unloading areas, driveway, parking, signage, landscaping and ground- stormwater management system comply with applicable provisions of this chapter;
 - d. The site plan includes adequate provisions on site for suitable storage of trash, refuse and waste so as to allow no view of the trash from off site, to prevent trash, refuse and waste from blowing around the site or onto adjacent properties or structures and to permit safe and easy removal by truck or hand.
 - e. The proposed use will adversely affect traffic or change the character of and maintenance needs of the road upon which it fronts and receives access from.
- (4) Restaurant, conference, and bar/drinking may be permitted as accessory or ancillary uses. Such accessory or ancillary uses shall conform to all regulations set forth in this chapter. All accessory uses shall be allowable uses as per the Use Table.
- (5) All exterior lighting shall be so designed and directed as to:
 - a. Cause no hazard to the operation of vehicles on public streets; and

- b. Cause no annoyance or hindrance to the occupants or users of nearby properties.
- (6) All portions of the site, including landscaping, ground- and stormwater management systems, shall be maintained in a safe, neat and clean condition.

HH. Day Camps and Campgrounds

- (1) Day camps shall only have access from a County or State highway within the Town of Chatham.
- (2) Campgrounds as defined in this local law may have access from any Town, County or State highway.
- (3) Day camps and campgrounds shall have a minimum lot size of 50 acres.
- (4) Day camps and campgrounds shall provide 10,000 square feet of lot area for each tent, cabin, or other principal building and 3,000 square feet per person accommodated. A Campground shall have a maximum of three camp sites and no more than 10 people per campsite.
- (5) Day Camp and Campground Development Standards
 - a. No camp site or camping unit shall be located closer than 50 feet to the street right-of-way or any adjacent property line.
 - b. The Planning Board may require screening to be placed between the day camp or campground and any adjacent residential property. All approved screening shall be maintained after placement by the campground operator.
 - c. One off-street parking space shall be provided for each campsite, in addition to the area provided on each site for placement of the camping unit.
 - d. The campground shall be serviced by a municipal or approved private water and sanitary sewage disposal system, reviewed and permitted as per New York State Department of Health requirements and consistent with any other local or county laws. Temporary bath houses or portable toilets shall be removed at the end of each season. Electric and cable connections may be provided for each campground site at the discretion of the applicant. A campground shall have an adequate supply of potable water complying with New York State Department of Health regulations. A water system for all campsites may be provided for. If campground-wide water sources are not supplied for individual campsites, then a water source shall be provided.
 - e. Entrances and exits to campgrounds or recreational vehicle campgrounds shall be designed for safe and convenient movement of traffic into and out of the facility and to minimize friction with free movement of traffic on adjacent streets. All traffic into or out of the campground shall be through such entrances and exits, which shall be limited to a maximum of two except where safety demands and the Planning Board has approved the same. The Planning Board shall pay particular attention to road access and safety during site plan review.
 - f. No camp site shall be designed or used for permanent or year-round occupancy.
 - g. No campsite shall be occupied for more than 180 days (typically May 1 through October 31). No campground shall be the primary and principal residence of any occupant.
 - h. No owner or occupant of any individual campsite within the day camp or campground shall permit or allow the dumping or placement of any sanitary or other waste anywhere within the development, except in places designated therefor.
 - i. No noxious or offensive activities or nuisances shall be permitted on any campsite or anywhere within such developments. Such nuisances shall include, but not be limited to;
 - (1) noise which exceeds 65 decibels as measured at all property boundary lines; and (2)

- uncontrolled fires or repeated burning (except for camp fires) which results in soot, cinders, smoke, noxious fumes, gases or unusual odors emanating beyond the property line of the development.
- j. No loudspeaker, public address system or amplifying device shall be permitted in connection with any day camp or campground, which can be heard beyond the bounds of the property lot where the use is located. There shall be no music after 11 PM.
- k. Picnic tables, benches, storage sheds, fireboxes or fireplaces and similar items of personal property may be placed on a campsite. All such items shall be removed at the end of the camping season. All personal property on a campground shall be maintained in good condition so as not to become unsightly.
- l. Every day camp or campground shall be accessible by fire and emergency equipment and shall be maintained in such condition, free of obstacles to access. The Planning Board shall consult with emergency services prior to site plan and special use approval to ensure emergency access.
- m. Exterior lighting for the convenience and safety of campers shall meet all requirements of this local law, and shall be fully shielded and directed downward to prevent light trespass beyond the property boundary line.

II. Use of Recreational Vehicles for Personal Use.

- (1) Incidental occupation of a recreational vehicle when parked at a principal residence and used by such owner or their guests is allowed as a permitted use in all zoning districts.
- (2) No recreational vehicle shall be used for commercial purposes as a camp site or in a campground.
- (3) Use of a recreational vehicle for more than 30 days but less than six months shall be considered a temporary living structure and shall require a building permit. Potable water and wastewater treatment approved by the Columbia County Department of Health shall be required. The building permit may be renewed for one six month time period.
- (4) No parking of any recreational vehicle shall be allowed within any required front, side or rear yard setback.

ARTICLE VI. Nonconforming Uses

§180-59. Continuation of existing uses, buildings, structures or parcels.

The lawful use, building, structure or parcel in lawful existence at the time of enactment of this local law or any subsequent amendments, may be continued, although such use does not conform with the provisions of this chapter or any prior zoning law of the Town of Chatham.

§180-60. Discontinuance.

When any existing nonconforming use of land or buildings has been discontinued for one year, the land and buildings shall thereafter be used only in conformity to this chapter, except that the Planning Board, upon application by the owner and after a public hearing, may permit the resumption of said nonconforming use utilizing the general special use standards of this Chapter. No such application shall be considered or granted after three years following the discontinuance.

§180-61. Changes.

Once changed to a conforming use, no use, building or land shall be permitted to revert to a nonconforming use. However, if the sole non-conformity is related to the bulk (minimum setback, yard, etc.) of a parcel or a building on a parcel, then in the event such building is destroyed, it may only be rebuilt within one year on the same footprint of the prior building.

§180-62. Cessation.

A. Notwithstanding any other provisions of this chapter, any nonconforming automobile wrecking yard, junkyard or billboard in existence on March 10, 1988, became a prohibited and unlawful use as of March 10, 1991, except that a junkyard may continue as a nonconforming use if within that period it is maintained in accordance with the standards set and enforced by the State of New York and also in accordance with the standards required by the Town Board.

B. No single wide or double wide manufactured home, except for farmworker housing may be placed or erected outside of a park designated for such structures. No single wide or double wide manufactured home, except for farm worker housing constructed prior to 1976 located outside of a park designated for such structures may be replaced once it has become obsolete or uninhabitable. Additionally, any single wide or double wide manufactured home outside such parks which shall be vacant for a period more than one year shall be removed immediately by property owner.

§180-63. Expansion.

Any nonconforming use or building may be expanded up to an additional 1/3 of the existing size, whether measured by size, volume or intensity, at the time of the adoption of this chapter as a special use, following an application to the Planning Board, including a public hearing, utilizing the special use standards and current site plan requirements of the particular zone.

§180-64. Fire.

Any building housing a nonconforming use burned by fire may be replaced within one year if not over 80% destroyed. Any such damaged building shall be removed as soon as practicable.

ARTICLE VII. Administration and Enforcement

§180-65. Zoning Board of Appeals.

A. Purpose. A Zoning Board of Appeals shall be maintained and operate in accordance with Article 16 of the New York State Town Law, Sections 267, 267-a and 267-b. The Zoning Board of Appeals shall have all of the authority, jurisdiction and duties granted to such Boards by Sections 267, 267-a, 267-b and any other applicable State law, and shall fulfill its duties in accordance with those grants of authority and in accordance with this Local Law.

B. Membership. The Board shall consist of five (5) members appointed by the Town Board for staggered terms of five (5) calendar years.

- (1) All members and alternate members of the Zoning Board of Appeals shall be residents of the Town of Chatham. No person who is a member of the Town Board shall be eligible for membership on the Zoning Board of Appeals.
- (2) The Town Board may appoint at least one (1) person as an Alternate Member of the Zoning Board of Appeals for a term of five calendar years. All provisions of this Local Law relating to zoning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members. The Chairperson of the Zoning Board of Appeals may designate the

alternate member to substitute for a member who is unable to participate in deliberations and decisions of the Zoning Board of Appeals due to conflict of interest on an application or matter before the Board. That designation of the Alternate Member shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. When so designated: the alternate member shall possess all the powers and responsibilities of such member of the board; shall be allowed to participate in discussions of the proceedings; and shall be allowed to vote. At all other times, an Alternate Member may participate in discussions of the proceedings but may not vote except due to the disqualification of a regular member and a designation of substitution by the Chairperson.

C. Training and attendance requirements.

- (1) Each member of the Zoning Board of Appeals and each Alternate Member shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet this requirement.
- (2) To be eligible for reappointment to the Board, a member or alternate member shall have completed the required training.

D. Vacancy in office. If a vacancy shall occur other than by expiration of term, the Town Board shall appoint a new member for the unexpired term.

E. Removal of members. The Town Board may remove, after public hearing, any member or alternate member of the Zoning Board of Appeals for cause. Cause for removal of a member or alternate member may include one or more of the following:

- (1) Any undisclosed or unlawful conflict of interest.
- (2) Failure to attend 33% of the meetings during the course of one calendar year.
- (3) Failure to complete mandatory training requirements.

F. Chairperson. The Town Board shall appoint one of the Zoning Board of Appeals members as chairperson to preside at all meetings and hearings and to fulfill the authorized duties of that office. The Chairperson shall annually appoint one of the Zoning Board of Appeals members as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may be provided by the rules of the Board. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the board may determine. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths to applicants, witnesses, or others appearing before the board and may compel the attendance of witnesses.

G. Zoning Board of Appeals Clerk and Public Record. Upon recommendation by the Zoning Board of Appeals in coordination with the Planning Board, the Town Board shall appoint a Zoning Board of Appeals Clerk who shall attend all proceedings of the Zoning Board of Appeals and, upon request, the proceedings of any of its committees.

- (1) The ZBA Clerk shall keep minutes of the proceedings of the Zoning Board of Appeals, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep record of its examinations and other official actions.
- (2) The ZBA Clerk shall keep a file of all records of the Zoning Board of Appeals, and those records shall be public records open to inspection at reasonable times and upon reasonable notice.

H. Board of Appeals procedure.

- (1) Meetings, minutes, records. Meetings of the Zoning Board of Appeals shall be open to the public, in accordance with the requirements of the Open Meetings Law, except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- (2) Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the town clerk within five (5) business days and shall be a public record.
- (3) Assistance to Zoning Board of Appeals. The Board shall have the authority to call upon any department, agency or employee of the town (e.g. the Building Department or Conservation Advisory Council) for such assistance as the Board deems necessary. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant to the extent permitted by law.
- (4) Jurisdiction. The jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to Article 16 of New York State Town Law. For the purposes of this law, the administrative official charged with enforcement shall include the Zoning Enforcement Officer, the Building Inspector and/or the Code Enforcement Officer as applicable pursuant to the provisions of this law. Those officers shall be referred to collectively in this Article of the Law as "Enforcement Officer". Where a proposed special use, site plan, or subdivision contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination by the Zoning Enforcement Officer.
- (5) Powers of the Board. The Zoning Board of Appeals shall have the power to grant use and area variances upon appeal from a decision or determination by the Zoning Enforcement Officer and also on appeal, to interpret the provisions of this Zoning Law. The Zoning Board of Appeals may, on appeal, reverse or affirm, wholly or partly, or may modify any order, requirement, decision, interpretation or determination of the Enforcement Officer, and shall make such order requirement, decision, interpretation or determination, as in its opinion, ought to have been made in the matter by the Enforcement Officer and to that end shall have the powers of the Enforcement Officer. .
- (6) Filing of administrative decision and time of appeal.
 - (a) Each order, requirement, decision, interpretation or determination of the Enforcement Officer charged with the enforcement of the Town of Chatham Zoning Law shall be filed in the office of such Enforcement Officer, within five (5) business days from the day it is rendered, and shall be a public record.

- (b) All appeals must be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Zoning Enforcement Officer by filing with the Enforcement Officer and with the Zoning Board of Appeals a notice of appeal. The notice of appeal shall: specify the grounds for such appeal; the relief sought; identify specifically the section of the Zoning Law or other code or law involved; describe precisely and in detail either the interpretation claimed or the variance or other relief that is sought and the grounds upon which it is claimed the relief should be granted. The notice of appeal shall be accompanied by a short or full Environmental Assessment Form as required by the State Environmental Quality Review Act (SEQRA), by an Agricultural Data Statement as required by NY AML 25-aa, and by other documents relevant to the appeal specified by the Zoning Board of Appeals. The appellant shall also be required to pay a filing fee at the time of the filing of the appeal in an amount to be established by the Town Board. Upon receiving a notice of appeal, the Enforcement Officer shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.
- (7) Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Enforcement Officer determines and certifies in writing to the Zoning Board of Appeals, after the notice of appeal has been filed with the Enforcement Officer, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Enforcement Officer from whom the appeal is taken and on due cause shown.
- (8) Public Hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it. The appellant and any other parties to the appeal shall be given written notice of the hearing date and of the fact that at such hearing he or she may appear in person or be represented by an attorney or other agent. Said notice shall be provided at least ten (10) days in advance of the hearing and shall be provided to the appellant by certified mail. The Zoning Board of Appeals shall additionally provide notice as follows:
- (a). The Zoning Board of Appeals shall give public notice of such public hearing by publication in an official paper of general circulation in the town and town website at least ten (10) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- (b) If a New York State Park or New York State Parkway shall be located within five hundred (500) feet of the property affected by the appeal, at least ten (10) calendar days prior to such public hearing, the Zoning Board of Appeals shall send notices to the regional State Park Commission having jurisdiction over the State Park or Parkway.
- (c) The Zoning Board of Appeals shall also give notice to the Columbia County Planning Board as required by Section 239-m of the New York State General Municipal Law. Such notice shall be in writing sent at least ten (10) calendar days prior to such public hearing.
- (d) If the land affected by the appeal lies within five hundred (500) feet of the boundary of any other municipality, the Clerk of the Zoning Board of Appeals shall also submit at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal, together with a copy of the official notice of such public hearing.
- (e) In any application or appeal the Clerk of the Zoning Board of Appeals shall provide written notice of the public hearing, along with the substance of the variance appeal or application,

to: the current owners of all property abutting, or directly opposite, that of the property affected by the appeal; and to all other owners of property within five hundred (500) feet of the property which is the subject of the appeal. Notice of the public hearing shall be published in the official newspaper at least five (5) days prior to the date set for public hearing and posted on town website. Such notice shall be provided by certified mail at least ten (10) calendar days prior to the date of the hearing. Compliance with this notification procedure shall be certified to by the Clerk.

- (f) The names and addresses of surrounding property owners to be notified in accordance with the forgoing shall be taken from the current New York State Real Property records. The current owners of all property abutting, or directly opposite, that of the property affected by the appeal; and to all other owners of property within five hundred (500) feet of the property which is the subject of the appeal.
- (g) With regard to notices to be provided to the non-governmental owners of abutting, opposite and properties located within 500 feet of the property which is the subject of the appeal, provided that there has been substantial compliance with the provisions of this Zoning Law regarding those notices, provided that there has been substantial compliance, failure to give notice in exact conformance with the requirements shall not be deemed to invalidate an action taken by the Zoning Board of Appeals.

(9) Referrals and Notice to Columbia County Planning Board & Town of Chatham Planning Board.

- (a) At least ten (10) days before such hearing, the Zoning Board of Appeals shall mail notice to the Columbia County Planning Board as required by Section 239-m of the New York State General Municipal Law. The notice shall be accompanied by a full statement of the proposed action, as defined in subdivision one of Section 239-m of the New York State General Municipal Law. No action shall be taken by the Zoning Board of Appeals until an advisory recommendation has been received from the Columbia County Planning Board or thirty (30) calendar days have elapsed since the County Planning Board received such full statement. In the event that the Columbia County Planning Board recommends disapproval of the requested variance or the attachments of conditions thereto within such time period or at a later date prior to final action by the Zoning Board of Appeals, the Zoning Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after such final action, the Zoning Board of Appeals shall file a report of the final action it has taken with the Columbia County Planning Board.
- (b) The Zoning Board of Appeals shall send to the Town of Chatham Planning Board a copy of the appeal or application, and shall request that, in response, the Planning Board submit to the Zoning Board of Appeals an advisory opinion on said appeal or application. The Planning Board shall submit a report of such advisory opinion to the Zoning Board of Appeals prior to the date of the public hearing. If the Planning Board fails to do that within thirty five (35) days of the date that the Zoning Board of Appeals send its request for a recommendation, then the Planning Board's recommendation shall be deemed to be favorable to the appeal or application.

- (10) Compliance with state environmental quality review act. The Zoning Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part 617 of the New York Codes, Rules and Regulations.

(11) Time of decision. The Zoning Board of Appeals shall decide upon the appeal within sixty-two (62) days after the hearing is completed. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.

(12) Voting requirements.

(a) Decision of the board. Except for the voting requirements for rehearing below, every motion or resolution of a Zoning Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Zoning Board of Appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the Columbia County Planning Board, the voting provisions of Section 239-m of the New York State General Municipal Law shall apply.

(b) Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by this Law, the appeal is denied. The board may amend the denied motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in this Law.

(13) Filing of decision and notice. The decision of the Zoning Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

(14) Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

I. Permitted action by the Zoning Board of Appeals.

(1) Orders, requirements, decisions, interpretations, determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Enforcement Officer, and to that end, shall have all the powers of such Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.

(2) Use variances. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(a) The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances.

(b) No such use variance shall be granted by the Zoning 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 Zoning Board of Appeals that for each and every permitted use, under the zoning regulations for the particular district where the property is located, the applicant must meet all four conditions below.

- (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (e) That the alleged hardship has not been self-created.

(3) Area variances.

- (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Enforcement Officer, to grant area variances as defined herein. In addition, the Zoning Board of Appeals shall also have the power to grant area variances which are necessary in the course of site plan, special use permit and subdivision application for which application for such area variance may be made directly to the Zoning Board of Appeals without the necessity of a decision or determination of an administrative official charged with enforcement of the zoning regulations as authorized by New York State Town Law Sections 274-a(3) [site plan], 274-b(3) [special use permits] and 277(6) [subdivisions].
- (b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
 - (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (3) Whether the requested area variance is substantial;
 - (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

J. 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 Local Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community

K. Relief from Decisions. Any person or persons, jointly or severally aggrieved by any final decision of the Zoning Board of Appeals, may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be governed by the specific provisions of CPLR Article 78 except that the action must be commenced as therein provided within thirty (30) days after the filing of the decision of the Zoning Board of Appeals in the office of the Town Clerk.

L. Strict Construction. All provisions of this Article pertaining to the Zoning Board of Appeals shall be strictly construed. The Zoning Board of Appeals shall act in strict conformity with all provisions of law and of this Article and in strict compliance with all limitations contained therein, provided however, that if the procedural requirements set forth in this Article have been substantially observed, no applicant or appellant shall be deemed deprived of the right of application or appeal.

M. Other Provisions of New York State Town Law Section 267-a. All other provisions of New York State Town Law Section 267-a with regard to Zoning Board of Appeals procedure not set forth herein, are incorporated herein by reference and shall apply to the Zoning Board of Appeals.

§180-66. Administration and Enforcement

A. This chapter shall be enforced by the Zoning Enforcement Officer (ZEO) who shall be appointed by the Town Board. No building permit or certificate of occupancy shall be issued by him or her, except where all the provisions of this chapter have been complied with. Enforcement procedures shall include all requirements of Chapters 114 and 124 of the Town of Chatham Code.

B. The ZEO shall have the following powers and duties:

- (1) To receive and review for Zoning Law compliance and for clerical completeness all applications for a special use permit, site plan review and subdivision review pursuant to the provisions of this Zoning Law. If the Zoning Enforcement Officer determines that the application meets all requirements of the Zoning Law, the ZEO shall forward the application to the Planning Board for further review in accordance with the provisions of the Zoning Law and/or Land Subdivision Regulations. If the ZEO finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the ZEO shall deny the application and notify the applicant that he/she may appeal the ZEO's determination to the Zoning Board of Appeals in accordance with the provisions of Article VII of this Zoning Law.
- (2) Upon approval of any application by the Planning Board for a special use permit, site plan approval, or for any other change in use requiring the issuance of a building permit, the ZEO is authorized to issue a zoning permit without additional application by the project sponsor. A zoning permit is a document that acknowledges that a proposed use or structure complies with the Chatham Zoning Law or authorized variance thereof. Such zoning permit shall include all standards and conditions imposed by the Planning Board.
- (3) To conduct inspections necessary to the investigation of complaints and all other inspections required or permitted under any provision of this Zoning Law.
- (4) To issue stop work orders, notices of violations and compliance orders.
- (5) To accept complaints of violations from citizens and public officials, to document and follow up on violations encountered during the course of inspections or through general observation in

the community, to investigate potential violations, and where necessary in the discretion of the Town, to commence enforcement of the Zoning Law.

- (6) To issue orders pursuant to 180-66 (L) of this Zoning Law ("Violations").
- (7) To maintain records.
- (8) To collect fees set by the Town Board.
- (9) To pursue administrative and civil enforcement actions and proceedings and/or criminal proceedings to enforce the provisions of this Zoning Law.
- (10) To consult with the Town Attorney about pursuing such legal actions and proceedings as may be necessary to enforce the provisions of the Zoning Law.
- (11) To exercise all other powers and fulfill all other duties conferred upon the Zoning Enforcement Officer by this Zoning Law.

C. Appointment and qualifications.

The Zoning Enforcement Officer shall be appointed by the Town Board. The Zoning Enforcement Officer shall possess background, skills, training and experience relating to the interpretation, application and enforcement of zoning laws and laws commensurate with the responsibilities of the position and shall, within the time period prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York and the Town shall require for Zoning Enforcement personnel. The Town Board may also appoint a Deputy Zoning Enforcement Officer who shall have the same duties and authority as those conferred upon the ZEO by the Town Board. Such Deputy shall also have the qualifications, training, and skills commensurate with the responsibilities of the Zoning Enforcement Officer position.

D. Acting Zoning Enforcement Officer.

In the event the ZEO is unable to serve for any reason, the Deputy ZEO shall be appointed by the Town Board to serve as Acting Zoning Enforcement Officer. The Acting Zoning Enforcement Officer shall possess background and experience relating to the interpretation, application and enforcement of zoning laws and shall, after being appointed by the Town Board, obtain such basic training, in service training, advanced in-service training and other training as the State of New York and the Town shall require for Zoning Enforcement personnel. The Acting Zoning Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the ZEO by this Zoning Law.

E. Compensation. Compensation of the Zoning Enforcement Officer shall be reviewed annually by the Town Board.

F. Authority to issue Stop Work Orders. The Zoning Enforcement Officer is authorized to issue stop work orders pursuant to this Article for any work that is determined by the Zoning Enforcement Officer to be conducted in violation of the Zoning Law, including, but not limited to, work being conducted on land and/or work being conducted on a building or structure for which a special use permit or site plan approval is required but has not been obtained.

G. Content of Stop Work Order. A stop work order shall:

- (1) Be in writing;
- (2) Be dated and signed by issuing Officer;
- (3) State the reason or reasons for issuance; and
- (4) If applicable, state the conditions that must be satisfied before work will be permitted to resume.

H. Service of stop work order. The ZEO shall cause the stop work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered or certified mail. The ZEO shall be permitted, but not required, to cause the stop work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop work order, personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop work order.

I. Effect of stop work order. When a stop work order is issued, 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 that is the subject of the stop work order.

J. Complaints. The ZEO shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this Zoning Law. The process for responding to a complaint shall include any of the following steps the ZEO may deem to be appropriate:

- (1) Performing an inspection of the property, conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (2) If a violation is found to exist, providing the owner of the affected property, and any other person who may be responsible for the violation, with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner authorized in 180-66 (Violations) of this Zoning Law;
- (3) If appropriate, issuing a stop work order and/or compliance order;
- (4) If a violation that was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing the report with the complaint; and
- (5) Notify the complainant about the outcome of any investigation initiated as a result of their complaint.

K. Recordkeeping. The ZEO shall keep permanent official records of all transactions and activities that he/she conducts and those conducted by members of his office, including records of:

- (1) All applications received, reviewed and approved or denied;
- (2) All plans, specifications and construction documents approved;
- (3) All zoning permits, temporary certificates, stop work orders, operating permits, and certificates of use issued;
- (4) All inspections and tests, including all third party inspections and tests, required and performed;

- (5) All statements and reports issued and a master list of all reports to be received;
- (6) All complaints received;
- (7) All investigations conducted;
- (8) All other features and activities specified in or contemplated by this Section of the Zoning Law; and
- (9) All fees charged and collected.

All records shall be public records open for public inspection during normal business hours, except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege. All records maintained by the ZEO shall be kept in an organized manner calculated to allow easy and efficient review by Town officials or the public. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation. The ZEO shall periodically check all reports and plans to ensure that appropriate action, if needed, is taken.

L. Program Review and Reporting. The ZEO along with the Deputy ZEO shall annually submit to the Town Board a written report and summary of all business conducted by the ZEO office, including a report and summary of all transactions and activities described in 180-66, subsection (J) (Record Keeping) of this Zoning Law and a report and summary of all appeals or litigation pending or concluded.

M. Violations. The ZEO is authorized to order in writing the remedying of any condition or activity found to exist in, on, or about any building, structure, property or premises in violation of this Zoning Law.

Upon finding that any violation exists, the officer shall issue a compliance order. The compliance order shall:

- (1) be in writing;
- (2) be dated, shall identify the ZEO, and be signed by the ZEO;
- (3) specify the condition or activity that violates this Zoning Law;
- (4) specify the provision or provisions of this Zoning Law that is/are violated by the specified condition or activity;
- (5) specify the period of time the ZEO believes is reasonably necessary for achieving compliance;
- (6) direct that compliance be achieved within the specified period of time; and
- (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The ZEO shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail. The Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof; to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

N. Appearance tickets. The ZEO is authorized to issue appearance tickets for any violation of the Zoning Law.

O. Civil penalties. In addition to those penalties authorized by State law, any person who violates any provision of this Zoning Law shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted by the Town of Chatham.

P. Criminal penalties and enforcement. Any violation of the Zoning Law is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; upon conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than \$350, nor more than \$700, or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine not less than \$700, nor more than \$1,000, or imprisonment for a period not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon the Courts and judicial officers generally, violations of the Zoning Law shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

Q. Injunctive relief. An action or proceeding may be instituted by the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Zoning Law. No court action or proceeding shall be commenced without the appropriate authorization from the Town Board. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of this Zoning Law, or any Stop Work Order, Compliance Order or other order obtained under this Zoning Law, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

r. Remedies not exclusive. No remedy or penalty specified in this Article shall be the exclusive remedy or penalty available to address any violation described in this Article, and each remedy or penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified this Section or in any other applicable law. Any remedy or penalty specified in this Article, including stop work orders, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article or any other applicable law.

In particular, but not by way of limitation, each remedy and penalty specified in this Article, including stop work orders, shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of Section 381 of the New York State Executive Law (Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation and Construction Code), and any remedy or penalty specified in this Article,

including stop work orders, may be pursued at any time, whether prior to, or simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of Section 381 of the New York State Executive Law.

S. Permits

- (1) Building permit. For zoning purposes, no new structure shall be built, nor an existing structure enlarged or moved, no use of space shall be changed, unless a building permit for such action has been issued by the Zoning Enforcement Officer. A building permit shall expire one year from the date of issue.
- (2) Prior to conducting any use on any property, the owner of such property shall seek the review and issuance of the appropriate zoning permit for permitted uses or referral of the matter to the appropriate Board for review, by the Zoning Enforcement Officer.

T. Matter accompanying application for permits.

- (1) Each application to the Zoning Enforcement Officer for a permit to erect a new building or structure, to enlarge an existing one, to move an existing one or change the use of an existing space, shall be accompanied by a site plan showing measurements of the lot and of all buildings, setbacks and parking spaces, existing and proposed, the intended use or uses of the land and buildings, the area of disturbance clearly delineated and quantified, and plans for provision of essential services. In the case of nonresidential uses or multifamily uses, the documentation shall be the same as required for site plan review. For new construction without public sewers, no building permit shall be issued unless the method of sewage disposal is approved by the Town of Chatham or County Board of Health, whichever is applicable.

§180-67. Amendments

A. Authorities to Amend

- (1) The Town Board may from time to time amend, supplement or repeal, in whole or in part, this Code, subject to the provisions of this Section and Town Law. Such amendment shall be adopted by majority vote of the Town Board and may be initiated in the following ways:
 - (a) By the Town Board on its own motion;
 - (b) On the recommendation of the Planning Board or the Zoning Board of Appeals;
 - (c) By the filing of a petition by Town taxpayers or residents, on a form prescribed by the Town Clerk, describing such proposed amendment as per New York State Town Law 265.
 - (d) If not sooner, this Code should be re-visited every 3 - 5 years to assure its continuing relevance and effectiveness complying with the Comprehensive Plan.

B. Procedures

- (1) Public Hearing: No amendment to this Law shall become effective until a public hearing is held at which the general public shall have an opportunity to be heard.

- (2) Newspaper Notice of Hearing: At least ten (10) days prior to the date of such public hearing, a notice of the time and place shall appear in the official newspaper of the Town and the Town website. Such notice shall describe the area, boundaries, regulations, or requirements that such proposed change involves.
- (3) Referrals: All proposed changes to these zoning regulations or map shall be referred to the appropriate body as set forth in sub-section (C) of this section.
- (4) Publication and Posting: Every amendment to this Law, including any map that is incorporated, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board, and a copy or summaries thereof, shall be published once in a newspaper of general circulation in the Town (exclusive of any map related to the amendment) and on the Town website (inclusive of the amendment map). In addition, a copy of such Law or amendment, together with a copy of any map incorporated therein, shall be posted conspicuously at or near the office of the Town Clerk in accordance with Town Law. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.
- (5) Effective Date: An amendment or change in this Law shall take effect immediately upon filing of the Local Law with the Secretary of State in accord with Article 3 of the Municipal Home Rule Law.
- (6) Adoption. The Town Board may adopt amendments to this Local Law by a simple majority vote of its full membership, except in the case of local protest or disapproval by the County Planning Board as noted in this Article. In the case the County Planning Board disapproves, the Town Board may proceed to adopt the amendment with a majority plus one vote of the Board as per New York State General Municipal Law 239m and n.

C. Referrals

(1) Referral to the Planning Board

- (a) Procedure. All proposed amendments originated by petition or by motion of the Town Board shall be referred to the Town of Chatham Planning Board 30 days prior to the required public hearing for a report and recommendations thereon. If the Planning Board does not make its final report to the Town Board within 45 days of the referral, the Town Board may proceed to final action.
- (b) Planning Board Report. In preparing a report on a proposed amendment, the Planning Board shall consider the following:
 - (1) Whether such change is consistent with the objectives and purposes of the Comprehensive Plan and Town of Chatham Code.
 - (2) Whether uses permitted by the proposed change will be appropriate in the affected area.

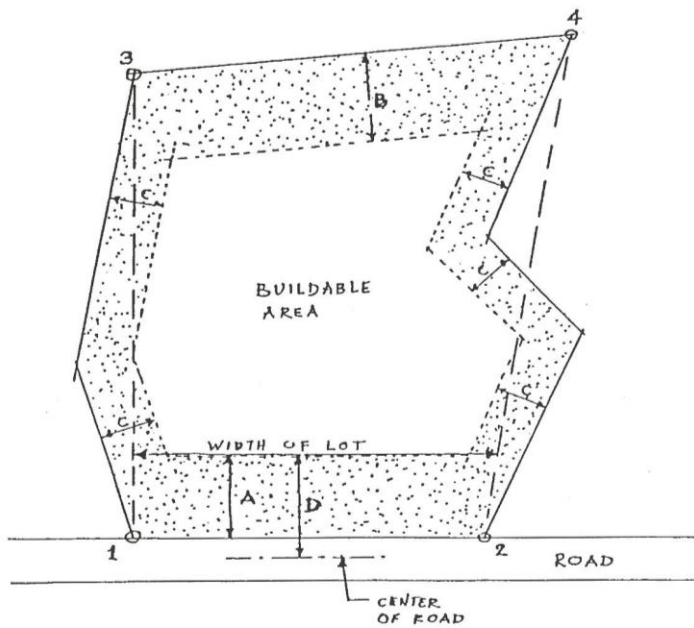
(2) Referral to The County Planning Board

- (a) Matters to be Referred. Any change in the district classification of, or the regulations applying to, real property lying within a distance of 500 feet of the following shall be referred to the Columbia County Planning Board prior to final action in accord with Sections 239-l, 239m and 239-n of the New York State General Municipal Law. No final action shall be taken within 30 days of such referral unless a response is received sooner.
 - (1) The boundary of any other municipality.

- (2) The boundary of any existing or proposed county or state park or other recreation area or state forest preserve lands.
 - (3) The right-of-way of any existing or proposed county or state road, parkway, or other controlled access highway.
 - (4) The existing or proposed right-of-way of any stream or drainage channel owned by the county for which the county has established channel lines.
 - (5) The existing or proposed boundary of any county or state owned land on which a public building or institution is located.
- (b) County Planning Board Recommendations. If the Columbia County Planning Board fails to report its recommendations within 30 days after receipt of a full statement of such referred material, the Town Board may act without such a report.
- (c) Effect of Negative Report. If the Columbia County Planning Board disapproves the proposed amendment, or recommends modification thereof, the proposed amendment shall not become effective except by a vote of a majority plus one of all members of the Town Board and after the adoption of a resolution fully setting forth the reasons for such action.
- (3) Referral to Adjacent Municipalities: At least 10 days prior to the date of the public hearing, written notice of any proposed change or amendment affecting property within 500 feet of the boundary of any adjacent Town or Village shall be transmitted to the Town or Village Clerk of that Town or Village. The Town or Village shall have the right to appear and to be heard at such public hearing with respect to any such proposed change or amendment.

D. Local Protest. If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of 20% or more of the area of land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the area of land directly opposite and extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of majority plus one of all the members of the Town Board.

Appendix A. Illustration of Buildable Area and Lot Measurements



POINTS 1 and 2
POINTS 3 and 4
WIDTH OF LOT:

FOREMOST POINTS OF LOT
REARMOST POINTS OF LOT
MEASURED PARALLEL TO ROAD, ALONG REAR OF
FRONT YARD, BETWEEN LINES 1-3 & 2-4

A: FRONT YARD
B: REAR YARD
C: SIDE YARD
D: REQUIRED SETBACK ON TOWN ROADS
 $D = A + 25 \text{ FT.}$

Appendix B. Additional special use permit standards for Outdoor Firing Ranges and Hunting Preserves

For purposes of Special Use Permits issued for Indoor and Outdoor Firing Ranges and Hunting Preserves the following definitions shall apply:

“Backstop” means a device constructed to stop or redirect bullets fired on a range.

“Baffles” means barriers to contain bullets and to reduce, redirect or suppress sound waves. Baffles are placed either overhead, alongside, or at ground level to restrict or interrupt errant or off-the-target shots.

“Ballistics” means the study of what happens to moving projectiles in the barrel and in flight: their trajectory, force, impact, and penetration. The study is divided into three sections: internal, external and terminal. “Internal” refers to what happens inside the barrel before the bullet or shot leaves the muzzle. “External” is what happens after the bullet or shot leaves the barrel and travels to its final point of impact. “Terminal” is what happens to the bullet or shot at the final point of impact.

“Berm” means an embankment used for restricting bullets to a given area or as a dividing wall between ranges.

“Bullet” means a single projectile fired from a firearm.

“Bullet trap” means a device designed to trap or capture the entire bullet and fragments as opposed to redirecting the projectile into a water or sand pit.

“Expansion” means any change to a public outdoor shooting range existing as of the effective date of the law codified in this chapter or any range developed and operating by virtue of a special use permit, that results in additional firing positions or a lengthened daily period of operations. Expansion shall also include any change increasing the length of the direct fire zone or the area of the shotfall zone in order to accommodate the use of firearms not identified in the then existing special use permit application. Modifications made for the purpose of or resulting solely in maintenance or improvement of a facility, such as the installation of sewer, water or other utilities, pavement of a parking lot, the installation of safety baffles, construction of side or backstop berms, or the construction or remodel of a clubhouse, shall not be considered an expansion.

“Firearm” means a term used to describe any gun, usually small, from which a bullet is propelled by means of hot gasses generated by burning powder (usually smokeless or black powder).

“Firing distance” means the distance between the firing line and the target line.

“Firing line” means a line parallel to the targets from where firearms are discharged.

“Firing position (point)” means an area directly behind the firing line having a specified width and depth that is occupied by a shooter, his or her equipment and, if appropriate, an instructor or coach.

Firing Range.

1. "Firing range" means a facility designed for the purpose of providing a place on which to discharge firearms, shoot air guns, and/or archery equipment.
2. "Firing range" may refer to several ranges constructed in a complex.

"Pistol" means a firearm capable of being held, aimed and fired with one hand. Also known as a handgun.

"Public shooting range" means a firing range where a user fee is charged, or where a person must be a member of a group to be allowed to use the facility and membership requires the payment of dues or fees.

"Range Manual" means The Range Manual – A Guide to Planning and Construction, The National Rifle Association.

"Ricochet catcher" means a device installed along a backstop, a berm, or on the range floor, designed to capture ricocheting projectiles. Ricochet catchers are more frequently used on backstop areas where the slope or backstop material does not positively contain bullets.

Rifle.

1. "Rifle" means a modern firearm designed to be fired from the shoulder. Its main characteristic is a rifled (grooved) barrel that imparts a spin to a single projectile as it travels through the bore.
2. Some rifles designed for military or law enforcement use may have a pistol grip stock instead of a shoulder stock.
3. For purposes of this chapter, "rifles" shall also include black powder and other muzzle loading firearms, some of which may have rifled barrels.

"Safety baffles" means vertical or sloping barriers designed to prevent a projectile from traveling into an undesired area or direction. Most often used to prevent bullets from leaving a firing range.

"Safety fan" applies only to rifle and pistol firing ranges. The safety fan of a firing range consists of three parts: the direct fire zone, the safety zone, and the ricochet zone. The direct fire zone is that area into which all shots are fired during the normal course of shooting. This zone includes all directions and angles of fire used on a firing range while shooting at a specific target, either stationary or moving, from a specific firing point. The length of the direct fire zone extends to the maximum range of the ammunition and firearm used on the firing range, but can be shortened by physical barriers or other devices which reduce the maximum distance of a bullet's trajectory. The safety zone extends 10 degrees to the left and right of the direct fire zone and protects against errant bullets caused by cross fire or accidental discharge of a firearm. The ricochet zone is that area 45 degrees to the left and right of the firing line, and extended a certain distance dependent on the type of firearm and ammunition allowed on the range (i.e., 85 yards for air guns, and up to 1,200 yards for high-powered rifles). The line is then

extended parallel to each side of the safety zone downrange to the intersection of a line extended from the terminus of the direct fire zone through the outer corner of the safety zone. See Drawing No. 103 in the Range Manual.

“Shotfall zone” means that area of a shotgun firing range where spent shotgun shot falls to the earth and where development, other than trap or skeet houses or the equivalent facilities for other types of shotgun events, and human occupancy, other than operators of the trap, skeet or equivalent facilities, is prohibited during active shooting.

Shotgun.

1. “Shotgun” means a firearm designed to be fired from the shoulder with a smoothbore barrel that fires shot shells possessing a varying number of round pellets;
2. Some barrels are designed to be used with rifled slugs, most generally having smoothbores, but in some cases may be rifled;
3. Law enforcement and military shotguns may have a pistol grip stock instead of a shoulder stock.

“Target line” means a line parallel to the firing line along which targets are placed. [

Development standards.

The following standards shall apply to the development of proposed public outdoor shooting ranges upon application for a special use permit which are allowed only in RL-1 and RL-2. The Planning Board may vary from these standards where the applicant has demonstrated that the proposed facility includes alternative designs and features, either natural or manmade, that will otherwise mitigate the potential adverse impacts to the health, safety and welfare of owners or users of neighboring properties and the general public. The following general standards shall be met:

- (1) Minimum of 100 acres.
- (2) No firing of guns before 10:00 am or after 6:00 pm.
- (3) Must comply with all NYS General Business Law and all other requirements of Appendix B.
- (4) There shall be no firing of guns within 500 feet of any property line.

A. Range Design.

1. Pistol and Rifle Firing Ranges. Pistol and rifle firing range design shall include sufficient land area under control of the applicant for a safety fan (direct fire zone, safety zones and ricochet zones) to accommodate the ballistics of the highest powered firearms and ammunition to be used on the range. Such geographic areas shall be based on the guidelines contained in the Range Manual. Such spatial requirements may be reduced in consideration of natural topographic features or manmade improvements, including but not limited to, backstop and side berms, bullet traps, ricochet catchers,

and overhead or ground safety baffles which will provide sufficient safety measures to protect adjacent properties.

2. Shotgun Ranges. Trap ranges shall have a shotfall zone on property under control of the applicant as established by a line which extends 50 yards to the right and 50 yards to the left of, and perpendicular to, the centerline of the trap house. From each end of said line, boundary lines having interior angles of 130 degrees shall extend down range for 300 yards, as depicted on Drawing No. 64a of the Range Manual. Skeet ranges shall have shotfall zones on property under control of the applicant which are a complete semi-circle with its center point located at the center point of station 8 and a radius of the semi-circle being 300 yards, as depicted on Drawing No. 70 of the Range Manual. Shotfall zones for crazy quail, sporting clays or other shotgun firing ranges shall be determined on a case-by-case basis.

B. Security. The entire perimeter of all public outdoor shooting range safety fans and shotfall zones shall be fenced and signed to reduce the potential for trespass into the safety fans and shotfall zones. Warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the shooting range is located such that each sign is visible and legible from the next. The same signs shall be posted similarly on the security fencing surrounding the safety fan(s).

C. Parking. At a minimum, there shall be one and one-half parking places for each firing position.

D. Noise. All facilities must comply with the §180-49. Noise of this Chapter.

E. Range Orientation. All firing lines should be aimed at target lines to the northeast, north or northwest unless there is sufficient standing timber or natural topographic features on the property controlled by the range operator to mitigate the effects of glare from the sun.

F. Drainage and Erosion Control. The range and associated facilities shall be designed to keep storm runoff from the range site at a volume and velocity no greater than what existed prior to range development. Appropriate erosion control measures shall be designed and installed to maintain the water quality of the storm runoff from the range to predevelopment levels.

G. All backstops shall have sufficient depth of sand or other similar soft earthen material that is free of rocks, stones and other hard objects that may result in bullet ricochets. All manmade berms shall be vegetated to reduce the potential for erosion. A manmade, mechanical backstop may be substituted upon approval of the Planning Board. All backstops and berms shall be maintained to perform their intended functions.

H. Firing ranges shall be developed such that there are no streams, ponds, lakes, or other watercourses or wetlands located between any firing line and target line or within any shotgun shotfall zone.

Application – Required information.

In addition to the general information required by this Chapter, the following information is required for a special use permit application for a public outdoor shooting range:

A. An assessor's map of the subject property;

B. The types of firearms, ammunition and shooting to be allowed, such as trap, skeet, muzzle loader, high power rifle, small bore rifle, pistol, action pistol, etc.;

C. A site plan drawn to scale illustrating the items listed below. The site plan shall be drawn at a scale not smaller than one inch equals 200 feet, and not larger than one inch equals 50 feet:

1. The property lines of the parcel(s) on which the firing range(s) are to be developed,
2. For rifle and pistol ranges, the safety fan and its component parts with dimensions for all firing ranges; for shotgun firing ranges, the component parts and dimensions of the shotfall zones,
3. All existing and proposed structures on the range, labeled for their intended use,
4. The location and dimensions of all firing lines and firing positions,
5. The location and dimensions of all target lines and related facilities,
6. The locations, dimensions and slope of all backstops and side berms, whether natural or manmade; the volume, material and source of all imported materials shall be noted,
7. The locations and dimensions of all baffles; horizontal drawings of the baffles shall be included, and building materials shall be identified,
8. The location and dimensions of all walkways,
9. All screening, landscaping and fencing,
10. The location of all utilities, including but not limited to electrical, potable water, wastewater disposal, and drainage ways, both natural and artificial,
11. The location of all lighting facilities,
12. The location of all roads, driveways, and parking facilities, including the number of parking spaces,
13. The location of all streams, watercourses, and wetlands on the property;

D. For rifle and pistol ranges only, longitudinal cross-sections of that portion of each firing range from 10 feet behind each firing line to 10 feet beyond the downrange terminus of each direct fire zone, 10 feet beyond the back toe of each backstop if manmade, or if natural, 20 feet beyond the front edge of the backstop, as applicable; and latitudinal cross-sections, from 10 feet outside any side berms or the edge of each safety fan, of typical areas between each firing line and backstop or downrange terminus of the direct fire zone;

E. A list of all property owners within 2,640 feet of the perimeter of the property on which the public outdoor shooting range is proposed for development;

F. The land uses of all properties abutting the shooting range property;

G. Other information deemed appropriate by the CEO.

H. Inspections.

No outdoor shooting range shall commence operations until the range has been inspected and approved by the CEO or his/her designee to ensure that the facilities and development of the range conform with the special use permit issued. The CEO or designee shall inform the applicant, in writing, within 10 days of his/her inspection, whether the public outdoor shooting range meets the requirements of the permit; any deficiencies shall also be noted, and operations shall not commence until they have been corrected and the site re-inspected and approved.

Appendix C. Agricultural Data Statement

Instructions: This form must be completed by the applicant for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Ag and markets certified Agricultural District or otherwise. County Planning Board review is also required. A copy of this Agricultural Data Statement must be submitted along with the referral to the Columbia County Planning Department.

1. Name and Address of Applicant: _____
2. Type of application (Check one or more):
 Special Use Permit Site Plan Approval Use or Area Variance Subdivision Approval
3. Description of proposed project to include (1) size of parcel or acreage and tax map identification number of tax parcel(s) involved; (2) the type of action (single-family dwelling or subdivision, multi-family development, apartment, commercial or industrial, school, non-residential use, etc., and (3) a brief description of the project size, intensity, density of homes, etc. (Please provide this information on the reverse side of this application and attach additional description as necessary).
4. Is this parcel within an Agricultural District? Yes No
5. If Yes, what is the Agricultural District Number? _____
6. Is this parcel actively farmed? Yes No
7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.
 - A. Name: _____
Address and Telephone #: _____
Type of Farm: _____
Is this parcel actively farmed? Yes No
 - B. Name: _____
Address and Telephone #: _____
Type of Farm: _____
Is this parcel actively farmed? Yes No
 - C. Name: _____
Address and Telephone #: _____
Type of Farm: _____
Is this parcel actively farmed? Yes No
8. Signature of Applicant: _____
9. Reviewed by: _____ Date: _____