

Proposed Revisions to New Lebanon's Zoning Code Following Town Board & ZRC Meetings

DEFINITIONS (205-18) (all the definitions below are new, except as indicated)

BANNER or FLAG

Piece of cloth or similar material bearing a symbol, logo, slogan or other message, usually in a square or rectangular shape.

COMMERCIAL/SPECIAL PURPOSE VEHICLE

Any truck or van used in connection with operating a business.

HOME-BASED BUSINESS

A business or profession conducted primarily outside the dwelling unit by one or more members of the family residing therein who conduct various administrative aspects of the business or profession that are clearly incidental to the principal use of the lot for residential purposes. In particular, a home-based business includes, but is not limited to, landscaper, plumbing and electrical contractors, or similar professional/artisan.

HOME OCCUPATION (revised)

A profession or other occupation conducted within a dwelling unit by one or more members of the family residing therein and clearly incidental to the principal use of the lot for residential purposes. In particular, a home occupation includes, but is not limited to, art studios, dressmaking, teaching, with ~~musical or dancing~~ instruction limited to a single pupil at a time, offices of a clergyman, lawyer, landscape architect, physician, dentist, architect, engineer, optician, realtor, accountant, ~~plumbing and electrical contractors~~, barbershop, beauty parlor, or similar use, but shall not include animal hospital or dog kennels, automotive repair service, restaurant, clinic or hospital or similar use. ~~Home occupations fall into one of three categories: HO1, HO2 or HO3.~~

Delete the definitions for Home Occupation 1 and Home Occupation 2 and 3. Move definitional content for HO1 to 205-13E(9) – see below

MULTI-BUSINESS COMPLEX, SHOPPING CENTER, MALL

A physical structure or series of connected structures that contains four or more businesses that are owned separately.

POND

A body of water that is excavated with a depth of three (3) feet or more below surrounding ground elevation. It can be fed by surface run-off, underground springs, or a stream not regulated by the state Department of Environmental Conservation, and may have an earthen dam.

SIGN (revised)

Any device, including but not limited to letters, words, numbers, figures, emblems, logos, pictures or any combination of these, *located out of doors or outside or on the exterior of any*

building, or affixed to the inside or outside of glass windows and doors, used for visual communication intended to attract the attention of the public and visible to the public right of way and/or other properties. The term sign shall not include any official traffic signs or signals.

SIGN, ANIMATED

A sign or any portion thereof having movement effected by mechanical or natural means, including, but not limited to, blinking, flashing and general intermittent light, as opposed to light of a constant intensity and value. All time and/or temperature devices shall not be considered animated.

SIGN, FEATHER FLAG, TEAR DROP FLAG AND BLADE FLAG

A freestanding sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft and which is typically shaped as a feather, tear drop or blade.

SIGN, FREESTANDING

Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground.

SIGN, ILLUMINATED

Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of a sign.

SIGNS, NUMBERS AND SURFACE AREA

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

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

(3) Notwithstanding what is contained in subsection (1) of this definition, a freestanding sign or a projecting sign that is perpendicular to the road or walkway may contain identical content on both sides so as to permit observation of its messaging from either direction.

SIGN, PORTABLE

A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign, including sidewalk signs.

SIGN, TEMPORARY

A sign that is not permanently affixed to a building or the ground, displayed for a limited period of time.

SIGN, WALL

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

SIGN, WINDOW OR DOOR

Any sign visible from a sidewalk, street, parking area or driveway or other public space, that is painted or affixed to the inside or outside of glass or other material.

Zoning Code Changes related to fences:

205-7 B -- delete precatory language in subsection (4)(b)[3] as follows:

(4)(b)[3] ~~No minimum distance shall be required between a fence, freestanding wall or hedge and a lot line; however, [I]t is required that any fence . . .~~

205-7 B – add a new subsection (4)(d)[4] and renumber the current [4] to [5] as follows:

(4)(d)[4] All fencing that has a discernable finished side must be installed so the finished side faces to the exterior of the lot center.

Zoning Code Changes related to ponds:

205-8 B -- re-title subdivision as follows:

B. Water recreation, and water storage and ponds.

-- revise B. (2) as follows:

(2) Plans for the drainage of a facility, where applicable, shall be adequate to assure that there will not be interference with the public or private water supply system, ~~or sanitary facilities or surrounding properties.~~

– add new subsections (4)–(6) as follows:

(4) All ponds that exceed a depth of three (3) feet must have a permit issued by the Land Use Office for review and approval of the design, setbacks, confirm orientation to streams or wetlands and to determine whether it is necessary to involve the state Department of Environmental Conservation and/or Army Corps of Engineers.

(5) All ponds built under this section must have an erosion proof spillway and an outlet pipe.

(6) A permit is not required to maintain an existing pond unless such maintenance involves the removal of material that will be deposited in a wetland or stream or if surface water will be diverted in order to complete the maintenance.

Zoning Code Changes related to home occupation and creation of a new “home business” use:

Revise 205-13E(9) by adding a new subsection (a) to address HO1 and by making other technical changes as follows:

205-13E

(9) Home occupation/~~home professional office~~. There are three levels *categories* of home occupation: HO1, HO2, and HO3. ~~HO2 and HO3 are defined and controlled as follows:~~

(a) HO1 (Category 1) is a "zero impact" use and is ~~allowed~~ *a permitted use* in all districts in which residential uses are allowed. This category is designated for those occupations that make no impact on the neighborhood, so that there is no external evidence of the occupation. All of the following requirements must be met:

(1) No signs are allowed, except as permitted by section 205-17B(9) of this chapter;-

(2) No increase in traffic-

(3) ~~No commercial/special purpose vehicles will be on the property;~~ *May have one specialized vehicle, not to exceed one and a half (1 1/2) tons capacity or 24 feet in length, on the premises, if properly screened from view from the street and adjoining properties or stored under cover; and*

(4) No nonresidents of the property shall be employed.

~~(a)~~(b) HO2 (Category 2) is a "minimal impact" use and is allowed with a nontransferable ~~home occupation~~ *special use* permit issued by the Zoning Board of Appeals. No exterior aspects of the home occupation shall disrupt the residential character of the area. The Zoning Board of Appeals (ZBA) may place some restrictions on the operation of an HO2. This category is limited to a use which meets all of the following conditions:

[1] Is carried on totally within the confines of the buildings.

[2] Is carried on by a resident(s) of the property and not more than two nonresident persons.

[3] Has no exterior storage of material or exterior variations from the residential character of the neighborhood.

[4] Produces no unusual appearance, noise, vibration, smoke, dust, odors, heat, glare or electrical disturbances that would exceed those normally produced by a residence.

[5] Does not substantially increase traffic in the neighborhood.

[6] May have one specialized vehicle on the premises, ~~if provided it is properly screened from view from the street and adjoining properties~~ or stored under cover.

[6a] *If the commercial/special purpose vehicle permitted by subdivision (6) is in excess of one and a half (1 1/2) tons capacity or 24 feet in length such vehicle shall be stored in an enclosed structure within the principal or an accessory building or on the rear portion of the lot and properly screened from view from the street and adjoining properties.*

(7) *No signs are allowed, except as permitted by section 205-17B(9) of this chapter.*

(b)(c) HO3 (Category 3) is an "acceptable impact" use. This category requires a one-year renewable ~~home-occupation~~ *special use* permit with conditions for use of the property *and is also subject to site plan review*. This nontransferable permit is designed for home occupations that have the possibility of generating some noise or traffic or *be of being* somewhat intrusive to the present character of the neighborhood. This category may have special restrictions placed on it by the *Planning Board*. If the Board, in its judgment, finds that unrestricted operation of the HO3 could appreciably alter the character of the neighborhood, the permit will be subject to *denial or revocation* should those limits be exceeded.

[1] This category is restricted to a use that meets the following conditions:

[a] Is carried on primarily within the confines of the buildings, but may make some minor use of outside space.

[b] Is carried on by a resident(s) of the property and not more than three nonresident employees.

[c] (i) May store ~~more than one~~ *two* specialized vehicle, provided they are screened from view from the street and adjoining properties or stored under cover.

li If one of the commercial/special purpose vehicles permitted by subdivision (c) (i) is in excess of one and a half (1 1/2) tons capacity or 24 feet in length such vehicle shall be stored in an enclosed structure within the principal or an accessory building or on the rear portion of the lot and properly screened from view from the street and adjoining properties.

[d] Produces no substantial offensive appearance, noise vibration, smoke, dust, odors, heat, glare or electrical disturbances beyond that produced by a normal residence. The ~~ZBA~~ *Planning Board* may place restrictions on specific materials and quantities.

[e] Does not cause a major increase in neighborhood traffic.

[f] Has sufficient off-street parking for customers/clients.

[g] No signs are allowed, except as permitted by section 205-17B(9) of this chapter-

[2] The special use permit will be for a period of one year, extendable annually. For extension the resident will make an application to the Zoning Enforcement Officer. The Zoning Enforcement Officer will ascertain (by inspection) that all conditions (general and specific) of the permit are being met. If conformance is determined, or is being established during a one-week extension period, following notification of the resident by the Zoning Enforcement Officer, then the Zoning Enforcement Officer will renew the special permit for another year.

Add a new 205-13E(16)

205-13E

(16) Home-Based Business. The use of a portion of a primary or accessory building by a resident(s) of the premises who is a carpenter, painter, plumber, electrician, mason, tree surgeon, landscape gardener or similar artisan, for incidental work of an administrative nature in connection with an off-premises occupation, is an “acceptable impact” use that requires a one-year renewable special use permit with conditions for use of the property and is also subject to site plan review. If in its review of an application, the Planning Board, in its judgment, finds that unrestricted operation of the home-based business could appreciably alter the character of the neighborhood, the permit will be subject to denial or revocation.

(a) Home-based businesses must meet the following conditions:

- (1) Is conducted by a resident(s) of the property and not more than two nonresident employees.
- (2) Storage of no more than six commercial/special purpose vehicles is permitted provided any in excess of two are screened or under cover.
- (3) If one of the commercial/special purpose vehicles permitted by subdivision (2) is in excess of one and a half (1 1/2) tons capacity or 24 feet in length such vehicle shall be stored in an enclosed structure within the principal or an accessory building or on the rear portion of the lot and properly screened from view from the street and adjoining properties.
- (4) Storage of materials or other equipment shall be within the principal or an accessory building or on the rear portion of the lot and properly screened from view from the street and adjoining properties. The Planning Board may place restrictions on specific materials and quantities.
- (5) Produces no substantial offensive appearance, noise vibration, smoke, dust, odors, heat, glare or electrical disturbances beyond that produced by a normal residence.
- (6) Does not cause a major increase in neighborhood traffic.
- (7) Has sufficient off-street parking for employees or customers/clients.\
- (8) Only signs permitted under 205-17B(9) are permitted.

[b] The special use permit will be for a period of one year, extendable annually. For extension the resident will make an application to the Zoning Enforcement Officer. The Zoning Enforcement Officer will ascertain (by inspection) that all conditions (general and specific) of the permit are being met. If conformance is determined, or is being established during a one-week extension period, following notification of the resident by the Zoning Enforcement Officer, then the Zoning Enforcement Officer will renew the special permit for another year.

Proposed changes to 205 Attachment 2 (Use Table)

Extend the Use designation P, SP, SP/SPR respectively for HO1, HO2 and HO3 to Commercial-Industrial. Delete the P for HO1 from Commercial-Recreational. Create new use – Home Based Business – **SP/SPR** in all zones, except Commercial-Recreational

Chapter 205.17: Signs and Posters – replace existing section with the following:

A. Intent and Purpose. The intent of this section is to promote and protect the public health, safety and welfare of the residents of the town by regulation of signage.

B. Rules and Regulations.

(1) All exterior signs and posters must be constructed of durable materials, shall be lettered in a professional and workmanlike manner and shall be maintained in good condition and repair at all times. Exterior signs and posters made of cardboard, paper or similar non-permanent material are prohibited except for temporary signs.

(2) All illuminated signs shall be constructed such that all transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.

(3) All signs and their structures shall be securely anchored and constructed to prevent lateral movement that would cause wear on supporting connections.

(4) Signs and their structures must be kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring and loose fastenings. Signs and their structures must be maintained at all times in such a safe condition as not to be detrimental to the public health or safety.

(5) No sign shall be placed in or projected onto the public right-of-way or placed so as to impair visibility for motorists. Signs shall not project over adjoining property lines.

(6) Wall signs shall not extend above the roof or parapet of the building, shall not extend beyond the ends or over the top of the walls to which attached and shall not extend more than nine inches from the face of the buildings to which they are attached.

(7) The height of a freestanding sign shall not exceed 30 feet.

(8) Monument- or masonry-type signs or bases shall not exceed four feet in height.

(9) In any residential district, a sign not exceeding two square feet in surface is permitted.

(a) On a farm in any residential district, a sign not exceeding 16 square feet is permitted.

(b) In any residential district, **two** banners and/or flags not exceeding 15 square feet each in size **and located on the building** are permitted.

(10) A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.

(11) In a commercial, recreational commercial or industrial district, a commercial operation shall be permitted signage that meets the following requirements:

(a) Two signs are permitted with any legally established business; one freestanding, the other attached to the building. The freestanding sign size shall not exceed 24 square feet. **The size of the wall sign attached to the building shall not exceed 1/2 square foot per linear foot of building frontage, up to a maximum of 100 square feet, but . may be 24 square feet or less at the property owner's discretion.**

(b) Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be properly focused upon or from within the sign itself.

(c) Signs which are animated, flashing or with intermittent illumination are prohibited.

(d) Feathered Flag, Tear Drop Flag and Blade Flag signs are prohibited.

(e) One banner not exceeding 15 square feet in size and located on the building or free standing on the property is permitted.

(f) Sandwich boards meeting the requirements of subsection (B)(1) of this section are permitted immediately adjacent to the property to which the activity applies, provided that the sandwich board is removed daily and that the size of each side does not exceed eight square feet.

(12) No sign shall contain content that is vulgar & obscene

C. Signs for Multi-Business Complexes, Shopping Centers, Malls, PCID, etc.

(1) The owner of a business complex shall be permitted one freestanding sign which shall not exceed 24 square feet.

(2) One freestanding sign shall be permitted for the common use by all the businesses operating from the complex. Each business identification included on this sign shall not exceed 10 square feet, shall be measured as prescribed in the sign definition of this chapter and shall be uniform in design. (The total area of the signs permitted by Subsection C(1) and C(2) shall not exceed 75 square feet.)

(3) Such freestanding signs shall not exceed a height of 30 feet.

(4) In addition, within a shopping center, one sign for each individual business shall be allowed, such sign to be attached to the building, with a maximum projection of 18 inches off the face of the building wall. Such sign shall not exceed 24 square feet.

D. Any sign in disrepair or which becomes obsolete shall be removed, at the expense of the owner, upon order of the ~~Town Board~~ **Zoning Enforcement Officer**, if not repaired after 30 days' notice. A permanently installed structure on which the sign is mounted need not be removed, provided the structure is in good repair and the remaining signage area is in a neutral color and opaque. Any replaced or repaired sign must conform to all regulations in this chapter.

E Two signs off site may be permitted by the Zoning Enforcement Officer for a business located in New Lebanon only to direct customers to the place of business. In every zoning district, the total square footage of each sign shall not exceed nine square feet.

F. A flora or stone sign may be permitted with a special permit as long as it conforms to other regulations of the sign this chapter.

G. Portable signs may be permitted for a new business located in New Lebanon within the first year of its operation for a period not to exceed three months, and shall not exceed 24 square feet and shall meet all other provisions of this chapter.

H. None of the above provisions shall be construed to permit signs relating to businesses located out of the Town of New Lebanon.

I. Exceptions. For the purpose of this chapter, the term "sign" as defined herein does not include signs erected and maintained pursuant to and in furtherance of any governmental function or required by any law, ordinance, rule or regulation.

J. Exemptions. For the purpose of this chapter, the following signs shall not be included in the application of the regulations herein provided that such signs comply with the general requirements of the law:

(1) Historical markers, tablets, statues, memorial signs, ~~and~~ plaques, **emblems**; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material.

(2) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

(3) (a) Up to three flags on a public building.

(b) One US Flag not to exceed 15 square feet on a residential or commercial property in addition to flags/banners permitted under B. (9)(b) and B. (11)(c) of this section.

(4) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits; and similar signs, not to exceed four square feet per face and six feet in height above ground.

(5) On-premises signs that announce hours of operation, not to exceed 2 square feet in size.

(6) Non-illuminated signs that demark a property not to exceed two square feet per face.

(7) Address signs on multiple dwelling units of five or more that do not exceed two square feet.

(8) Non-illuminated signs on the interior sides of fences which enclose athletic fields owned by the Town or school district as well as on scoreboards contained within these athletic fields,

(9) Window and door signs and posters, provided that such do not exceed 25% of the **each** window/door surface. Signage that announce the open/closed status or hours of operation are exempted from the 25% limit, **provided the property remains compliant with the Uniform Building Code.**

K Temporary signs shall be permitted but are subject to the following requirements:

(1) A temporary real estate sign not exceeding six square feet **and in good repair** is permitted on the property being sold or leased. Such sign shall be removed within 14 days after the sale, lease or rental of the premises.

(2) One construction sign, not exceeding six square feet in the residential zoning districts or 24 square feet in commercial/industrial zoning districts, listing the architect, engineer, contractor, and/or owner, on premises where construction, renovation, repair is in progress.

(3) Signs for yard sales or garage sales not to exceed four square feet and **four** in number, **including one at the site of the sale and three off-site directional, provided that the sale conforms**

the provisions of this chapter and that such signs shall not be placed on any lot prior to seven days before the sale and must be removed no more than three days after the sale.

(4) All electioneering signs, not exceeding six square feet in residential zoning districts and not exceeding 16 square feet in commercial/industrial districts, for general, primary and school board elections shall be removed within 10 days following the date of the election.

(5) Signs for special events or activities not exceeding eight square feet and four in number are permitted, provided that such signs shall not be placed on any lot prior to 14 days before the event or activity and must be removed no more than three days after the event or activity.

(6) Signs advertising seasonal agricultural goods not exceeding 4 square feet in size and four in number and set back at least 10 feet from the property line are permitted.

L. Approvals. All signs, except temporary signs, require application for and issuance of a zoning permit from the Zoning Enforcement Officer and payment of any and all applicable application and permit fees. All sign permit applications shall be reviewed to ensure that the proposed signs will be erected, sited and constructed so as not to obstruct traffic, cause visual blight, nor detract from the value of adjacent properties.

M. Enforcement: Any person who constructs, erects or alters any sign without the required permit and approvals shall be in violation of this section and shall be subject to enforcement measures and penalties as defined in Chapter 205, Zoning.

N. Nonconforming signs. A lawful pre-existing, nonconforming sign may be maintained subject to the provisions of this section.

(a) Any existing on premises sign which was legally constructed and erected under the sign provisions or other regulations set forth in the Zoning Code, Town Code or which was granted a variance may be continued and maintained, provided, however, that such sign may not be moved, altered, enlarged or modified unless such sign is changed to a conforming sign. Once modified or changed, such sign may not be changed back into a nonconforming sign.

(b) All other signs in existence on the effective date of this chapter shall be made to conform to the standards herein or shall be removed within 60 days after receipt of written notice from the Zoning Enforcement Officer to the owner to comply.

O. Appeals. Any applicant aggrieved by an order, requirement, decision, interpretation, or determination made by the Zoning Enforcement Officer, the Planning Board, or its authorized representative pursuant to this chapter may appeal such order, requirement, decision, interpretation or determination and/or apply for a variance from the requirements of this chapter to the ZBA in accordance with the procedure set forth in Section 12 of the Town's Zoning Law.

M. Sign Schedule. The following sign Schedule shall be read in conjunction with the rules and regulations set forth in this chapter:

Use	Zoning District	Maximum Size	Number Permitted	Comments

Residential, Home Occupation	Residential	2 square feet	1	---
Bed-and-breakfast and boardinghouse	All zones, or where ZBA allows	2 square feet	1	Identification purposes
Farm	Residential	16 square feet	1	
Banners and/or flags	Residential	15 square feet each	2	One additional 15 sf US Flag is permitted.
Bulletin Board associated with a church, school or similar public structure	All zones	24 square feet	1	
Property Marker	All zones	2 square feet	As necessary	
Business signs	C, C-Rec and C-I and C-R	Freestanding: 24 square feet; Attached to building: ½ foot per linear foot of building frontage up to 100 square feet; may be at least 24 square feet	1 1	Height of individual freestanding signs shall not exceed 30 feet.
Banners and/or flags - Commercial	All zones	15 square feet	1	One additional 15 sf US Flag is permitted.
Business: off-site directional/ identification signs	All zones	9 square feet	2	Off site, permit from ZEO
Business: on-site directional/ identification signs	All zones	4 square feet 6 feet in height	As necessary	
Business, window/door	All zones	Not to exceed 25% of each window/door surface, consistent with		Signs announcing open/closed status or hours of operation exempted from 25% limit

		Uniform Building Code		
Multi-Business complexes, shopping centers, malls, etc.	Applicable zones	Freestanding: For use by complex owner 24 square feet	1	Height of individual freestanding signs shall not exceed 30 feet.
		Freestanding: For use by individual businesses 10 square feet per business. Maximum permitted area of complex owner + individual business freestanding signs 75 square feet.	1	Individual business signs shall be uniform in design
		Attached to each business in shopping center 24 square feet	1	
Temporary real estate	All zones	6 square feet	1	Must be removed promptly after serving its purpose
Temporary construction sign	Residential	6 square feet	1	Must be removed promptly after serving its purpose
	Commercial	24 square feet	1	
Temporary – yard sales, garage sales	All zones	4 square feet	1 on site 3 off site directional	Must not be posted in advance of 7 days of sale. Must be removed within 3 days of sale
Temporary – electioneering	Residential	6 square feet		Must be removed within 10 days after the election
	Commercial/Industrial	16 square feet		

Temporary – special events	All zones	8 square feet	4	Must not be posted 14 days in advance of event. Shall be removed within 3 days after the event
Seasonal Agricultural	All zones	4 square feet	4	Set back at least 10 feet from property line
Portable signs	All zones	24 square feet	1	Temporary use, not to exceed 3 months duration

Signs attached to a structure shall not extend above the roof or parapet of the structure, nor shall the sign project more than 18 inches from the structure wall.

Code Publisher – Status of recommendations assigned to the committee

The ZRC proposes the following actions related to recommendations made by Code Publisher.

Chapter 60 – Adult bookstore and entertainment

Leave this chapter as is. The chapter focuses on concentration and will not fit neatly into the zoning code. The definition does not encompass such outlets as the smoke shop, convenience store or other “general” retail stores since the definition requires that a “substantial or significant portion of its stock-in-trade books, magazines, and other periodicals” be of an “adult” nature.

Chapter 88 – Campgrounds

Defer pending Land Use Office review.

Chapter 102 – Right to Farm

a. Update per changes to Ag and Markets Law S308 – No change is needed. The Ag. and Markets section addresses complaint and related procedures that do not directly pertain to the town’s RTF chapter. The committee recommends adding a reference to the state law section to guide the public in how to pursue a complaint.

b. Review need to update definitions per changes in zoning code – defer to a more comprehensive review of definitions.

C (1) Update citation for Agricultural Data Statement in A&M Law - The committee agrees.

C (2) Add sentence to 102-7 as recommended – The committee agrees.

C (3) Add reference to related provisions in chapters 179 and 205 – defer pending a comprehensive review of these chapters.

D (1) Review A&M Law re: disclosure statement – defer pending further review.

D (2) Penalties – the committee defers to the Town Board

Chapter 145 – Mobile Home Park

Retain as separate chapter. Revise chapter to transfer review of applications – initial and renewals – from the Town Board to the Planning Board. **The committee will continue to work on the various other CP recommendations.**

Chapter 149 – Notice to Abutters

Repeal this chapter and move appropriate contents into chapters 179 and 205 (subdivisions)

Chapter 179 – Subdivisions

The committee will take up this item with the Group 3 priorities.

Chapter 205 – Zoning

The following deferred pending a future review of subdivisions:

205-5D – Incentive Zoning

205-6 -- Conservation District

205-6B -- Clustering

205-9A/205-13E -- Off Street Parking

Add reference in 205-13E to the 205-9A table, but do not update the table itself.

205-11D – Timeframes to address complaints.

Retain the current 30 business day timeframe for the Land Use office fully investigate and make a determination and, if appropriate, institute action. The state Town Law sets a 10 day timeframe for such action, if not taken, then three aggrieved taxpayers may institute their own action. This option, does not directly conflict with the town's code. The ZRC trusts the Land Use Office to act expeditiously if faced with health/safety or irreversible actions that are the basis of the complaint. .

Add a procedural step for the Land Use Office to give notice to the parties involved in a dispute within a 10 day timeframe. Re-label existing 205-11D(1)(c) to 205-11D(1)(d) and to add a new subdivision (c) to require that the Zoning Enforcement Officer shall initiate an action on such filed complaint by serving notice to the parties involved that such complaint has been received within 10 days.

205-12B(7), 205-13C((2) (c) and 205-14H(2) notice requirements

These sections address notice requirements for area/use variances, special permits and site plan reviews, respectively. General Municipal Law 239 notice requirements apply to all three of these actions, however, they are only referenced in the site plan review section. The town can either replicate the GML requirements in the variance and special permit sections or else consolidate the notice requirements in a new section within the chapter along with any relevant content from the to-be-deleted Ch. 149.

205-13E(6)(a) – Flea Markets

The Use Table should be revised to reflect that Flea Markets will only be allowed in General Commercial and Commercial Recreation as a SP/SPR and not allowed in Commercial Residential. Revise 205-13E(6)(a) as follows:
"Flea Markets may be permitted only in General Commercial and Commercial-Recreational areas ~~on Routes 20 and/or 22.~~"

205-13E(12) – Motor Vehicle Sales

The Committee proposes to retain this section as is, limiting these businesses to Rte 20, west of 22 and to add a footnote indicating such to the Use Table.

-- Add a footnote "6" to 205 Attachment 1 referenced to the column header "Minimum Front Setback (feet)" as follows:

⁶ Except as pertains to motor vehicle sales businesses that may display vehicles being outside a structure with a setback no less than 25 feet.