

# VILLAGE OF RENSSELAER FALLS

## USE AND DEVELOPMENT CODE

Amended March 2015

# VILLAGE OF RENSSELAER FALLS USE AND DEVELOPMENT CODE

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## ARTICLE I GENERAL PROVISIONS

### Section 1 Title and Legislative Authority

This local law shall be known as the “Village of Rensselaer Falls Use and Development Code” and is adopted pursuant to Article 2, Sections 10 of the New York State Municipal Home Rule Law and Section 7-700 of the NYS Village Law. This local law refers to the entire Village.

### Section 2 Purpose

These regulations are designed to promote the health, safety and general welfare of the Village of Rensselaer Falls, and to further the following community goals:

- A. Provide for planned growth and development of residential, commercial, institutional, and public uses of the land consistent with the economic and social needs of the community.
- B. Preserve and enhance the character of the Village, and to prevent the development of incompatible land uses in proximity to one another.
- C. Develop land use regulations that are reasonable, fair, easy to understand and enforce, and which provide flexibility to accommodate unforeseen circumstances.
- D. Maintain the high quality of the Oswegatchie River which flows through the Village.
- E. Promote the health, safety and general welfare of the Village consistent with objectives set forth in Village Law Section 7-700 and of the Municipal Home Rule Law, Section 10 of Article 2.
- F. Provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

### Section 3 Separability

Should any section of or provisions of this local law be decided by a Court of Competent jurisdiction to be unconstitutional or invalid, such a decision shall not effect the validity of the local law as a whole or any part thereof other than the party decided to be unconstitutional or invalid.

### Section 4 Compatibility with Other Laws

Whenever the requirements of this local law are at variance with the requirements of any lawfully adopted rule, regulation or ordinance the most restrictive or those imposing the highest standards shall apply.

## Section 5 Fees

Permit fees shall be paid according to a fee schedule as may from time to time be established by resolution of the Village Board.

## Section 6 Violations

Upon determination by the Code Enforcement Office that a violation of this law exists, written notice shall be sent or otherwise delivered to the owner of record of the property, and may be attached to the premises of the owner. A copy of the notice shall be sent to the Village Board. Each week a violation is continued shall be deemed a separate offense.

## Section 7 Fines for Violations

Any person, firm, corporation or other legal entity that violates, disobeys, neglects, or refuses to comply with any provision of this law shall be guilty of an offense, and upon conviction thereof, be subject to a civil penalty of not less than \$50.00 and not more than \$250.00.

## Section 8 Injunctions

The Village may obtain an action to restrain by injunction any violation of this law or any failure to comply with any of its provisions. If an action is required to enforce this law before the Supreme Court of the State of New York, said Supreme Court Judge is fully authorized to impose a civil penalty of up to \$250.00 per week. Said civil penalty is payable to the Village of Rensselaer Falls in all instances.

## Section 9 Uses and Buildings Which Must Conform; Removals

Any building or structure erected, or use commenced after the effective date of this local law must comply with its provisions, and with the provisions of the New York State Uniform Fire Prevention and Building Code. Such new buildings, structures or uses which do not conform to the provisions of the law may be removed or halted by order of the Village Board. Any building made unusable through deterioration, fire or other cause may be removed by order of the Village Board after six (6) months from the notice to the landowner that the Village intends to remove the structure. The cost of removal may be recovered directly for the owner and may be billed concurrently with the Village tax on the property. The cost of removal may be borne directly by the owner.

## Section 10 Nonconforming Uses, Lots and Structures

Uses, lots and structures which existed or were commenced prior to the effective date of this local law and which would be prohibited or restricted under the terms of these regulations may be continued subject to the following provisions, unless otherwise provided for elsewhere in this local law. Uses not allowed to continue pursuant to this section must be removed or brought into compliance within one (1) year of the effective date of this local law.

- A. Enlargement Non-conforming buildings or uses shall not be enlarged or increased in their non-conformity.
- B. Restoration Following Disaster Non-conforming uses or structures damaged by fire or other causes may be restored to no more than their previous degree of non-conformity. Restoration must be commenced within six (6) months of the disaster and completed within one (1) year.
- C. Discontinuance Whenever a non-conforming use has been discontinued for a period of 12 continuous months the use shall not thereafter be re-established and any future use shall comply with all regulations applicable to conforming uses.
- D. Relocation Should any non-conforming building be moved for any reason, or for any distance it shall comply with Section 8 and all regulations applicable to conforming uses.
- E. Lots of Record Any lot of record at the effective date of this local law shall be considered as complying with this local law with respect to area, width and depth. After the effective date of this local law no more than one principal use shall be constructed on any vacant, non-conforming lot unless otherwise permitted in the zoning district.

An area variance shall not be required to establish a permitted use on an existing lot of record that does not satisfy the minimum lot size, lot width or depth, so long as:

- i. The owner of said lot owns no adjoining vacant land which would create a conforming lot if the lots were combined.
- ii. Any structure constructed on the lot shall satisfy the minimum side and rear yard requirements of the zoning district.
- iii. Any structure constructed on the lot shall satisfy the minimum front yard requirement of the zoning district, except in instances where the front elevation of a proposed structure would be in line with front elevations of adjacent structures. Any additional reduction in the front yard shall require an area variance.

## Section 11 Terms and Definitions

Words and phrases used in this local law shall be defined as follows in this section. Words and phrases which are not defined below shall be defined as in the New York State Uniform Fire Prevention and Building Code. The Village zoning Board of Appeals shall make interpretation of terms and definitions.

ACCESSORY STRUCTURE OR USE A structure or use which is incidental to the principal structure or use and which is located on the same premises. Accessory structures include residential garage, sheds, swimming pools, solar panels, etc. Accessory uses include: occupations conducted within a residence; an apartment located on the same property as an owner-occupied residence; a business office in home, etc.

AGRICULTURE The raising or production of crops, farm animals and livestock which may include the use or sale of their derived products for commercial purposes.

ARCADE A place of business where an individual, association, partnership or corporation maintain four or more amusement devices for public use.

ARTIST STUDIO An establishment used to prepare, display and sell individually-crafted artwork, jewelry, furniture, sculpture, pottery, etc.

ATHLETIC FACILITY, OUTDOOR Land and associated equipment used for athletic competitions, such as baseball diamonds, tennis courts, soccer fields, outdoor rinks, etc.

BAR OR TAVERN A building used primarily for the sale of alcoholic beverages that are consumed onsite, and may include the preparation and consumption of food.

BED AND BREAKFAST An owner-occupied residence that provides short-term, overnight accommodation with a morning meal to guests.

BOTTLE REDEMPTION AND RECYCLING A building used to collect bottles and aluminum cans which are temporarily held onsite before transporting off-site for recycling purposes.

BUILDING A wholly or partially walled structure, with a roof, for the shelter of persons, animals or property.

CERTIFICATE OF OCCUPANCY Certification by the Code Enforcement Officer that works proposed by an applicant for a permit has been completed satisfactorily.

CHILD DAYCARE, IN-HOME A residence where childcare is provided for less than twenty-four (24) hours per day to as many as twelve (12) children as regulated by the New York State Office of Children and Family Services.

CHILD DAYCARE FACILITY Childcare services not provided in a residence for less than twenty-four (24) hours per day as regulated by the New York State Office of Children and Family Services.

CHURCH OR RELIGIOUS INSTITUTION A building that is controlled and maintained by a religious group where people regularly assemble for fellowship and/or worship.

CEMETERY Land used for the internment of human or animal remains or cremated remains, and may include vaults, crypts, mausoleums, morgues, crematoriums, and associated maintenance facilities.

COMMERCIAL BUSINESS An operation that involves the preparation, sale, lease/rent or exchange of goods and/or the provision of services for a fee to customers/clients. Examples include: clothing store, liquor store, grocery store, pharmacy, bank, insurance office, hair and/or

nail salon, restaurant, diner, coffee shop, bar, etc.

COMMUNICATION ANTENNAS AND TOWERS Equipment designed to transmit or receive electronic signals.

CONVENIENCE STORE WITH OR WITHOUT GASOLINE SALES An establishment where food, tobacco, alcohol, drugs, periodicals or similar items of household convenience are kept for retail sale of the immediate neighborhood.

CORNER LOT A lot or parcel of land located at the intersection of two or more streets, or abutting two segments of the same street that forms an angle of less than 135 degrees.

DWELLING, SINGLE FAMILY A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, TWO FAMILY A building that consists of two attached, single family dwellings.

DWELLING, MULTI-FAMILY A building that consists of three or more attached, single family dwellings.

FUNERAL HOME A building used for the preparation of the deceased for burial, the display of the deceased, and a venue where services and rituals occur before burial and cremation.

HAZARDOUS SITUATION Conditions exist on a premises which constitute a threat to the public health and safety, as determined by the Code Enforcement Officer or by the Village Health Officer.

HEALTHCARE or medical FACILITY A facility licensed by the State of New York to provide care for clients suffering from physical or mental ill health, but does not include admittance for overnight stays.

HOME OCCUPATION An occupation carried out on an accessory basis by the occupant of residential premises, in which no more than one non-resident is employed and which sells only goods and services related to the home occupation.

HOUSEHOLD A household constituting a single housekeeping unit occupied by one or more person.

JUNK Scrap, refuse, waste or debris including vehicles, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition. See Article IV, Sec. 5. Must comply with "Junk and Junkyard" Local Law # 1 of 1995.

LAUNDROMAT A building or structure where coin-operated laundry machines using only



water, detergents and additives are made available to the public for the purpose of laundry cleaning.

LAUNDRY A building or structure used for the purpose of collection and distribution of goods of fabric to be subjected to the process of laundering or dry cleaning.

LIVESTOCK Agricultural animals raised for direct human consumption or use or for the consumptive use of their body parts or products, including eggs, milk, hair, hide and meat and specifically including hogs, horses, ponies, sheep, cows, fowl, fur-bearing animals, and the like. See also Agriculture. Customary family pets shall not constitute as livestock.

LOT A designated parcel, tract or area of land as may be described as a unit on a deed, plot, map or tax roll listing.

MANUFACTURED HOME A structure transportable in one or more sections that, in the traveling mode, is 8 feet (2438mm) or more in width or 40 feet (12192 mm) or more in length or, when erected on site, is 320 sq. feet (29.2 m squared) minimum, and that was built on or after June 15, 1976 on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certificate 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

MANUFACTURING Mechanical or chemical transformation of materials into new products through assembly of components, the manufacturing of products, or the blending of materials such as oils, plastics, resins or liquors.

MANUFACTURED HOME PARK A site intended for the long-term parking of two or more manufactured home dwellings, which may include services and facilities for residents.

MEMBERSHIP CLUB OR SERVICE ORGANIZATION A building used by members and their guests for social, recreational or athletic activities, which may include onsite alcohol sales and consumption, as well as a venue that may be used by the public.

MIXED USE A building that contains two or more different uses, and is often arranged as a ground-floor commercial business with upper floor residence.

MOBILE HOME A moveable or portable dwelling unit that was built prior to June 15, 1976 and designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living, excluding travel trailers.

MODULAR HOME A structure designed primarily for residential occupancy constructed by a method or system of construction whereby the structure or its components are wholly or in substantial part manufactured in manufacturing facilities, intended or designed for permanent installation or assembly and permanent installation.

MOTOR VEHICLE SALES AND/OR SERVICE Land and associated buildings that are used for the display and sale of new or used vehicles, and may include a service and repair garage.

MUNICIPAL BUILDING Land and buildings that are used by elected officials and municipal employees to engage in local governance and/or provide a service, including: public meetings; road repair and maintenance; building and zoning permits; water and sewer services; emergency services; tax assessment and collections; postal delivery; etc.

NUISANCE An interference with the enjoyment and use of property, including smoke, odors, waste materials, radiation, noise, vibration, heat and glare.

NURSING HOME OR RESIDENTIAL CARE FACILITY A state-licensed facility that provides inpatient, 24-hour care to the aged or infirm.

OUTDOOR RECREATIONAL FACILITY Land that is enjoyed by the public for its natural beauty and is used to engage in activities such as hiking, fishing, boating and wildlife watching, and may include features such as a boat launch, fishing site, observation deck, recreational trail, etc.

PARK OR PLAYGROUND Land that is designed and maintained to give the public the opportunity to recreate and assemble for cultural, entertainment, and educational purposes. Such land may include athletic and entertainment facilities, playground equipment, picnic facilities, kiosks and monuments.

PERMITTED BY RIGHT A permit must be approved by the Code Enforcement Officer if the minimum Use and Development Code standards detailed in these regulations are met.

PRINCIPAL USE/STRUCTURE The primary or predominant use of any lot; the structure within which the principal use is conducted.

PROFESSIONAL SERVICES/OFFICES Establishments primarily engaged in providing personal, financial, health, legal, engineering and other professional services to customers.

RESTAURANT A building that is used for the preparation and sale of food for either onsite consumption or delivery, and may include the sale of alcoholic beverages that are consumed onsite.

SETBACK Also known as a yard. The minimum distance between a street right of way or property boundary and elevation of the principle building.

SITE PLAN A rendering, drawing or sketch prepared to specification that contains necessary elements and shows the arrangement, layout and design of a proposed use of a single parcel of land.

SOLAR ENERGY INSTALLATION Solar units or panels that are installed to convert sunlight into electrical power or solar water heating systems for individual use, or for sale to the power grid. Solar energy installations may constitute as an accessory structure to a principle use.

SPECIAL USE PERMIT The authorization of a permitted land use that is subject to additional requirements to assure the proposed use is in harmony with this local law and will not adversely affect the surrounding neighborhood.

STRUCTURE An assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

STORAGE FACILITY OR COMMERCIAL WAREHOUSE A facility containing independent, fully enclosed bays that are leased to individual customers for the storage of personal property.

UNIFORM CODE New York State Uniform Fire Prevention and Building Code (Title 9, Subtitle S, Chapter 1, New York Codes, Rules and Regulations) International Building Codes.

USE The purpose or activity for which lands or buildings are designed, arranged or intended, or for which lands or buildings are occupied or maintained.

UTILITY, PUBLIC OR PRIVATE Equipment related to the collection, transfer, transmission, or disposal of water, storm and sanitary sewage, oil, gas, electricity, or telecommunication.

VARIANCE, AREA Authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of these zoning regulations.

VARIANCE, USE Authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by these zoning regulations.

YARD Open space measured between the elevation of a principle building and property lines or street right of way, which is unobstructed by a principle building to achieve public health, safety or community appearance purposes. Yard minimums are measured perpendicular from a lot line to the nearest point of a building elevation, and are detailed in the zoning schedule in Appendix B.

YARD, FRONT Open space that extends across the full width of a lot as measured between the edge of a right of way and the front elevation of a principle building. On corner lots, the front yard shall be measured perpendicular to the shorter lot line.

YARD, REAR Open space extending across the full width of a lot between a rear lot line and

the elevation of a principle building.

YARD, SIDE Open space extending from the front yard to the rear yard between a principle building and side lot line. The distance is measured perpendicular from the side lot line to the elevation of a principle building.

WIND TURBINE, SMALL SCALE With a capacity rating of less than or equal to 10 kW, a turbine mounted on a tower with associated equipment that converts mechanical energy supplied by wind into electric energy for individual use, or for sale to the power grid.

## ARTICLE II PERMITTED USES

### Section 1 Prohibited Uses

Any use not specifically permitted in this local law, or a use that does not appear to be substantially similar to other permitted uses in a zoning district, shall be a prohibited use.

### Section 2 Substantially Similar Unlisted Uses

Any proposed use that is not specifically permitted in this local law, but appears to be substantially similar in nature to other permitted uses in a zoning district shall require an interpretation by the Zoning Board of Appeals to determine if:

- A. The proposed use is consistent with the purpose of the zoning district, and
- B. The use is substantially similar to other permitted uses that are allowed in the district based on the nature of its operation, size, bulk and land use impacts to the surrounding area.

If the proposed unlisted use is found to be substantially similar to uses listed and appropriate in the district, the Zoning Board of Appeals shall pass a resolution that determines whether the proposed use is permitted by right, is subject to site plan review, or requires a special use permit; and whether specific standards should apply to the similar use.

## ARTICLE III ZONING DISTRICTS

### Section 1 Establishment of Districts

For the purpose of promoting the health, safety and general welfare of the Village of Rensselaer Falls, the Village hereby establishes a Residential District (R), a Commercial District (C), and an Open Space District (O).

## Section 2 Zoning Map

The Village of Rensselaer Falls Zoning Map which depicts land in the village designated as Residential, Commercial and Open Space, is hereby made a part of these regulations and is attached as Appendix A.

## Section 3 Interpretation of District Boundaries

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

- A. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines, as they are actually situated, shall be construed to be said boundaries.
- B. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or highways, street lines or highway right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as determined by the use of the scale appearing on the Zoning Map.
- D. Where the boundary of a district follows a stream, river or other body of water, said boundary line shall be deemed to be at the shoreline or other established limit of jurisdiction of the village unless otherwise indicated.
- E. Whenever a zoning district line does not follow a street center line or lot line, its location shall be determined by a measurement made by the Code Enforcement Official using the scale appearing on the Zoning Map.
- F. If the location of any zoning district boundary determination by the Code Enforcement Official is challenged by a legitimate party in interest, the Board of Appeals, upon application, shall render a decision with respect to the location of said zoning district line under its powers of interpretation according to the process hereinafter provided for.

## ARTICLE IV DISTRICT REGULATIONS

### Section 1 Residential District (R)

- A. Purpose The purpose of the Residential District is to:

1. Delineate those areas where predominantly residential development has occurred or will likely occur;

2. Protect the integrity and aesthetic appeal of residential areas by prohibiting the intermixture of residential and incompatible non-residential uses;
3. Conserve the value of residential land and buildings and thereby protect and enhance the Village's tax base and revenues;
4. Preserve and upgrade the character of residential areas by requiring standards of land use and lot and building bulk and size which accurately reflect existing and potential development;
5. Protect residential areas, as far as possible, from the consequences of heavy traffic and through traffic; and
6. Provide for the appropriate location of educational, health and religious and similar facilities that may serve the needs of nearby residents

B. Permitted Uses Upon determination by the Code Enforcement Officer that applicable standards are met, and the subsequent granting of a development permit, the following uses are allowed by right.

Single family dwelling, one per lot  
 Two-family dwelling, one per lot  
 Modular home, one per lot  
 In-home child day care for up to six children  
 Accessory use or structure, including an accessory apartment to an owner-occupied single family dwelling

C. Uses Requiring Site Plan Review The following uses require site plan review, which, at the discretion of the Planning Board, may include a public hearing.

Mobile home or manufactured home, one per lot  
 Multi-family dwelling  
 Conversion of an existing single or two-family home to a multi-family dwelling (3 or more units)  
 Home occupation  
 In-home child day care for seven to 12 children  
 Bed and Breakfast  
 Small scale wind turbine  
 Solar energy installation  
 Keeping of a horse for personal use on lots that are five or less acres in size  
 Raising up to seven chicken hens for personal use. Roosters, geese, turkeys, peacocks and other similar birds are prohibited to avoid disrupting the peace and quiet that is enjoyed in the Residential District.  
 Agricultural use or building

D. Uses Requiring a Special Use Permit The following uses require a Special Use Permit, site plan review and public hearing.

Child daycare facility, not located in a residence

Church or religious institution  
Out-patient healthcare or medical facility  
Nursing home or residential care facility  
Cemetery  
Communication antennas and towers  
Public or private utility

## Section 2      Commercial District (C)

- A. Purpose The purpose of the Commercial District is to delineate those areas primarily utilized or appropriate for commercial and retail businesses, government offices, public facilities, emergency services, and churches and religious institutions, and to ensure that any use in this district is compatible with these types and intensities of use.
- B. Permitted Uses Upon a determination by the Code Enforcement Officer that applicable standards are met, and the subsequent granting of a development permit, the following uses are allowed by right.

Commercial business  
Professional office or service  
Artist studio  
Municipal building, government and emergency service  
Laundromat  
Arcade  
Mixed-use building  
One and two-family dwelling  
Multiple family dwelling  
Solar energy installation

The following uses in the commercial zone are permitted following site plan review:

Motor vehicle sales and/or service  
Funeral home  
Restaurant  
Membership club or service organization  
Bar or tavern  
Bottle redemption and recycling  
Storage facility or commercial warehouse  
Convenience store with or without gasoline sales  
Church or religious institution

## Section 3      Open Space District (O)

- A. Purpose. The purpose of the Open Space District is to delineate areas where the substantial development of land in the form of buildings or structures is prohibited due to:

1. Special or unusual conditions of topography, drainage, floodplain or other natural conditions whereby the risk of damage to buildings and possible loss of life may occur due to natural causes.
  2. The preservation of existing public locations for recreational enjoyment.
  3. The preservation of natural and scenic views that are enjoyed by the public.
- B. Permitted Uses. In the Open Space District no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:
- Public park or playground and associated equipment
  - Athletic facility
  - Outdoor recreational facility
  - Associated accessory structure and furniture such as a monument or statue, gazebo, informational and community kiosk, flag pole, municipal clock, outdoor pavilion, concert shell, bike racks, benches and tables, water fountain, public bathroom, etc.
- C. The following uses in the Open Space District is permitted following site plan review:
- Municipal building
  - Community Center

## ARTICLE V DIMENSIONAL STANDARDS

### Section 1 Standards Applicable to All Uses and Buildings

- A. The proposed use and/or building construction must comply with the Uniform Fire Prevention and Building Code (International building Codes). Normally the Code Enforcement Officer will determine compliance.
- B. Water supply must meet standards established in the New York State Department of Health publication Rural Water Supply.
- C. No principal use or principal structure is permitted in any required yard.
- D. In the Residential District, there shall be no more than one (1) principal use per lot.
- E. Accessory structures are those which are commonly associated with permitted principal structures. Examples are garden sheds, playhouses and wood storage racks. Accessory buildings shall not be located in any front yard and shall be located no closer than 10 feet to a rear or side property line. No accessory building shall be used as a dwelling except for accessory apartments to owner-occupied residences. Camping vehicles, camping trailers and tents shall not be used as a dwelling except on an occasional basis.
- F. Accessory uses are those which are clearly not the dominant land use of a parcel.



## Section 2 Lot Arrangement

Side lot lines shall be substantially perpendicular to front lot lines. In no instance shall lot depth be greater than 4 times its width.

## Section 3 Lot Dimensions

New lots shall satisfy the dimensional standards for minimum size, width, depth, maximum coverage and setbacks specified in the zoning schedule included as Appendix B of these regulations.

## Section 4 Area Variance to Reduce Front Yard

When a vacant lot is adjacent to properties with buildings that do not meet the required front yard setback, the front yard requirement for a new principal building on the vacant lot may be reduced to a depth equal to the front yards of the adjacent buildings.

## Section 5 Maximum Height

Maximum 35 feet for residential and commercial structures measured from the average grade to the highest part of the roof. No height restrictions apply to church spires, chimneys, television antennas, flagpoles and similar structures. In no case may an advertising sign, symbol or device be higher than 20 feet.

## Section 6 Minimum Floor Area for Dwellings

No dwelling unit shall be less than 600 square feet of living area on any ground, or main floor. No multifamily dwelling unit located above a ground, or main floor shall contain less than allowed in the New York State Uniform Fire Prevention and Building Code (International Building Codes).

# ARTICLE VI SUPPLEMENTAL REGULATIONS

## Section 1 Parking

- A. Legally non-conforming uses need not provide off-street parking unless the use is expanded. Off-street parking must be provided to the extent of the expansion of the existing uses.
- B. In zoning districts where parking is required, all uses shall provide off-street parking for all vehicles during typical peak use periods, which includes the work shift of the largest number of employees present. Due to the size and arrangement of existing lots, off-street parking is not required for uses that are permitted in the Commercial – C zoning district.
- C. Off-street parking areas should not exceed the Village's parking requirements in order to

minimize the construction of oversized and underutilized parking lots that often remove existing mature vegetation; increase stormwater runoff; and contribute to the urban heat island effect.

- D. In instances where practical, off-street parking shall be provided behind or beside the principle structure of a property and at least 10' from any side or rear property line. An exception is two adjacent parcels with shared driveways. Parking areas shall consist of pavement or crushed stone, and may be appropriately screened so as to not interfere with adjacent properties or roadway.
- E. A parking space shall be not less than nine (9) feet by twenty (20) feet, exclusive of access ways and driveways. This exclusion does not apply to one and two family residential uses.
- F. Driving isles in parking areas shall be a minimum of 24' wide to provide adequate room for vehicles to back in and out of a parking space.

G. The Village's parking requirements are:

All residential uses - 2 spaces per dwelling unit

Commercial and Retail Uses - 1 space per employee and 1 per 250 sq. ft. of sales area

Business or Professional Office - 1 space per employee and 1 per 400 sq. ft. of business area

Home Occupation - 2 spaces per dwelling unit and 1 space per 400 sq. ft. of business area

Bed and Breakfast - 2 spaces per dwelling unit and 1 space per guest room

Child Daycare Facility - 1 space per employee of largest shift and 1 space per 400 sq. ft. of classroom area

Church or Religious Institution - 1 space per 4 seats

Nursing Home or Residential Care Facility - 1 space per employee of largest shift and 1 space per patient room

Out-patient Healthcare or Medical Facility - 1 space per employee of largest shift and 1 space per 400 sq. ft. of business area

Public Assembly (Auditorium, restaurant, bar or tavern, etc.) - 1 space per four seats

Open Space (Park, playground, outdoor recreational facility, etc.) - 1 space per 10,000 sq. ft.

Athletic Facility - 1 space per 750 sq. ft. of public assembly

Community Center - 1 space per 250 sq. ft. of public assembly

Municipal Building - 1 space per employee of largest shift and 1 space per 4 seats

Motor Vehicle Service and Repair - One space per employee and three spaces for each repair bay

Communication antenna or tower - 1 per facility

Public or private utility - 1 per facility

## Section 2 Exterior Lighting

- A. All exterior light fixtures shall be downcast and dark-sky compliant, with bulbs fully recessed and shielded to minimize glare and light pollution onto adjacent properties. Examples of Dark Sky Compliant fixtures are depicted in Appendix D of these regulations.
- B. Light fixtures used to illuminate signs shall be mounted at the top of the sign face, downcast and directional, with bulbs fully recessed and shielded to minimize glare and light pollution.
- C. Animated or moving, Light Emitting Diode (LED) signs for commercial advertising purposes are prohibited.

## Section 3 Snow Storage

All site plans for non-residential uses shall include locations appropriate for on-site seasonal snow storage that will not result in flooding or ponding onto adjacent properties.

## Section 4 Landscaping

- A. Existing mature, non-invasive vegetation located in side and rear yards that exceed the minimum setback should remain undisturbed and be retained to the greatest and practical extent possible.
- B. In the event mature trees and vegetation require removal, uses subject to site plan review or a special use permit shall require appropriate tree and shrub plantings in locations that will not conflict with designated snow storage locations.
- C. Trees and shrubs selected for planting should be USDA zone hardy, diversify the community's tree canopy, be tolerant of salt or sand applications, and not consist of species (such as maple and ash varieties) that are highly vulnerable to the long-term threat of invasive species such as the Emerald Ash Borer (EAB) or the Asian Longhorn Beetle (ALB).
- D. To avoid conflict with above-ground utilities, trees planted within 25' of overhead wires should conform to National Grid's planting guidelines listed in Appendix C of these regulations.
- E. Plantings shall be setback from lot lines and rights of way so that they do not obstruct access along adjacent sidewalks, paths, streets, and neighboring parcels up to seven (7) feet above finished grade.
- F. During the first year of planting, new tree and shrub plantings shall be watered regularly during extended periods of dry weather. Any new vegetation that dies within the first two years of planting shall be replaced at a one-to-one ratio. Replacement plantings may include a more appropriate species, or be planted in a similar, alternate location on the site.

## Section 5 Fencing

- A. The maximum height for fences along rear and side yards shall be 6' which does not apply to decorative posts or post caps. Fences located in the front yard shall not exceed three (3) feet.
- B. To maintain visibility at traffic intersections, the maximum height for a fence shall not exceed three (3) feet in the triangular area formed by intersecting streets or rights of way lines, and a straight line joining said lines at points thirty (30) feet from the center of the intersection.
- C. Any fence erected in a front yard shall be at least two (2) feet from the edge of a sidewalk or a right of way (if a sidewalk is not present) to accommodate seasonal snow storage along walkways.
- D. Any fence erected in a side or rear yard shall be placed at least two (2) feet from a property line to avoid trespassing onto adjacent property when maintaining or repairing said fence or lawn area.
- E. The finished side of a fence shall face out towards neighboring properties. Barbed wire is prohibited.

## Section 6 Buffering and Screening

In instances where a non-residential use is adjacent to, or abuts the residential district or any residential use conforming or nonconforming, buffering and screening shall be required on the non-residential property along the shared lot line to minimize impacts caused by the non-residential use. Buffering and screening may consist of tree and shrub plantings, earthen berms, fences, walls or a combination of these methods so as to establish an effective visual screen.

## Section 7 Disposal of Junk, Waste or Refuse

All site plans for multi-family dwellings and non-residential uses shall indicate an enclosed dumpster location that can be readily accessed for trash removal service.

No land shall be used for the open storage, dumping or disposal of any junk, discarded or waste material, scrap or refuse, including all or parts of junk vehicles or vehicles not capable of passing a New York State Inspection, whether or not used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

Storage of such materials is permitted within buildings or in solidly screened areas no less than 100 feet from any public street. No private land area shall be used for final disposition of any solid waste. Article I, Section 8, shall not apply to this section and shall conform to village of Rensselaer falls Junk and Junkyard Local Law #1 of 1995

*Dis. difference between unlicensed, inspected & inspected*

## Section 8 Permanent Signs

No sign shall be permitted except those that meet the following standards:

- A. No sign shall consist of animated lights that flash or appear to move.
- B. No sign shall be higher than twenty (20) feet from the general elevation of the site.
- C. No general advertising signs unrelated to the permitted use of the premises are allowed.
- D. No sign shall project into or over a public right-of-way.
- E. No sign shall be attached to a public utility pole or traffic control structure.
- F. A maximum of two (2) signs per site is permitted, not to exceed twenty square ft. each, one freestanding sign, 20 sq. ft. maximum.

## Section 9 Temporary Signs

Temporary unlighted signs erected by non-profit organizations such as churches, American Legion, Scouts, political organizations, etc. that advertise suppers, banquets, benefits, fund raising sales, etc., may be erected for a forty (40) day period without a permit in any district, provided: The sign includes a date posted; the sign will not disrupt traffic in a right of way; the property owner has given permission; and is removed within forty-eight (48) hours after the event has concluded. These provisions shall also apply to the occasional public sale of household items.

## ARTICLE VII STANDARDS APPLICABLE TO CERTAIN USES

In addition to the supplemental regulations detailed in Article IV and the dimensional standards listed in the Zoning Schedule of Appendix B, certain uses shall satisfy the supplemental standards below.

### Section 1 Mobile / Manufactured Home

In addition to the requirements of the Residential Code of New York State, Appendix E, manufactured housing within the Village limits must meet the following additional requirements:

- A. Purpose The purpose of this section is to establish regulations for a mobile / manufactured home on a single lot in a manner that protects adjacent landowners and the safety and the general welfare of the Village. These regulations are further intended to recognize mobile homes as a legitimate source of affordable housing appropriate to certain areas of the community. Because quality and appearance varies greatly among mobile homes the regulations of this section are designed to insure that newly located mobile homes are compatible with the surrounding neighborhood and that Village property values are protected.

- B. Occupancy The mobile / manufactured home shall be occupied as a single family residence.
- C. Foundation The mobile home shall be attached to a permanent foundation or concrete pad at least 6" thick and the wheels and towing equipment removed.
- D. Roof The roof shall be sloped. Roof design shall be compatible with conventionally built homes in the surrounding neighborhood. The roofing material shall be roofing material that is customarily used in site-built residential structures.
- E. Exterior Covering The exterior covering material of the mobile home shall be similar or closely compatible to that found on conventionally built residential structures in the surrounding area. Siding materials shall be non-reflective in nature.
- F. Skirting The exterior covering material of the mobile home or other suitable skirting shall extend to the ground, fully enclosing the perimeter of the mobile home. All skirting shall be closely compatible with customarily built residential structures in the surrounding area. Bales of hay or other highly combustible materials shall not be used for skirting a mobile home.
- G. Density No more than one (1) mobile home may be placed on a lot. Placement of more than one unit of manufactured housing on a lot shall be considered creation of a manufactured home park and require that the applicant meet the following additional standards as determined through review by the Planning Board.
1. Water systems shall be approved by the New York State Health Department
  2. Parking on-site shall be provided at a ratio of two parking spaces per dwelling unit.
  3. Proper steps with railings shall be constructed and maintained at each entrance to the mobile home.

## Section 2 Home Occupation

- A. Purpose The intent of regulations governing home occupations is to balance the importance and community benefits of allowing work in the home while protecting the character of the surrounding neighborhood, particularly adjacent residential uses, from intrusions and nuisances that can occur from businesses that operate out of a home.
- B. Maximum Floor Area The total floor area of a home occupation shall not exceed 35% of a dwelling unit's gross floor area.
- C. Maximum Employees No more than two non-resident employees shall be present at any one time.
- D. Parking The dwelling unit's garage and/or driveway shall be large enough to accommodate two spaces for the dwelling unit and customer parking at a ratio of 1 space for every 400 square feet of business area (1:400).

- E. Storage All equipment, vehicles, machinery, supplies or raw materials associated with a home occupation shall be enclosed and stored in the dwelling unit or in an accessory structure.

### Section 3      Bottle Redemption and Recycling

- A. Storage Items temporarily held for recycling shall be stored in an enclosed building or accessory structure. Storage sheds or containers used to temporarily hold recycled items shall not be located in front or side yards.
- B. Exterior Lighting All exterior lights shall be downcast, fully recessed with cut-off shields and dark sky compliant.
- C. Screening Fencing or landscaping alongside lot lines may be required to visually screen the property from adjacent residential uses or district.

### Section 4      Motor Vehicle Service and Repair

- A. Outside Storage All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.
- B. Screening Fencing or landscaping alongside lot lines may be required to visually screen the property from adjacent residential uses or district.

### Section 5      Storage Facility or Commercial Warehouse

- A. Exterior Lighting All exterior lights shall be downcast, fully recessed with cut-off shields and dark sky compliant.
- B. Screening Fencing or landscaping alongside lot lines may be required to visually screen the property from adjacent residential uses or district.

### Section 6      Convenience Stores With or Without Gasoline Sales

- A. Access There shall be no more than two access driveways from a street, which includes corner lots. The maximum width of each access driveway shall be 30 feet. A suitably curbed and landscaped area shall be maintained at least 6 feet in depth along the frontage that is not designated as a driveway to direct ingress and egress, and minimize disruptions to existing traffic circulation on the adjacent street.
- B. Exterior Lighting All exterior lights shall be downcast, fully recessed with cut-off shields and dark sky compliant.
- C. Fuel Tanks If such use ceases operation, all fuel storage tanks shall be drained within 30 days and removed within one year of cessation.

## Section 7 Horses

- A. Minimum Lot Size A minimum of two acres is required for a single horse, plus one acre for each additional horse.
- B. Fencing Land used for stables, paddocks and grazing shall be enclosed with fencing to prevent horses from trespassing onto adjacent land that is not owned or leased by the applicant. Fenced areas for grazing shall remain well vegetated.
- C. Setback The site plan shall depict a designated location for manure and waste bedding that is 100' from any nearby road drainage, water body, well or water supply. The storage of these materials in a front yard is prohibited. Fences for horses shall conform to a 50' front yard setback, and a 35' side and rear yard setback.
- D. Manure Management The applicant shall submit a signed agreement to adhere to the following manure management practices:
  - i. Manure and used bedding will be removed from the property at least once a month to prevent odor and flies and to avoid becoming a general nuisance to neighbors.
  - ii. Straw and lime shall be added to the manure during warm weather conditions to help minimize odor.

## Section 8 Chicken hens

- A. Setback Structures and fencing for chickens or other similar female birds shall conform to a 50' front yard setback, and a 35' side and rear yard setback.

## Section 9 Cemetery

- A. Internal Access and Parking Each cemetery shall include a 20' wide path that extends through the property to accommodate parallel parking and a driving lane for internal circulation.
- B. Setback No portion of any cemetery shall be less than 200' of any public water well or 100' of a private water well.

## Section 10 Child Daycare Facility, Not Located in a Residence

- A. Access The facility shall include a designated drop off and pick up location on the property to avoid disruption to, and protect children from, traffic circulation of the surrounding neighborhood.
- B. Outside Play Area An onsite outside play area shall be designated in a location that will not conflict with traffic circulation. The play area may be enclosed with appropriate fencing if necessary.



## Section 11 Communication Antennas and Towers

- A. Setbacks The base of the tower shall be setback 1½ times the full height of the antenna or tower from all property lines and/or occupied structures, whichever is closest.
- B. Fencing The antenna or tower and associated equipment shall be enclosed by a 6' tall privacy fence and shall not be topped with barbed wire.
- C. Existing Vegetation Existing on-site trees and vegetation shall be preserved to the maximum extent possible to visually screen the facility from adjacent properties.
- D. Screening In the absence of existing vegetation that surrounds the base of the facility, landscaping consisting of trees or shrubs shall be planted around the perimeter of the fence to screen the base of the communications tower.
- E. Access and Parking Maximum use of existing roads, public or private, shall be made to access the facility. A vehicle turnaround and one parking space shall be provided to assure adequate emergency and service access.
- F. Signage Signage shall be provided, permanently affixed to the structure and as visible as practicable from the access approach, providing the name and address of the facility operator and providing an emergency contact telephone number. No tower shall include any advertising.
- G. Exterior Lighting The communications tower shall not be lit unless otherwise required by the Federal Aviation Administration. Any exterior lighting on supporting equipment at the base of the tower shall be downcast and dark sky compliant with bulbs fully recessed and full cut off shields.
- H. Decommissioning The owner of the facility shall dismantle the communications facility in its entirety within 90 days of the cessation of operations at the tower.

## Section 12 Public or Private Utility

- A. Fencing The facility shall be enclosed by a 6' tall privacy fence and shall not be topped with barbed wire.
- B. Existing Vegetation Existing on-site trees and vegetation shall be preserved to the maximum extent possible to visually screen the facility from adjacent properties.
- C. Screening In the absence of existing vegetation that surrounds the base of the facility, landscaping consisting of trees or shrubs shall be planted around the perimeter of the fence to screen the facility.
- D. Access and Parking Maximum use of existing roads, public or private, shall be made to

access the facility. A vehicle turnaround and one parking space shall be provided to assure adequate emergency and service access.

- E. Signage Signage shall be provided, permanently affixed to the structure and as visible as practicable from the access approach, providing the name and address of the facility operator and providing an emergency contact telephone number.

### Section 13 Small Scale Wind Turbine

- A. Height The maximum height of a wind turbine shall not exceed 200' above grade as measured from the furthest extent of the blades. No portion of the turbine blades shall sweep within twenty (20) feet from the ground.
- B. Finish The turbine shall include a finish that is compatible with the surrounding area that shall minimize the degree of visual impact.
- C. Setback The turbine shall be setback 1.5 times the height of the turbine from all property lines, and at least 1 time the height of the turbine from the dwelling unit or occupied structure on the property.
- D. Noise Baseline readings from a sound meter that identifies pre-existing ambient noise levels as measured from the front, side and rear yard property lines shall be included as a part of the application submission. Noise generated by the wind turbine during operation shall not exceed six (6) dBA above prior ambient levels.

## ARTICLE VIII PROCEDURES AND STANDARDS

### Section 1 Pre-Application Meeting

Prior to the preparation and submission of a formal site plan, an optional sketch plan conference may be held between the Planning Board and the applicant. The intent of such a conference is to enable the applicant to inform the Planning Board of the development proposal prior to the preparation of a detailed site plan; and for the Planning Board to review the basic site design concept; advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. To accomplish these objectives, the applicant should provide:

- A. A statement describing the project proposal.
- B. A sketch or map of the area which clearly shows the locations of the site and nearby properties, land uses, street right-of-ways, easement and other pertinent features.
- C. A rough sketch showing the locations and dimensions of existing and proposed structures, parking, snow storage, trash enclosure, access and egress, lighting, landscaping, signage, and

anticipated changes in the existing topography and natural features.

## Section 2      Application Requirements

Applications for Site Plan Review must contain sufficient information to allow Village officials to decide project proposals objectively.

- A. Applications for Uses Permitted by Right Applications for buildings and uses listed as permitted by right shall submit the following information, if applicable, on a form provided by the Village:
1. Applicant information Name, address, telephone number and signature of the applicant and of the property owner.
  2. Location information Address and tax map number of the proposal, site map showing adjacent streets and abutting properties, property owners and existing uses, area drainage ditches.
  3. Project information Brief description of the proposed use(s) and building(s).
  4. Site plan A site plan of the property shall be drawn depicting all applicable features listed in the Site Plan Checklist below.
- B. Applications for Uses Permitted After Site Plan Review Applications for buildings and uses permitted after Site Plan Review must submit the following information, if applicable, on a form provided by the Village:
1. Information required in Section A for uses permitted by right.
  2. Project information A description of the proposed use; hours of operation; estimated clientele during peak usage times; total number of employees, including those during the largest shift; and measures to be taken to reduce impacts on nearby residential uses.
  3. Project construction schedule
  4. Site Plan Checklist
    - i. Title of drawing, including name and address of applicant,                      landowner(s), property address and tax map number, and name and address of person responsible for preparing the site plan
    - ii. North arrow, scale and date of drawing
    - iii. Property boundaries drawn to scale
    - iv. Location, exterior dimensions, design, type of construction, and setbacks from lot lines for all existing and proposed buildings
    - v. Square footage of occupied buildings to determine parking required and to calculate the percentage of building used for special uses
    - vi. Locations, design and type of construction of all parking and truck loading areas
    - vii. Location of enclosed dumpsters
    - viii. Location of outdoor storage, if any
    - ix. Locations access and egress and proposed traffic circulation
    - x. Provisions for pedestrian access, including sidewalks, paths or trails if applicable
    - xi. Existing water courses (if applicable)
    - xii. Grading and drainage plan, showing existing and proposed contours and where storm water will leave the site

- xiii. Location of existing and proposed water and sewerage drainage system connection locations in relation to each other and to neighboring systems
- xiv. Location, design, and construction materials of all existing or proposed site improvements including drains, culverts, retaining fences
- xv. Location of nearest fire hydrant(s),
- xvi. Location and proposed development of all buffer areas and screening, including existing vegetative cover
- xvii. General landscaping plan and planting schedule
- xviii. Location, height and design of exterior lighting
- xix. Location, size, design and type of construction of all proposed signs
- xx. Other information relevant to the proposal, which the applicant wishes to submit, or which is considered essential by the Village Planning Board

### Section 3      Application Completeness

The Code Enforcement Officer shall determine the completeness of any application for site plan review or a special use permit. The Code Enforcement Officer shall certify on each site plan whether or not the plan meets the requirements of applicable zoning provisions. Within ten (10) days of the date of application submission, the Code Enforcement Officer shall notify the applicant if such application is incomplete or deficient in any way, and shall specify the deficiencies that must be addressed to make the application complete.

Upon determination that the application is complete, the Code Enforcement Officer shall transmit copies of the application to the Planning Board within ten (10) days of receipt of a complete application.

### Section 4      Public Hearing and Legal Notice

- A. Scheduling Public Hearings The Chair of the Planning Board shall schedule a public hearing for all uses requiring a Special Use Permit. At the discretion of the Planning Board Chair, a public hearing may be scheduled for uses subject to site plan review. Public hearings shall be held within sixty-two (62) days from the day an application is determined to be complete.
- B. Legal Notice The notice of public hearing shall be mailed to the applicant at least ten (10) days before such hearing. The notice shall also be sent to property owners of land that is adjacent to the subject property, and shall be published in the Village's official newspaper at least five (5) days prior to the hearing.
- C. Public Hearing Proceedings The Village Planning Board may question the applicant and all who speak at the hearing and shall keep a factual summary of major points raised by all speakers.

### Section 5      Referrals to County Planning Board

Any site plan review or special use permit that involves land that is within 500 feet of the

following features shall be referred to the St. Lawrence County Planning Board:

- A. The boundary of any city, village or town
- B. The boundary of any existing or proposed county or state park or any other recreation area
- C. The right of way of any existing or proposed county or state parkway, thruway, expressway, road or highway
- 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
- E. The existing or proposed boundary of any county or stated owned land on which a public building or institution is situated
- F. The boundary of a farm operation located in an agricultural district

A map depicting land in the Village that is subject to referral to the County Planning Board is located in Appendix E.

#### Section 6 County Planning Board Review

The County Planning Board shall have thirty (30) days after receipt of a complete application, or longer period as mutually agreed upon by the County Planning Board and Village Planning Board, to report its decision, accompanied by a statement of the reasons for its decision.

If the County Planning Board fails to report within such period, the Village Planning Board may take final action on the site plan or special use period with such report. However, a decision received from the County Planning Board thirty (30) days or longer as mutually agreed upon, but two or more days before final action, the Village Planning Board's decision shall not be contrary to the County Planning Board's decision except by extraordinary vote.

#### Section 7 Extraordinary Vote

If the County Planning Board disapproves or approves an application with condition(s), the Village Planning Board shall not act contrary to the decision except by a vote of a majority plus one of the full membership of the Village Planning Board.

#### Section 8 Standards for Site Plan Review

The Planning Board's review of the site plans design and layout shall include, as appropriate, but is not limited to the following general considerations:

- A. Compatibility The design and layout of the proposed use shall not have a detrimental effect on adjacent uses or orderly development of the area.

- B. Nuisance Adequate protection of neighboring properties shall be provided from any undue disturbance caused by excessive or unreasonable noise, smoke, vibration, fumes, dust, odors, glare, or other nuisance.
- C. Traffic and Circulation Safe and convenient movement of vehicular and pedestrian traffic within the site and in relationship to adjoining roads, streets, driveways, and properties.
- D. Parking and Loading Adequate off-street parking and loading spaces to prevent safety hazards from parking on public streets or disrupting traffic flow on adjacent roads, and that the interior vehicle circulation system is adequate to provide safe accessibility to all required off-street parking areas.
- E. Exterior Lighting Fixtures are downcast with bulbs fully recessed and full cut off shields, and consistent with the International Dark Sky lighting principles.
- G. Landscaping Existing, mature and non-invasive vegetation is preserved on the property to the greatest and practical extent possible. Any new plantings are USDA zone hardy; diversify the community's tree canopy; are non-invasive; and do not consist of species that are highly vulnerable to invasive pests.
- F. Snow storage and Drainage The proposal provides adequate locations for seasonal snow storage, and for storm water and drainage facilities such that site run-off will not run onto roads or cause nuisance conditions for neighbors, lead to pooling or excessive erosion.
- G. Municipal Services The proposal shall not place unreasonable demands on municipal services and facilities.
- H. Legal The proposal shall conform with all provisions of this Local Law and applicable regulations of state agencies.

## Section 9 Standards for Special Use Permits

This section of the law is enacted under the authority of Section 7.725 of New York State Village Law to protect the health, safety, and general welfare of the inhabitants of the Village of Rensselaer Falls. No special use permit shall be issued by the Code Enforcement Officer for uses requiring a special use permit except upon authorization of and in conformity with the plans approved by the Planning Board.

This Local Law requires a special use permit and site plan review for potentially significant and nuisance-prone development projects. Site plan review and special use permits regulate the design and layout of the development projects in a manner which considers the following concerns, and where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. Standards applicable to all special uses are:

- A. The balancing of a landowner's right to use their land, with the corresponding rights of neighboring landowners to live without undue disturbances that may be caused by a special use. Lot size, site design and special conditions shall ensure that operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, odors, glare, vibrations, flashing lights, or stormwater runoff than would be the operations of any permitted use. Screening shall be required where deemed appropriate.
- B. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district; and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- C. The location provides safe and convenient vehicular and pedestrian access and movement on the site and surrounding area.

#### Section 10 Conditions of Approval

The Planning Board shall have the authority to impose reasonable conditions and restrictions that are directly related and incidental to a proposed site plan and to a proposed special use permit. The conditions of approval must be met in connection with permits issued by the Code Enforcement Officer.

#### Section 11 Timeline for Decision

The Planning Board shall make a decision on an application within sixty-two days after a public hearing, or after the day a completed application is received if no hearing is held. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The Board may request the assistance of consultants, including the St. Lawrence County Planning Office, prior to its decision.

#### Section 12 Decision

All decisions shall be made by majority of the full membership of the Board. The Planning Board's final action of a site plan and/or special use permit in writing shall consist of either:

- A. Approval based upon a determination that the proposed plan complies with the standards set forth in this law and constitutes a suitable development. Proposals subject to site plan review which meet the standards of these regulations shall be approved by the Village Planning Board.
- B. Approval subject to any conditions, modifications and restrictions as required by the Planning Board which will ensure the project meets the standards for review; or

- C. Disapproval based upon a determination that the proposed project does not meet the standards for review set forth in this section, and stating such deficiencies.

### Section 13 Notice of Decision

The decision of the Planning Board shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered, and a copy thereof mailed to the applicant and the Code Enforcement Officer.

### Section 14 Revocation of Permit

Uses requiring site plan review or special use permit may be granted or revoked by the Village Planning Board after a public hearing and vote of the majority of the full membership of the Board. Revocation shall be made only after a finding by the Village Planning Board that the permit holder has refused to obey a lawful order of the Code Enforcement Officer, and/or the Village Planning Board finds the use has become a detriment to the neighborhood. Revocation may apply to a use but not to a legally non-conforming (grand fathered) structure or to a structure erected according to the terms of a site plan review.

## ARTICLE IX ADMINISTRATION

### Section 1 Code Enforcement Officer

The duty of administering and enforcing this code is conferred on the Code Enforcement Officer, who shall be appointed by the Village Board, and who shall receive compensation as the Village Board may determine. Duties are as follows:

- A. Grant or Deny Building & Zoning Permits The Code Enforcement Officer shall review all applications for Building and Zoning Permits and, if requirements are met, shall issue a permit. If the minimum requirements are not met the application shall be denied and the applicant advised as to the reasons and as to the procedure to apply for relief from the Village Planning Board or Zoning Board of Appeals. The Code Enforcement Officer has no authority to vary the terms of this Local Law.
- B. Make Referrals to the Village Planning Board or Village Zoning Board of Appeals. The Code Enforcement Officer's decision may be appealed to the Zoning Board of Appeals within thirty days for an interpretation, or a variance from the strict application of this code. Uses requiring Site Plan Review shall be forwarded to the Village Planning Board. Should any such action be requested, the Code Enforcement Officer shall forward all information from the applicant to the appropriate Board.
- C. Make Inspections The Code Enforcement Officer, together with such consultants as may be considered necessary, may enter project premises at any reasonable time for the purpose of determining conformity with the permit. This right of entry ceases upon the granting of a



## Certificate of Occupancy.

- D. Issue Certificates of Occupancy The Code Enforcement Officer shall issue a Certificate of Occupancy to a completed project. No new use shall be commenced nor new, altered or relocated building occupied until a Certificate of Occupancy shall have been issued for the premises. The Planning Board or Zoning Board of Appeals may authorize the Code Enforcement Officer to issue temporary certificates for successive six month periods. No Certificate of Occupancy shall be issued until the terms of the permit have been carried out.
- E. Hazardous Situations Upon determination by the Code Enforcement Officer that a hazardous situation exists, the Code Enforcement Officer has the authority to declare that such exists and that it is illegal and shall be abated by repair or rehabilitation or by demolition in accordance with the following:
1. Notice shall be served on the owner or his/her agent, as determined by the tax record to correct the hazard immediately.
  2. If the code Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life or health, such notice shall also require the building, structure, condition, or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected, and a Certificate of Occupancy issued.
  3. In cases of emergency which, in the opinion of the Code Enforcement Officer or the Village Board, involve imminent danger to human life or health, such building, structure, condition, or portion thereof shall be made safe or removed. For this purpose, the Code Enforcement Officer may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. Adjacent structures may be ordered vacated and barricades or such other means as may be necessary to protect the public may be provided.
  4. In case the owner, agent, or person in control cannot be found, or such owner, agent, or person in control shall fail, neglect, or refuse to comply with a notice, the Village Attorney shall be advised of all the facts in the case and shall institute the appropriate action in the courts to compel compliance.
  5. Costs incurred under (3) and (4) shall be paid by the Village. Such costs shall be charged to the owner of the premises involved and may be billed concurrently with the Village tax.
- F. Cite Code Violations Upon determination by the Code Enforcement Officer that a violation of this local law exists, written notice shall be sent to the last known owner of record of the property, as determined by the assessment records, informing said owner of the violation of specific provisions of this law and stating that action is to be taken to remove such violation in twenty (20) days, or proceedings to compel compliance with the chapter will be instituted.

## Section 2 Village Planning Board

- A. Creation and Membership Pursuant to Section 7-718 of New York State Village Law, the Village Board hereby establishes the Village of Rensselaer Falls Planning Board to review

proposals for land uses permitted in these regulations. The Village Planning Board shall consist of five (5) residents of the Village of Rensselaer Falls who shall hold terms of five (5) years. Members of the Planning Board shall hold staggered terms of one, two, three, four, and five years. The members shall be appointed by the Village Board. The Chairperson shall be appointed by the Village Board for a one year term. No person who is a member of the Village Board shall be eligible for membership on the Planning Board. No member of the Planning Board shall hold simultaneous membership on the Zoning Board of Appeals.

- B. Vacancies If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint a new member for the unexpired term.
- C. Alternate Members The Village Board shall have the authority to establish alternate members to substitute for a member who is unable to participate because of a conflict of interest. Alternate members of the Planning Board shall be appointed by resolution of the Village Board, for the terms established. The Chair of the Planning Board may designate an alternate member to substitute for a member who is unable to participate because of a conflict of interest on an application or matter before the Board. Such designation shall be entered into the minutes of the Planning Board 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. All provisions relating to training attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.
- D. Compensation Compensation of Planning Board members for expenses associated with their duties may be fixed, from time to time, by resolution of the Village Board.
- E. Appropriation The Village Board shall provide by appropriation sufficient funds for the Village Planning Board to cover necessary expenses including the maintenance of files, keeping a written record and providing notice of public hearings.
- F. Chairperson The Village Board shall designate the Chairperson of the Planning Board. In the absence of a chairperson, the Planning Board may designate a member to serve as acting chairperson.
- G. Training Each member of the Planning Board 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 in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet this training requirement. To be eligible for reappointment to such board, such member shall have completed this training requirement. This training may be waived or modified by resolution of the Village Board when, in the judgment of the Village Board, it is in the best interest of the Village to do so.
- H. Removal A Planning Board member may have his or her appointment terminated for cause by a resolution by the Village Board after a public hearing. Any member may be removed

for non-compliance with minimum requirements relating to meeting attendance and training.

- I. Jurisdiction The Planning Board shall meet as to review applications for uses requiring site plan review and special use permits.
- J. Meetings The Planning Board shall hold meetings at the call of the Chair or at the request of two members, and at times determined by the Board. The Board shall meet and conduct its business in public and shall hold public hearings as required.
- K. Meeting Minutes The Village Planning Board shall keep a record of each meeting or public hearing, including the reasons for each decision and the votes of each member.

### Section 3      Zoning Board of Appeals

- A. Creation and Membership Pursuant to Section 7-712 of New York State Village Law, the Village Board hereby establishes the Village of Rensselaer Falls Zoning Board of Appeals, which shall consist of five (5) members who are appointed by the Village Board. The Village Board may, by local law, decrease membership of the Board of Appeals to three to take effect upon the next two expiration of terms. No person who is a member of the Village Board shall be eligible for membership on the Board of Appeals. No member of the Zoning Board of Appeals shall hold simultaneous membership on the Planning Board.
- B. Vacancies If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint a new member for the unexpired term.
- C. Alternate Members The Village Board shall have the authority to establish alternate members to substitute for a member who is unable to participate because of a conflict of interest. Alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Village Board, for the terms established. The Chair of the Zoning Board of Appeals may designate an alternate member to substitute for a member who is unable to participate because of a conflict of interest on an application or matter before the Board. Such designation shall be entered into the minutes of the Zoning Board 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. All provisions relating to training attendance, conflict of interest, compensation, eligibility, vacancy in office, removal and service on other boards shall also apply to alternate members.
- D. Compensation Compensation of Zoning Board of Appeals members for expenses associated with their duties may be fixed, from time to time, by resolution of the Village Board.
- E. Chairperson The Village Board shall designate the Chairperson of the Zoning Board of Appeals. In the absence of a chairperson, the Board of Appeals may designate a member to serve as acting chairperson.

- F. Training Each member of the Board of Appeals 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 in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet this training requirement. To be eligible for reappointment to such board, such member shall have completed this training requirement. This training may be waived or modified by resolution of the Village Board when, in the judgment of the Village Board, it is in the best interest of the Village to do so.
- G. Removal A Zoning Board of Appeals member may have his or her appointment terminated for cause by a resolution by the Village Board after a public hearing. Any member may be removed for non-compliance with minimum requirements relating to meeting attendance and training.
- H. Meetings All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as a majority of the members of the full Board may determine. All meetings of the Zoning Board of Appeals shall be open to the public.
- I. Jurisdiction The jurisdiction of the 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 Village Code Enforcement Officer.
- J. Initiating an Appeal An appeal to the Zoning Board of Appeals may be initiated by any person or party aggrieved under, or with a legitimate interest in, these regulations including the Village and its officials. An appeal for an interpretation or variance may be made only after a determination or notification of action taken by the Code Enforcement Officer or other body of original jurisdiction, except where such appeal is instituted by a Village official.
- K. Time of Appeal Each order, requirement, decision, interpretation or determination of the Code Enforcement Office shall be filed and be a public record within five (5) business days from the day it is rendered. An appeal shall be taken within sixty (60) days after the filing of the determination that is being appealed.
- L. Application All appeals and applications made to the Zoning Board of Appeals shall be in writing, in a form prescribed by the Board. Every appeal or application shall refer to the specific provisions of the regulations involved, and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted. The Code Enforcement Officer shall transmit to the Board all of the records concerning the case which is being appealed.
- M. Public Hearing and Legal Notice The Zoning Board of Appeals shall fix a reasonable time for a public hearing in connection with an appeal or application, and shall publish a notice of such public hearing in the Village's official newspaper, and shall mail the notice thereof to the applicant or appellant, and to property owners of land that is adjacent to the subject property at least five (5) days prior to public hearing date.

N. Referrals to County Planning Board Where an appeal for an area variance or use variance to the Zoning Board of Appeals involves land within the 500 feet of the following features shall be referred to the St. Lawrence County Planning Board:

1. The boundary of any city, village or town
2. The boundary of any existing or proposed county or state park or any other recreation area
3. The right of way of any existing or proposed county or state parkway, thruway, expressway, road or highway
4. 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
5. The existing or proposed boundary of any county or stated owned land on which a public building or institution is situated
6. The boundary of a farm operation located in an agricultural district

A map depicting land in the Village that is subject to referral to the County Planning Board is located in Appendix E.

O. County Planning Board Review The County Planning Board shall have thirty (30) days after receipt of a complete application, or longer period as mutually agreed upon by the County Planning Board and Board of Appeals, to report its decision, accompanied by a statement of the reasons for its decision.

If the County Planning Board fails to report within such period, the Board of Appeals may take final action on the site plan or special use period with such report. However, a decision received from the County Planning Board thirty (30) days or longer as mutually agreed upon, but two or more days before final action, the Board of Appeals' decision shall not be contrary to the County Planning Board's decision except by extraordinary vote.

P. Time of Decision The Board shall render a decision within sixty-two (62) days from the date of a public hearing. The time to render a decision may be extended by mutual consent by the applicant and the Board.

Q. Voting Requirements Every decision of the Zoning Board of Appeals shall be by resolution. The concurring vote of a majority of the full membership of the Board shall be required to constitute an official action by the Zoning Board of Appeals.

R. Extraordinary Vote If the County Planning Board disapproves or approves an appeal with condition(s), the Board of Appeals shall not act contrary to the decision except by a vote of a majority plus one of the full membership of the Board of Appeals.

S. Default Denial If an affirmative vote of a majority of the full membership of the Board is not attained to grant a variance, or to reverse an order, requirement, decision or determination of the Code Enforcement Officer, the appeal is denied. The Board may amend a failed motion

or resolution and vote on an amended motion or resolution within sixty-two (62) days of a public hearing without being subject to a rehearing process.

- T. Records The Zoning Board of Appeals shall keep minutes of its proceedings, including interpretations, findings, and official actions and shall record the vote of each member upon every question put to vote or, if absent or failing to vote, indicating such fact. All decisions of the Zoning Board of Appeals shall be recorded in the minutes, which shall fully set forth the reasons for its decision and the findings of fact on which the decision was based.
- U. Notification of Decision The Zoning Board of Appeals shall notify the Code Enforcement Officer, Village Clerk, and Planning Board of action taken on any appeal before the Zoning Board of Appeals. Within five (5) working days of the date of determination, the Zoning Board of Appeals shall notify the applicant of its decision, and an appropriate record of every official determination shall be on file in the office of the Village Clerk and shall be a public record.
- V. Rehearing A motion to hold a rehearing to review any order, decision or determination by the Board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the Board present is required for such rehearing to occur. A rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing, the Board may reverse, modify or annul its original decision upon the unanimous vote of all members present, provided the Board finds no action has been taken by persons affected by the Board's original decision.
- W. Duties and Powers The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by these Regulations. In particular, the powers of the Zoning Board of Appeals are as follows:
1. Interpretation To decide any question involving the interpretation of any definition or the administration or application of these regulations, which may include determining the exact location of any zoning district boundary. Such interpretation shall be considered and rendered by the Zoning Board of Appeals only upon application or appeal following a determination made by the Code Enforcement Officer.
  2. Variance The Zoning Board of Appeals may vary or adapt the strict application of any of the requirements of these regulations where strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. Such variance shall be considered and rendered by the Zoning Board of Appeals only upon appeal following a determination made by the Code Enforcement Officer.
    - i. Area Variance 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. In making such determination the board shall

consider:

- a. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
  - b. whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - c. whether the requested area variance is substantial;
  - d. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - e. whether the alleged difficulty was self-created, which consideration shall be relevant to the discussion of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- ii. Use Variance No use variance shall be granted without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under these regulations for the particular district where the property is located:
- a. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - b. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - c. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - d. that the alleged hardship has not been self-created.

The Zoning Board of Appeals, in the granting of variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved 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.

- iii. Imposition of Conditions The Board shall have the authority to impose reasonable conditions and restrictions as are directly related and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- X. State Environmental Quality Review Interpretations; area variances for one-family, two-family and three-family residences; and the granting of individual setback and lot line variances constitute Type II actions and are not subject to SEQR. In all other instances that require action, the Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act.

#### Section 4 State Environmental Quality Review (SEQR)

- A. The State Environmental Quality Act requires local governments examine the environmental impact of all actions they permit, fund, or construct. Article VIII and Part 617 of Title 6 of the New York Codes, Rules and regulations are hereby adopted by reference.
- B. All "Type I" actions (8NYCRR Part 617) shall require the submission and review of a Full Environmental Assessment Form.
- C. The Board responsible for taking final action on a land use request or regulation shall also serve as the lead agency for SEQR.
- D. If in the opinion of the lead agency, after review of an Environmental Assessment Form, there appears the potential for a significant environmental impact, the lead agency shall cause the applicant to prepare a Draft Environmental Impact Statement (EIS) Review, notice, and action on the EIS shall be conducted according to Part 617.

#### Section 5 Amendments

This local law shall be amended by the Village Board of the Village of Rensselaer Falls by local law in accordance with procedures established in the Municipal Home Rule Law. Amendments shall be filed by the Village Clerk and shall be filed with the New York State Secretary of State and New York State Comptroller after public hearing and publication requirements have been met.

#### Section 6 Effective Date

This local law shall become effective twenty (20) days after filing with the Secretary of State of the State of New York.

EFFECTIVE DATE:



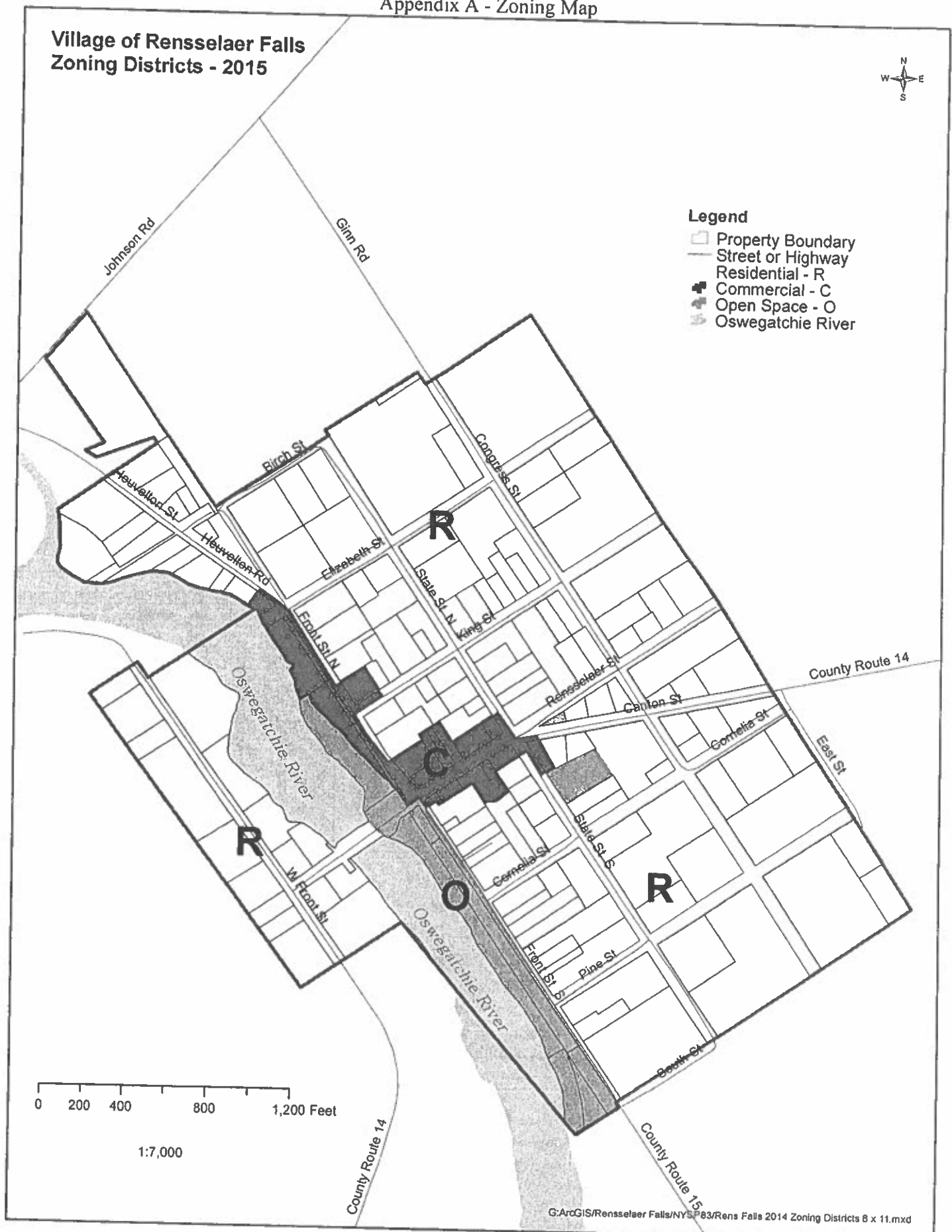
# Appendix A - Zoning Map

## Village of Rensselaer Falls Zoning Districts - 2015



### Legend

- Property Boundary
- Street or Highway
- Residential - R
- Commercial - C
- Open Space - O
- Oswegatchie River



0 200 400 800 1,200 Feet

1:7,000

G:\ArcGIS\Rensselaer Falls\NYS\83\Rens Falls 2014 Zoning Districts 8 x 11.mxd

Village of Rensselaer Falls  
Appendix B - Zoning Schedule

Zoning District	Permitted Uses	Uses Requiring Site Plan Review	Minimum Lot Size			Maximum Lot Coverage (percent)	Minimum Yard Setback (feet)			Maximum Height (feet)	Onsite Parking (spaces)
			Area (square feet)	Width (feet)	Depth (feet)		Front	Side	Rear		
Residential - R	Single Family Dwelling Two Family Dwelling Modular Home In-home Child Daycare for up to 6 children Solar Energy Installation Accessory Use or Structure		25,000	125'	200'	25%	35'	15'	20'	35'	2
			25,000	125'	200'	25%	35'	15'	20'	35'	2
			25,000	125'	200'	25%	35'	15'	20'	35'	2
			25,000	125'	200'	25%	35'	15'	20'	35'	2
			25,000	125'	200'	25%	35'	15'	20'	35'	-
			25,000	125'	200'	25%	35'	15'	20'	35'	-
			-	-	-	25%	35'	10'	10'	35'	-
		Mobile Home	25,000	125'	200'	25%	35'	15'	20'	35'	2
		Manufactured Home	25,000	125'	200'	25%	35'	15'	20'	35'	2
		Multi-family Dwelling	25,000 + 10,000 per unit	125' + 10' per unit	200'	35%	35'	25'	50'	35'	2 per unit
		Home Occupation	25,000	125'	200'	25%	35'	15'	20'	35'	2 per residence + 1:400 of business area
		In-home Child Daycare for 7 to 12 children	25,000	125'	200'	25%	35'	15'	20'	35'	2 per unit
		Bed and Breakfast	25,000	125'	200'	25%	35'	15'	20'	35'	2 per dwelling unit + 1 per guest room
		Small Scale Wind Turbine	2 acres	125'	200'	25%	1.5 times the height of turbine			200'	-
		Horse on less than 5 acres	2 acres + 1 acre for each additional horse	200'	400'	25%	50'	35'	35'	35'	-
		Chicken hens	25,000	125'	200'	25%	50'	35'	35'	35'	-
		Agricultural use	25,000	125'	200'	25%	-	-	-	-	-
	Uses Requiring a Special Use Permit										
		Childcare facility	1 acre	125'	200'	35%	35'	25'	50'	35'	1 per employee of largest shift + 1:400 of classroom space
		Church or religious institution	2 acres	125'	200'	35%	35'	25'	50'	45'	1 per employee of largest shift + 1:400 of business area
		Out-patient healthcare or medical facility	1 acre	125'	200'	35%	35'	25'	50'	35'	1 per employee of largest shift + 1 per patient room
		Nursing home or residential care facility	2 acres	125'	200'	35%	35'	25'	50'	35'	-
		Cemetery	2 acres	125'	200'	-	35'	25'	25'	35'	+ 1 per facility
		Communication antenna or tower	2 acres	125'	200'	-	1.5 times the height of tower			200'	+ 1 per facility
		Public or private utility	1 acre	125'	200'	-	50'	35'	35'	35'	+ 1 per facility

Village of Rensselaer Falls  
Appendix B - Zoning Schedule

Zoning District	Permitted Uses	Uses Requiring Site Plan Review	Minimum Lot Size			Maximum Lot Coverage	Minimum Yard Setback			Maximum Height	Onsite Parking (spaces)
			Area	Width	Depth		Front	Side	Rear		
Commercial - C	Commercial business	Funeral home Motor vehicle sales or service Membership club or organization Bar or tavern	12,500	100'	125'	35%	10'	5'	35'	35'	-
	Professional office or service		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Artist Studio		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Municipal building, government service and emergency service		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Laundromat		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Restaurant		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Arcade		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Mixed-use		12,500	100'	125'	35%	10'	5'	35'	35'	-
	One and two family dwelling		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Multiple family dwelling		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Solar energy installation		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Accessory use or structure		12,501	100'	125'	35%	10'	5'	35'	35'	-
	Funeral home		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Motor vehicle sales or service		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Membership club or organization		12,500	100'	125'	35%	10'	5'	35'	35'	-
	Bar or tavern		12,500	100'	125'	35%	10'	5'	35'	35'	-

Village of Rensselaer Falls  
Appendix B - Zoning Schedule

Zoning District	Permitted Uses	Uses Requiring Site Plan Review	Minimum Lot Size			Maximum Lot Coverage (percent)	Minimum Yard Setback (feet)			Maximum Height (feet)	Onsite Parking (spaces)
			Area (square feet)	Width (feet)	Depth (feet)		Front	Side	Rear		
Open Space - O	Public park, playground and associated equipment		1 acre	125'	200'	-	10'	10'	10'	-	1 space per 10,000 sq. ft.
	Athletic Facility		2 acres	125'	200'	35%	35'	25'	50'	35'	1 space per 750 sq. ft. of public assembly
	Outdoor recreational facility		-	-	-	-	15'	10'	10'	-	1 space per 10,000 sq. ft.
	Associated Accessory Structure and Furniture		-	-	-	-	10'	10'	10'	-	-
		Municipal Building	1 acre	125'	200'	35%	35'	25'	50'	35'	1 space per employee during largest shift + 1 space per 4 seats
		Community Center	1 acre	125'	200'	35%	35'	25'	50'	35'	1 per 250 sq. ft. of public assembly

## **Appendix C**

### **Planting Guidelines for Trees within 25' of Above Ground Utility Lines**

**Find Your Plant Hardiness Zone**

Enter ZIP Code:

**Zone 4b : -25 to -20 (F)**

**View Your State Map**

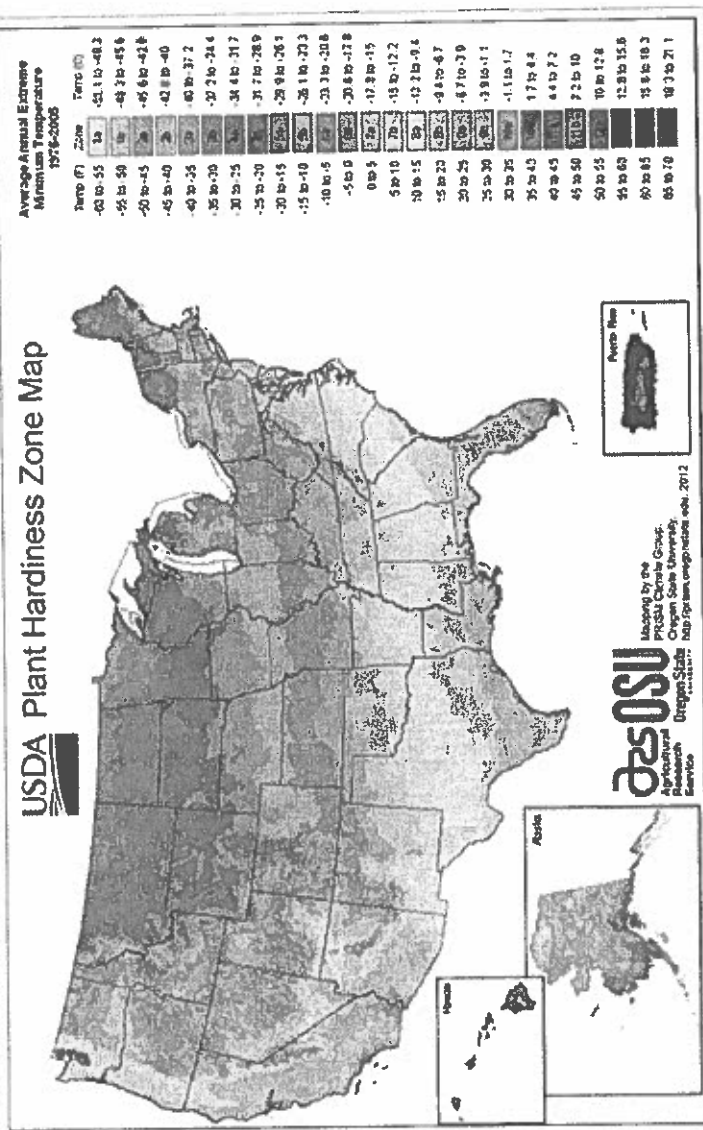
For a static map of your state, click on the map below or

**USDA Plant Hardiness Zone Map**

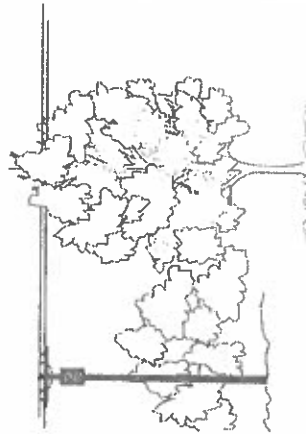
The 2012 USDA Plant Hardiness Zone Map is the standard by which gardeners and growers can determine which plants are most likely to thrive at a location. The map is based on the average annual minimum winter temperature, divided into 10-degree F zones.

For the first time, the map is available as an interactive GIS-based map, for which a broadband Internet connection is recommended, and as static images for those with slower Internet access. Users may also simply type in a ZIP Code and find the hardiness zone for that area.

No posters of the USDA Plant Hardiness Zone Map have been printed. But state, regional, and national images of the map can be downloaded and printed in a variety of sizes and resolutions.

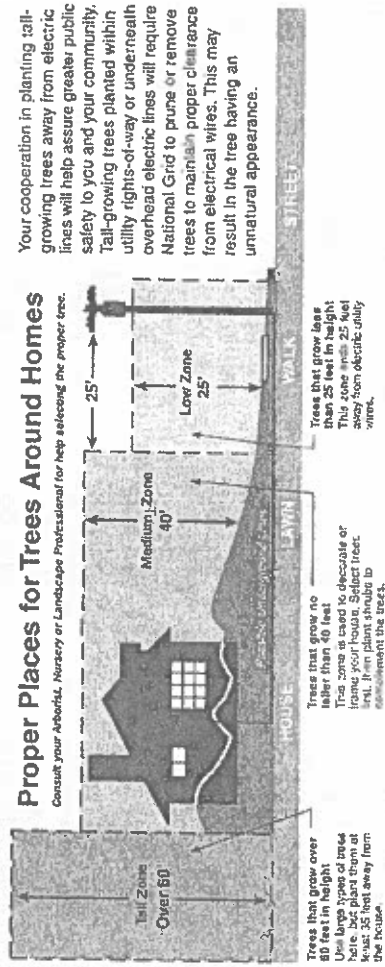


# How to avoid tree & utility line conflicts when selecting and planting trees



Determining where to plant a tree is a decision that should not be taken lightly. Many factors need to be considered prior to planting. Before planting, make sure to consider the tree's full growth potential to see how the location of the tree will affect any overhead or underground utility lines and rights-of-way. The ultimate mature height of the tree to be planted must be within the available overhead growing space. Proper tree species selection and placement will assure the avoidance of utility line conflicts in the future.

To assist you in making a decision on what type of low-growing tree species to choose, where to place it to avoid potential conflicts and how to plant it properly, National Grid is providing this fact sheet for your use. This will help assure the tree you plant will not only add beauty to your home, your community and benefits the environment, but also contributes to future electric service reliability by avoiding overhead and/or buried lines.

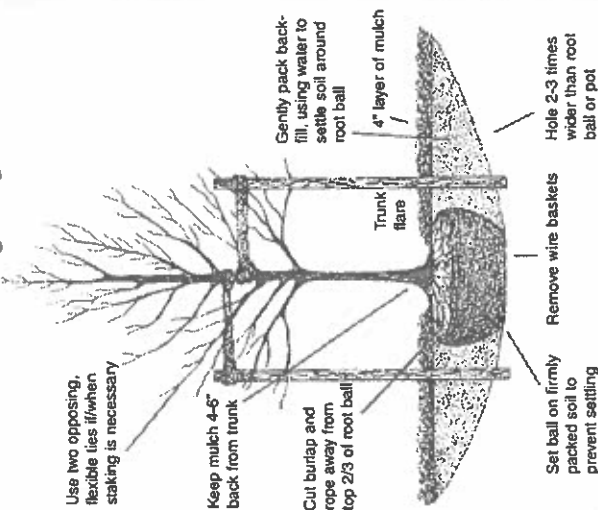


**nationalgrid**

The power of action.

# Correct planting instructions

Tree Planting Diagram



1. Dig a shallow hole, 2-3 times wider than the width of the ball/pot, but no deeper than the depth of the ball/pot.
2. Lift and set the tree carefully into the center of the hole on firm soil. Be sure the top of the trunk flare at the base of the tree is even with grade level, or even 1-2" higher to allow for possible settling. Carefully pull back some soil from the base of the tree to assure the trunk flare and upper layer of roots have not been covered with excess soil. Remove any excess soil back to the original soil level across the top of the ball or pot and raise the ball or pot to the proper level by adding soil to the bottom of the hole.
3. Straighten the tree and back fill the hole 1/3 of the way. Remove all rope or twine from the base of the tree and top of the root ball; cut and remove the upper 2/3 of the burlap and remove the wire basket. Be sure to remove all plastic/nylon twine and synthetic burlap as this material will not rot away and may strangle tree roots. Plastic pots need to be removed completely while peat pots need only be sliced down the sides. Carefully loosen the outer roots from potted containers.
4. Backfill and pack the soil firmly and uniformly in layers around the hole, watering as you go to settle the soil. It is not necessary to amend the soil or add fertilizers at this time. Use the excess soil to create an earthen berm

(low earth wall) around the ball on the surface just past the root ball to help retain water. Apply a 2-4" layer mulch to the entire area under the tree to help maintain moisture, keeping the mulch 4-6" from the base of the tree.

5. Stake the tree for support, only if absolutely necessary, and do so with 2-3 stakes and wide, soft, loose ties which will allow the tree to move with the wind encouraging faster establishment. Water the tree as needed once the upper soil surface has dried well into the Fall. Do NOT cut the main central leader; prune only dead or damaged limbs; do NOT apply tree paints.

For more information, call our Distribution Forestry Department at 315-428-5987, or visit [www.nationalgridus.com](http://www.nationalgridus.com).

## Before You Dig

### Upstate NY

#### Dig Safely

811 or 1-800-962-7962

[www.digsafelynewyork.com](http://www.digsafelynewyork.com)

at least two working days prior to excavation

### Massachusetts and New Hampshire

811 or 1-888-344-7233

[www.digsafe.com](http://www.digsafe.com)

72 hours (except weekends and holidays)

### Rhode Island

811 or 1-888-344-7233

48 hours (except weekends and holidays)



# Recommended Small Trees For Planting Under Low Overhead Utility Lines or Confined Spaces

Urban Trees Recommended for USDA Planting Zones 6 and Below

Common name	Scientific name	Zone	Mature Height**	Crown Shape	Comments
Trident Maple	<i>Acer buergerianum</i>	6a	20'-25'	round	variable Fall color (yellow-red), low branched, will require pruning for street tree use
	var. 'Street Wise'	6a	20'-25'	oval	can be trained to single stem; burgundy Fall color
Hedge Maple (CU-SS)	<i>Acer campestre</i>	5b	20'-35'	round	adapted to compaction, will sustain severe pruning; several new cultivars available
	var. 'Queen Elizabeth'	5b	20'-35'	upright oval	vigorous grower
	var. 'Schichtel's Upright'	5b	20'-35'	narrow oval	narrower crown form
	var. 'St. Gregory'	5b	20'-35'	upright oval	strong central leader, smooth bark
Amur Maple	<i>Acer tartaricum</i> ssp. <i>Ginnala</i>	3a	15'-25'	rounded	often multi-stemmed, but can be trained/specified for single stem; variable Fall color
	var. 'Betzam', aka 'Beethoven'	3a	15'-25'	narrow upright	10'-15' wide crown, deep hunter green leaves; red samaras (seeds); gold-red Fall color
	var. 'Embers'	3a	15'-25'	rounded	red seeds, red Fall color
	var. 'Flame'	2	15'-25'	rounded	seed grown, variable form; can be trained to qualify low branched/multi-stem tree
	var. 'Mozart', aka 'Mozart'	2	15'-25'	pyramidal	symmetrical form; strong central leader; red Fall color
Tartarian Maple	<i>Acer tartaricum</i>	3	15'-25'	rounded	multi-stemmed, irregular, but can be trained/specified for single stem; variable Fall color
	var. 'Hotwings'	3	15'-25'	rounded	scarlet-red fruit in Summer
	var. 'Pattern Perfect'	3	15'-25'	rounded	persistent bright-red fruit in Summer; red-orange Fall color
	var. 'Rugged Charm'	3	15'-25'	oval	red fruit in Summer; drought tolerant
Shantung/Painted Maple (CU-SS)	<i>Acer truncatum</i>	5a	25'-35'	round	spring color purplish-red changing to green
	var. 'Kiefferform', aka 'Norwegian Sunset'	5	25'-35'	upright oval	yellow/orange Fall color; more drought tolerant than Norway Maple
	var. 'Warrenred', aka 'Pacific Sunset'	5	25'-35'	rounded upright	bright yellow/orange early Fall color; finer branched
Serviceberry	<i>Amelanchier</i> spp.	3b-4	20'-30'	oval	edible fruit, early white flowers, red to yellow Fall color
	var. 'Autumn Brilliance'			oval	heavy flowering, bright red-orange Fall color, excellent heat/drought tolerance
	var. 'Cole's Select'			narrow	15' wide crown; glossier, smaller green leaves; orange-red to red Fall color
	var. 'Cumnulus'			narrow	12'-18" wide crown; faster growing, yellow to orange-scarlet Fall color; may root sucker
	var. 'Forest Prince'			oval	heavy flowering; leathery dark green foliage; orange-red Fall color
	var. 'Lustre' aka 'Rogers'			upright open	flower clusters droop; leaves emerge purplish-bronze, yellow to red Fall color
	var. 'Princess Diana'			oval	bright red, long lasting Fall color; (difficult to find in tree form)
	var. 'Robin Hill'			narrow	12'-15" wide crown; heavy flowering, pink buds, early bloomer, bronze lined leaves
	var. 'Snowbud'			narrow	15' wide, open crown; blue-green leaves in Summer, copper-orange to scarlet in Fall
	var. 'JFS-Arb', aka 'Spring Flurry'	35'		upright oval	strong central leader; green Summer foliage; orange Fall color
	var. 'Spirzam', aka 'Spring Glory'	10'-15'		very narrow	8-10' wide crown; grey-green leaves in Summer, amber-orange Fall color
	var. 'Trazam', aka 'Tradition'			oval	good branching, strong center leader, heavy fruiting; grey-green foliage
American Hornbeam	<i>Carpinus caroliniana</i>	3b	30'	round	"muscle" bark, good orange-red Fall color; slow to establish; difficult to transplant
Eastern Redbud (CU-SS)	<i>Cercis canadensis</i>	4a-5b	20'-30'	open, spreading	edible, pink, very early Spring flowers; typically multi-stemmed; heart shape leaves
	var. 'Appalachian Red'	5b		open, spreading	typically smaller, slower growth; red-purple Spring leaves, bronze Summer foliage
	var. 'Forest Pansy'	5b-6		open, spreading	more cold hearty; limited availability
	var. 'Northern or Minnesota Strain'			open, spreading	faster growth rate; white flowers; lighter green foliage
	var. 'Whitebud'			round - oval	multi-stemmed; showy early small yellow flowers; heavy fruiting (fruit may be a nuisance)
Cornellcherry Dogwood (CU-SS)	<i>Cornus mas</i>	4	20'	round - oval	larger fruit; red-purple Fall color
	var. 'Golden Glory'			narrow upright	low branching, multi-stemmed tree; 6-10' light, puffy, pyramidal Spring flower; color variable
American Smoketree	<i>Cotinus obovatus</i>	5a	20'-30'	oval-round	white flowers, bright red persistent fruit
Thornless Cockspur Hawthorn (CU-SS)	<i>Crataegus crus-galli</i> var. <i>inermis</i>	4a	20'-25'	round	faster growing; 12-15' wide, reportedly disease resistant
	var. 'Cuzam', aka 'Crusader'	5		round	white flowers; thorny, reddish-purple Fall color; insect & disease prone; 'usually' multi-stem
Washington Hawthorn (CU-SS)	<i>Crataegus phaenopyrum</i>	4a	20'-30'	round	faster growing; almost thornless; relatively pest free
	var. 'Presidential', aka 'Prezan'			upright	faster growing; fewer thorns
	var. 'Lustre'			oval	faster growing, lower thorns
	var. 'Washington Lustre', aka 'Westwood 1'			oval	faster growing; early blooms
Winter King Hawthorn (CU-SS)	<i>Crataegus viridis</i> var. 'Winter King'	4-5a	20'-30'	oval	thorny, white flowers, purple and scarlet Fall color, fruit persists
Imperial Thornless Honeylocust (CU-SS)	<i>Gleditsia tricanthos</i> var. <i>inermis</i> 'Impole'	4a	30'-35'	broad round	open, spreading form; good branch angles; small leaves; yellow Fall color
Goldenrainree (CU-SS)	<i>Koelreuteria paniculata</i>	5b	30'-40'	irreg. rounded	pest free; 12' pyramidal, mid-Summer, yellow flower clusters
Amur Maackia (CU-SS)	<i>Maackia amurensis</i>	4a	20'-30'	rounded upright	4-6' long white pedicled flower clusters; grey-green leaves turn to olive green; pest free
Flowering Crabapple (CU-SS)	<i>Malus</i> spp.	3-4			various cultivars (some may be disease resistant)
	var. 'Adams'	4a	20'	round	buds deep pink, flowers deep pink, proluse

# Appendix C - Tree Planting Guidelines

Recommended Small Trees For Planting Under Low Overhead Utility Lines or Confined Spaces cont.

Common name	Scientific name	Zone	Mature Height**	Crown Shape	Comments
Flowering Crabapple (CU-SS)	var. 'Adirondack'	4	18'	vase	bright red fruit 1/2" diameter, dark green leafy leaves
	var. 'American Salute'	4	18'	upright oval	rose-red flower, cherry red 3/8" fruit; maroon-red foliage
	var. 'American Spirit'	4	18'	round	deep rose flower, persistent red 1/2" fruit
	var. 'American Triumph'	4	20'	upright columnar	dark red single flower, dark burgundy-red fruit; reddish-purple leaves
	beccata, var. 'Jekyll'	3a	20'	round	flowers are white fragrant and early, fruit is deep red-purple
	var. 'Cardinal'	4	16'	broad spread	flowers bright pink-red purple, fruit deep dark red, leaves deep glossy purple-red
	var. 'Centurion'	4	20'	narrow oval	flowers rose red, bright red persistent 5/8" diameter fruit, leaves reddish
	var. 'Dolgo'	3b	30'	oval	flowers white, fruit bright red, edible 1 1/2" in diameter, leaves glossy green
	var. 'Donald Wyman'	4	20'	round	flowers white, abundant, fruit glossy bright red, abundant
	var. 'Doublebloss'	4	18'	dense oval	flowers white, double fruit bright lemon-yellow, abundant
	floribunda	4b	20'	round	flowers pink-red 1 1/2" diameter, fruit dark red, leaves reddish
	var. 'Lisel'	4a	15'	columnar	flowers pink-red 1 1/2" diameter, persistent fruit, green leaf
	var. 'Ornison Roy'	4a	20'	oval - round	pink-rose bud, white flower, yellow 3/8" diameter persistent fruit, green leaf
	var. 'Prairiefire'	4	20'	oval - round	crimson bud, pink-red flower, orange-red persistent 1/2" fruit, leaves age to red-green
	var. 'Professor Sprenger'	4	20'	oval - round	pink bud, white fragrant flower, orange-red persistent 1/2" diameter fruit, green leaf
	var. 'Purple Prince'	4	20'	round	crimson bud, rose red flower, persistent maroon 3/8" fruit, purple-bronze leaf
	var. 'Red Jewel'	4	15'	oval	pink-white bud, white flower, persistent bright red 1/2" diameter fruit, green leaf
	var. 'Robinson'	4	25'	oval	crimson bud, deep pink flower, dark glossy red 3/8" fruit, red aging to bronze leaf
	var. 'Royal Raindrops'	4	20'	upright spread	pink bud, bright pinkish flower, persistent red 1/4" fruit, purple cut-leaf, orange-red Fall
	var. 'Sentinel'	4	18'	narrow oval	red buds, white-pink flower, persistent bright red 1/2" fruit, dark green glossy leaf
	var. 'Strawberry Parfait'	4	18'	vase	red buds, large pink flower, yellow 3/8" fruit, red aging to green leaf
	var. 'Sugarbyme'	4	18'	oval	pink bud, white fragrant flower, red persistent 1/2" diameter fruit, green leaf
	x zumi 'Calocarpa'	4a	20'	round	bright red, persistent 3/8" diameter, leaves large green, dense canopy
Persian Parrotia (CU-SS)	Parrotia persica	5	20'-30'	pyra-round	relatively pest free; red-purple new foliage to green in Summer, yellow-red in Fall
	var. 'Ruby Vase'	4	20'	upright-vase	narrower than species; foliage emerges ruby red in Spring, persisting through Fall
Accolade Flowering Cherry	Prunus serotina x subhirtella	5a	20'-25'	round-vase	white flowers, foliage green aging to yellow-red in Fall; fruit is 1/4" blue-black
Snow Goose Cherry	Prunus 'Snow Goose'	5	20'-25'	upright	leaves emerge with purple tint, silvery green through Summer, red-purple in Fall
Edgewood Callery Pear (CU-SS)	P. calleryana x P. betulaefolia 'Edgedell'	4	30'	round	glossy green to gold-red leaves in Fall; 1/2" yellow-green fruit
Jack Callery Pear (CU-SS)	Prunus calleryana 'Jazzam'	4	15'-20'	oval; dense	olive green to gold leaves in Fall; 1/2" yellow-green fruit
Jill Callery Pear (CU-SS)	Prunus calleryana 'Jizani'	4	15'-20'	round	glossy, hunter green to crimson red leaves in Fall; 1/4" tan fruit
Valiant Callery Pear (CU-SS)	Prunus calleryana 'Valzam'	4	25'-30'	upright-pyram.	reddish-orange leaves in Fall; leaves drop earlier than P. calleryana
Korean Sun Pear (CU-SS)	Prunus fauriei 'Westwood'	4	15'-20'	round	large, showy white clustered flowers; 1"-1 1/2" green-yellow fruit (if cross pollinated)
Prairie Gem Ussurian Pear (CU-SS)	Prunus ussuriensis 'Mordek'	3	20'-25'	oval - round	late Spring flowering (possibly flowerless); spineless; medium to blue-green leaves
Globe Black Locust (CU-SS)	Robinia pseudacacia 'Globe' (or 'Inermis')	4	20'	round; dense	late Spring flowering; essentially spineless; medium to blue-green leaves; central leader
Bessontiana Black Locust (CU-SS)	Robinia pseudacacia 'Bessontiana'	4	30'	oval	late Spring flowering; essentially spineless; medium to blue-green leaves; central leader
Swedish Mountain Ash (CU-SS)	Sorbus intermedia	5b-6a	25'-35'	round	green upper leaf/grayish white undersides; orange-red Fall color
Columnar Oakleaf Mountain Ash (CU-SS)	Sorbus thuringiaca	3b	25'-35'	oval-pyram.	dark green upper leaf/whitish undersides; rusty orange-yellow Fall color
	var. 'Fastigiala'	3b	25'-35'	narrow pyram.	more narrow pyramidal crown form
Japanese Tree Lilac (CU-SS)	Syringia reticulata	3a	20'-25'	oval	large cream colored flowers in late June; good for use in large containers
	var. 'China Snow'	3a	20'-25'	upright	dense; compact; heavy flowering; fast growing; cherry-like bark
	var. 'Summer Snow'	3a	20'-25'	round	glossy leaves; heavy flowering
	var. 'Regent'	3a	20'-25'	upright	glossy leaves; heavy pure white flower producer
Peking Lilac	Syringia pekinensis	4	20'	upright spread	primrose-yellow flowers; cinnamon colored bark
	var. 'Beijing Gold'	4	30' +	upright rounded	showy cinnamon colored exfoliating bark
	var. 'China Snow'	4	15'-20'	narrow pyram.	may grow slower than the species; fragrant, mid-Summer flowers (attracts bees)
Summer Spire Littleleaf Linden (CU-SS)	Tilia cordata 'Halka'	4	35'	broad vase	exfoliating bark; less likely than species to have poor branch structure; Elm-like appearance
Wireless Japanese Zelkova (CU-SS)	Zelkova serrata 'Schmidtlow'	5	20'	oval to vase	as above, smaller in form; red Fall foliage
	var. 'City Spire'	5	20'	oval to vase	

\*Trees over 30 feet in mature height should be planted at least 25' away from the edge of overhead wires; trees over 25 feet high that are planted directly under electric lines may require minor pruning to avoid conflicts with overhead primary electric lines in the future.

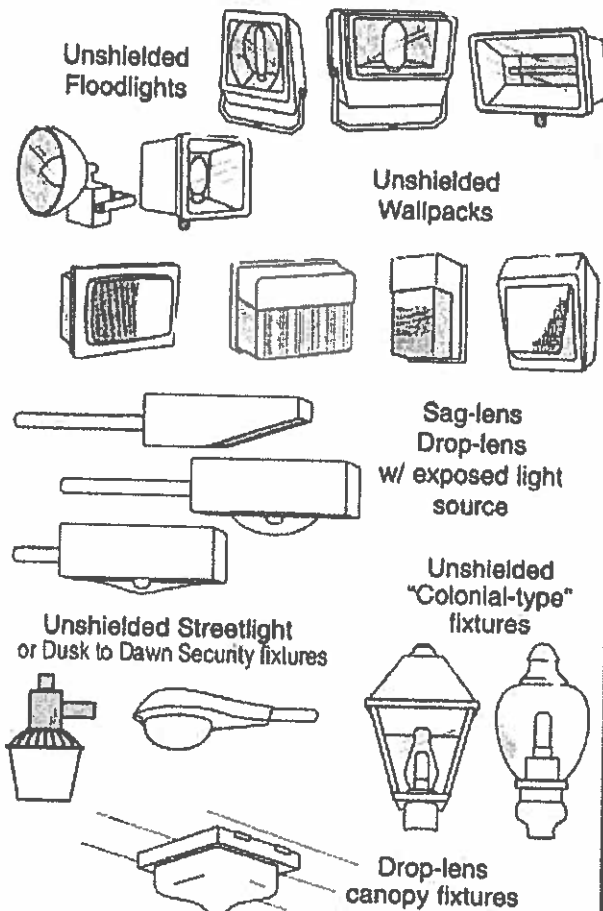
(CU-SS = Trees suitable for planting in Cornell University Structural Soil mix)

Tree list summarized from RECOMMENDED URBAN TREES; SITE ASSESSMENT AND TREE SELECTION FOR STRESS TOLERANCE; 2009 (revised)

Urban Horticulture Institute, Dr. Nina Bassuk, Deanna Curtis, B.Z. Marranta & Barb Neal; Cornell University, 134-A Plant Science Bldg., Ithaca, NY 14853 nrb2@cornell.edu; urbanhort@cornell.edu

## UNSHIELDED FIXTURES

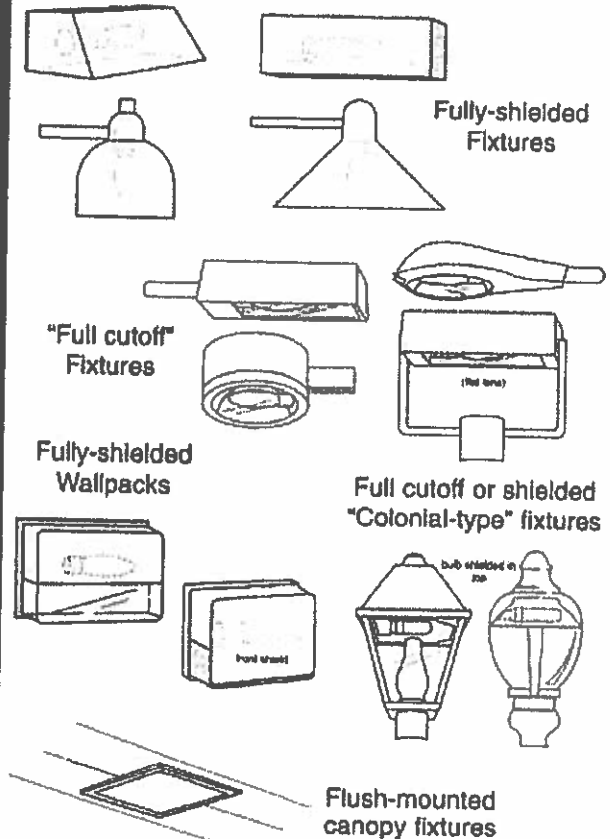
### Unacceptable / Discouraged Fixtures that produce glare and light trespass



## Full Cutoff and Fully Shielded Fixtures

### Acceptable

Fixtures that shield the light source, to reduce glare and light trespass and to facilitate better vision at night.



Diagrams courtesy of Bob Crelin

\*\*\*\*\*Ask your local electrical suppliers for "full-cut off" or "fully shielded" light fixtures. Once you have selected fixtures which are compatible with your architecture and community, contact the manufacturer's representative to see a sample of the fixture(s) and to ask for a free lighting plan. If you have a CAD file, the plan can be easily provided in a short period of time. \*\*\*\*\*

Most lighting manufacturers have Application Departments which will execute free lighting plans to meet local lighting codes.

See this website for links to manufacturers:

<http://www.darksky.org/mc/page.do?sitePageId=56422&orgId=idsa>

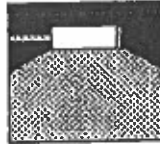
Sample of Web retailers:

[www.starrynightlights.com](http://www.starrynightlights.com) and [www.greenearthlighting.com](http://www.greenearthlighting.com)

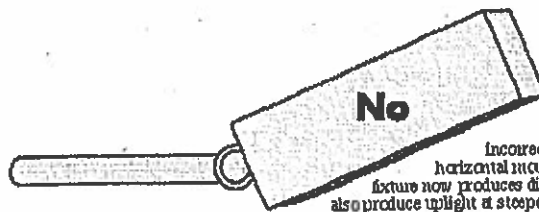
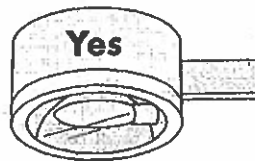
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International Dark-Sky Association -- Information Sheet 143

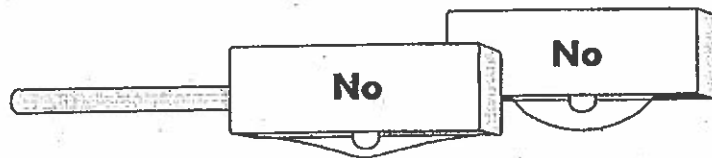
## What is a True "Full Cutoff" Outdoor Lighting Fixture?



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.



Same fixture as above mounted incorrectly -- defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "Cutoff". Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

## Appendix D - Examples of Dark Sky Compliant Light Fixtures

Information Sheet 143 (October 1998)

<http://www.darksky.org/resources/information-sheets/is143.html>



Forward-Throw Style. Exposed bulb in the forward direction produces some direct glare.

*Produced by Bob Crelin*

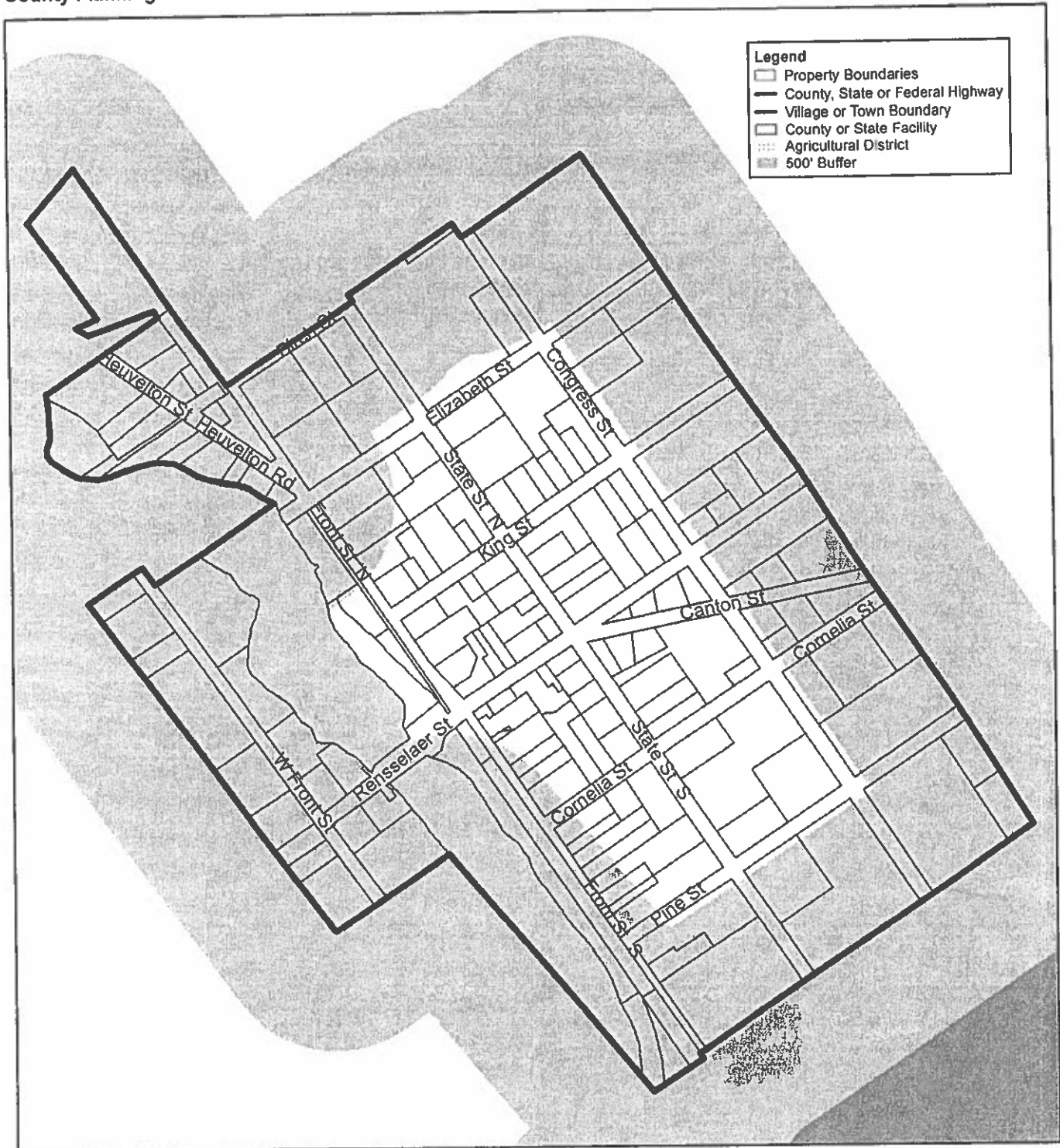
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# Appendix E - St. Lawrence County Planning Board Project Referral Map

Locations in Village of Rensselaer Falls  
Requiring Project Referral to  
County Planning Board - 2012



Referral required if project is located within 500' of:

- 1) A county, village or town boundary
- 2) Existing or proposed county or state park or other recreation area
- 3) Existing or proposed county or state road or right of way
- 4) Existing or proposed right of way of any county stream or drainage channel
- 5) County or state owned land that contains a public facility; or
- 6) The boundary of a farm operation in an agricultural district

